

STATES OF JERSEY



POLICING OF BEACHES AND PARKS (S.R.10/2011): CONSOLIDATED MINISTERIAL RESPONSE

**Presented to the States on 21st September 2011
by the Minister for Home Affairs**

STATES GREFFE

**POLICING OF BEACHES AND PARKS (S.R.10/2011):
CONSOLIDATED MINISTERIAL RESPONSE**

Ministerial Response to: S.R.10/2011

Review title: Policing of Beaches and Parks

Scrutiny Panel: Education and Home Affairs

Findings

	Findings	Comments
1	The Sub-Panel believes that the Policing of Beaches (Jersey) Regulations 1959 and the Policing of Parks (Jersey) Regulations 2005 are sufficient and do not require amendment.	Agree (Home Affairs) Agree (Economic Development)
2	The Sub-Panel found that littering (including dog fouling), did not currently qualify as a policing priority and it believes this should be given greater priority by the Police and Parishes.	It is not a policing priority and the States of Jersey Police do not have the resources to allocate officers to deal with this as an isolated issue. Since 2004 the States of Jersey Police have only received 4 calls from the public in relation to littering. However, every day, officers from the States of Jersey Police challenge and deal with those people who drop litter by way of words of advice and ensuring that the litter is picked up and disposed of properly. This is good commonsense policing as it enables the officer to not only deal with the littering issue, but also to engage with those involved. The States of Jersey Police have a weekly meeting of the Tasking and Co-ordination Group who prioritise resources. If, for example, there were lots of calls dealing with a particular park, they may task officers to police the area. During the weekend evenings, the Jersey Street Pastors play a role in cleaning up broken glass and bottles (Home Affairs). Agree that this is a problem, but rather than policing, greater communication and facilities might be envisaged (Economic Development).
3	The Review did not provide any compelling evidence to the Sub-Panel that alcohol restrictions in public places would be constructive; however, an ability to remove alcohol from adults	Agree (Economic Development) It is agreed that alcohol-free zones are not constructive, as they can have the adverse affect of moving underage drinkers and dependent adults from supervised areas to more isolated unsupervised areas (beaches, harbours, etc.), thus

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	where necessary could be of great benefit.	<p>increasing the risk to those groups.</p> <p>The principle of removing alcohol from adults who are behaving inappropriately is supported by the States of Jersey Police, and was part of their submissions to the Licensing Law review. It would act as an early deterrent to prevent the escalation of potentially greater criminal offending behaviour. However, careful consideration would need to be taken when dealing with dependent street drinkers, as it is possible that they may suffer withdrawal complications. Whilst the States of Jersey Police would welcome any new power to deal with anti-social behaviour, any law drafted to enable them to confiscate alcohol would need to be carefully worded in order for it to be of practical benefit, whilst not inappropriately infringing civil liberties. The States of Jersey Police already have the ability to remove alcohol from someone who is drunk and disorderly or drunk and incapable. (Home Affairs).</p>
4	The Sub-Panel found that the use of fixed penalties (on-the-spot fines) in other jurisdictions had provided an effective way of dealing with minor offences.	<p>On-the-spot fines and fixed penalty notices are two different propositions. On-the-spot fines would be an impractical use of Police resources and would tie officers up for a longer period of time on the street at critical times than would be ideal.</p> <p>The States of Jersey Police feel that there is some potential for minor offences to be dealt with by fixed penalty notices. This is in many ways similar to the issue of a fixed penalty notice for a car parking infraction. It has the opportunity for the reported person to appeal to the Honorary Police, who could determine whether the fine should be enforced, reduced or dispensed with.</p> <p>The issue of fixed penalties was given serious consideration by the Home Affairs Department when compiling the Criminal Justice Policy. It was noted that the UK have developed a system of administrative disposal (by fixed penalties) because of pressure on the Courts, difficulties with the collection of fines and the geographical difficulties of appearing in court a long way from one's home. This has the benefit that the court process can be reserved for those offences that do not lend themselves to such administrative disposal. However, Jersey is a small Island, and the benefits of introducing such a system need to be weighed against the benefits of the existing</p>

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		<p>system. The geographic difficulties in getting to court do not apply, and the court does not suffer from delays caused by an unmanageable number of minor offences. Jersey is very fortunate to have an honorary system which filters out most minor offending and enables people to be dealt with outside the court system.</p> <p>There could be merit in taking the fixed penalty notice system forward in tandem with the Honorary Police (Home Affairs).</p>
5	<p>Littering is given lower social priority than crimes such as vandalism or theft and is therefore given lower policing priority. However, evidence also highlighted that there are still a significant number of the public who object to this anti-social behaviour and want something to be done about it.</p>	<p>Agree (Economic Development).</p> <p>This is, in essence, correct. In the States of Jersey Police Policing Plan for 2011, vandalism, for instance, would be dealt with under the priority area of protection and reassurance of our local community. That priority targets anti-social behaviour, which takes many forms. One of these is littering; however, as stated at 2, the States of Jersey Police very seldom receive complaints or reports of such activity. The closest is reports of fly-tipping, where a significant amount of domestic rubbish has been left at a particular spot. Clearly those matters are investigated, and where an offender is traced they would be reported in the normal manner. However, dealing with litter in general is not something that the police are often called upon to do. As detailed at 2, however, where they are confronted with that specific offence, then officers will deal with it by way of discretion. Quite often the offender is made to pick up the rubbish that they have deposited, place it into a bin and/or backtrack on their route in order to pick up and/or clean up any mess made. It would be correct to say that the offence of littering is not one which is routinely targeted by police officers, given the lack of public reporting of this particular crime, and therefore it continues to be an offence which is dealt with at the time, only if and when officers come across such offending behaviour (Home Affairs).</p>
6	<p>The standard of cleanliness on the Island is generally good, but there are specific hotspots of littering and anti-social behaviour such as, in urban areas, often at night; specifically Fridays and Saturdays and during the</p>	<p>Agree (Economic Development).</p> <p>Without doubt there is an increase in public presence on the streets in St. Helier on Friday and Saturday evenings as there is during a summer's day on the beaches. Police officers who are on duty on Friday and Saturday nights have other significant priorities: dealing with violent</p>

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	summer on the beaches. These are areas that the Sub-Panel believes should not be ignored and require further attention from the responsible Authorities.	offenders and/or maintaining the public peace as part of their response to the night-time economy and the plethora of offending behaviour that is apparent. Whilst littering undoubtedly occurs during such hours, it is not a priority, given the potential nature for far more significantly serious crimes to occur. Much of the littering that takes place on a Friday and Saturday night is as a result of the ability of the public to access places of refreshment and takeaway food, and subsequently drop the litter that that food is contained in without any other thought. It might be possible that such littering could be mitigated through the appropriate use of signage on premises and by making it a requirement for owners of such establishments to be responsible for cleaning up the area within a certain distance of their premises after closing time (Home Affairs).
7	The Sub-Panel is pleased that the Authorities responsible are successfully targeting their cleaning resources to manage the different demands during the week and the year. However, the Sub-Panel questions whether greater focus on enforcement and education could cut cleaning costs and consequently costs for the ratepayer/taxpayer.	Agree (Economic Development).
8	The Sub-Panel found that dog fouling was a key concern for both members of the public and States Departments questioned during this Review. It believes that, due to the health risks of coming into contact with dog faeces, this must be given greater policing priority.	Agree (Economic Development). The issue of dog fouling is not one that is brought to the attention of the States of Jersey Police often, or indeed at all. It is unclear how a health risk becomes a policing priority when policing is intended to deal with criminal behaviour and public disorder in general. The question of health issues is clearly a matter for other States departments, and in terms of environmental health it may be that it is more appropriately targeted or directed at such agencies. This is not a policing priority for the States of Jersey Police. With limited resources, the Police do not have the capacity to deal with all of the issues that are apparent, and other agencies or States departments must take responsibility for enforcement action where it falls within their remit. That said, officers of the States of Jersey

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		Police would not ignore someone who allows their dog to foul and does not clean up after it (Home Affairs).
9	The Sub-Panel was impressed with Eco-Active program being developed in schools and organisations. However, it believes there is further work to be done to engage with the wider public as a whole in order to develop a community focussed approach.	Agree (Economic Development). The Minister is supportive of the eco-active programme, which is supported by his Department (Home Affairs).
10	The Sub-Panel places great importance on working towards a cleaner Island, but is conscious that this does not necessarily mean it is an environmentally-friendly Island. Much of the waste collected from public bins goes straight to the Energy-from-Waste Plant to be burned, rather than being recycled.	
11	While education about the adverse effects of anti-social behaviour is important, it is not enough on its own. Specific community initiatives and continued enforcement of legislation, a multi-pronged approach, is key. If people were more conscious of their environment and felt greater ownership of their community, they would be less likely to litter.	Agree (Economic Development). One of the policing priorities of the States of Jersey Police for 2011 is to 'Protect and Reassure local communities'. Within this priority is a commitment to address anti-social behaviour. The States of Jersey Police currently spend significant amounts of time, energy and resources dealing with anti-social behaviour, and they also spend considerable time with their partners looking at, analysing and determining ways of preventing and dealing with anti-social behaviour. The Department currently adopts a multi-agency approach to anti-social behaviour through the co-ordinated work of the Anti-Social Behaviour Working Group established as a response to Priority 7 of the States Strategic Plan (Home Affairs).
12	The Sub-Panel recognises the importance of Youth Service initiatives with regard to reducing, preventing and responding	Agree (Economic Development). Agreed. The Minister is supportive of initiatives that involve the young people of the Island which may, as a result, reduce or prevent anti-social behaviour. The Minister is also supportive of

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	to anti-social behaviour.	outside initiatives that have the same effect, such as the Prince's Trust (Home Affairs).
13	Unlike Jersey, both Singapore and Falkirk have monitoring methods in place, specific to anti-social behaviour (including littering), to assess to what extent it is a problem. Both jurisdictions recognise the need for a zero-tolerance approach to enforcement, and how this needs to be part of a multi-faceted approach to be successful.	In Falkirk it is their environmental enforcement officers who regularly patrol known hotspot areas. It is they who deal with such matters by way of fixed penalty notice, rather than this being an enforcement action for the police. That appears to be a pragmatic approach; however, the size and scale of the resources available to Falkirk Council are unknown, and whilst it would be desirable to have such a capability, in terms of the current economic position, it may not be achievable at present (Home Affairs).

Recommendations

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
1	The Sub-Panel recommends that the Minister for Home Affairs works with the Police and Parishes to enforce the existing Regulations addressing anti-social behaviour and littering as a priority, ensuring consistency across the Parishes.	HA/ Comité des Conn.	Reject (Home Affairs)	The police do not consider littering to be a priority, based on the evidence contained within the Jersey Annual Social surveys; and their own experience from the level of calls made to them, and the level of littering that is seen by officers when out on patrol. Where confronted with an offence of littering, the police already take action appropriately in the circumstances, and do so in consideration of the need to have a proportionate and realistic response to such matters (Home Affairs).	
2	The Sub-Panel recommends that the Minister for Home Affairs extends the legislation enabling police officers to seize alcohol from underage drinkers to enable the seizure of alcohol from adults as well.	HA	Accept (Home Affairs)	The principle of removing alcohol from adults who are behaving inappropriately is supported by the States of Jersey Police, and was part of their submissions to the Licensing Law review. It would act as an early deterrent to prevent the escalation of potentially greater criminal offending behaviour (Home Affairs).	2013

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
3	The Sub-Panel recommends that the Minister for Home Affairs considers using fixed penalties for littering (including dog fouling).	HA	Accept (Home Affairs)	There could be merit in taking the fixed penalty notice system forward in tandem with the Honorary Police (Home Affairs).	2013
4	The Sub-Panel further recommends that a fixed penalty scheme for littering should only be introduced after a period (suggested one month) of media awareness and public warning of the change in enforcement.	HA	Accept (Home Affairs)		
5	The Sub-Panel also recommends that Parish Halls must adopt a consistent approach to the fixed penalty scheme, and further that an allocation of the proceeds from fixed penalties is re-invested into ongoing education and awareness campaigns.	HA/ Comité des Conn.	Accept (Home Affairs)		
6	The Sub-Panel recommends that the Minister for Economic Development considers assigning a proportion of the impôt duty from cigarettes and chewing-gum towards the clean-up of those items around the Island.	ED	Unable to accept (ED)	As all funds collected from impôt duty go to the Treasury, this is not within the gift of the Minister for Economic Development (ED).	
7	The Sub-Panel recommends that the Minister for Economic Development works with key stakeholders to consider the viability of a reverse vending scheme.	ED	Accept (ED)	The Minister for Economic Development believes that a Reverse Vending Scheme is an interesting option for Jersey, but believes that this should be a part of the successful Eco-Active scheme (ED).	

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8	The Sub-Panel recommends that the Minister for Transport and Technical Services reviews the allocation of public bins and invites input from dog-owners across the Island as to the most convenient place to have them to prevent waste being left in public places.	TTS	Accept (TTS)		
9	The Sub-Panel recommends that the Minister for Home Affairs works with the Police and Parishes to establish a Dog Warden role, as used by other authorities, to act as a point of contact for members of the public, should they want to report an incident.	HA/ Comité des Conn.	Reject (Home Affairs)	The establishment of a dog warden role in the current economic climate is not a realistic proposition; given the likely cost and the limited extent to which they would be able to provide coverage across the Island, with its many beaches, parks, etc. There are already in place many receptacles for the depositing of faeces from dogs and, as given in evidence to the Panel, the vast majority of the public abide by the requirement to remove faeces from beaches, parks and roads. It is a small minority that fail to do so, and although distressing and/or offensive to the public in general, the ability of the States of Jersey Police to respond to this from a police enforcement perspective is not pragmatic or indeed within the capability of the police, given the extent of other duties, commitments and matters of a higher priority that the police have to undertake (Home Affairs).	

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
10	The Sub-Panel recommends that the Minister for Transport and Technical Services, together with the Minister for Planning and Environment, work pro-actively together to promote awareness of environmental issues, building on the Eco-Active programme and targeted at the general public who may not currently be engaged by the Eco-Active programs.	TTS/ P&E	Accept (P&E) Accept (TTS)	We accept that there are various groups who as yet are not engaged with the ECO-ACTIVE campaign. In particular, this includes groups to whom English is not their first language. In 2012, the ECO-ACTIVE campaign will be extending to additional specific sectors, including the agricultural community. To engender behavioural changes in farm-workers in respect of litter, a specifically targeted multi-lingual campaign is required that will reach farm-workers and attempt to reduce littering in the countryside (P&E).	Scope and develop 'ECO-ACTIVE Farms' campaign Q1/2 2012 Launch campaign Q3 2012 (P&E)
11	The Sub-Panel recommends that the Minister for Planning and Environment, together with the Minister for Transport and Technical Services, look to installing multi-compartment bins in public areas to target 'on the go' recycling.	TTS/ P&E	Accept (P&E) Accept (TTS)	The ECO-ACTIVE Team already works closely with TTS's Waste and Recycling Officer. In our ongoing work, we will assist TTS in their scoping and costing of the potential for multi-compartment recycling public bins, and look in particular to assist with branding a launch campaign when they are able to facilitate a roll-out of these bins (P&E).	Ongoing (P&E)

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
12	At a time where Ministers, with their Departments, need to identify savings, the Sub-Panel recommend that funding for Youth Service initiatives targeted at reducing, preventing and responding to anti-social behaviour is given priority and maintained.	ESC/ CoM.	Agreed (ESC)	<p>The ESC Department, supported by the Youth Service and other organisations, actively encourage young people to take part in positive activities to provide personal and social development opportunities which makes a significant contribution to the minimization of anti-social and risk-taking behaviour with these young people.</p> <p>Although reducing, preventing and responding to anti-social behaviour is important, this must not be viewed in isolation, as there are other equally deserving initiatives involving young people that should be considered in the same light.</p> <p>“Harder to reach” young people are also targeted with the aim of re-engaging them with a range of services and opportunities provided by the Department and others.</p> <p>This work will tend to focus on areas where young people gather, be it in parks, out on the streets, or within the range of building-based youth projects supported by the parishes and the Youth Service (ESC).</p>	Ongoing (ESC)