



Punishment for littering

Submission of pupils' views

to the Department for Environment, Food and Rural Affairs

for its Review of Fixed Penalties for Environmental Offences and Introduction of Civil Penalties for Littering from Vehicles Outside London



Introduction

- 1. This report is a formal submission to the Department for Environment, Food and Rural Affairs for its review of fixed penalties for environmental offences and introduction of civil penalties for littering from vehicles outside London.**
- 2. The report is from Pupils 2 Parliament, a project to enable school pupils to consider and feed in their views to parliamentary, national government and national body public consultations and inquiries. The project has been approved by the Clerks of both Houses of Parliament to use the term 'Parliament' in its title.**
- 3. Pupils 2 Parliament aims to bring the particular viewpoint of children and young people to those conducting inquiries and consultations - plus the uniquely fresh and often challenging analysis that children and young people bring to decisions and policies.**
- 4. The project also aims to give school pupils the chance to learn about and consider key decisions being made by parliament, national government and public bodies, and genuinely to participate in democracy by feeding their views into real national decisionmaking.**
- 5. Pupils' views are independently gathered through discussions with groups of pupils led by someone from Pupils 2 Parliament, using material from the relevant consultation or inquiry document to explain the issues. We specialise in putting the issues and questions even-handedly, without leading pupils in any way or suggesting any responses. All views come spontaneously from pupils, with no adult prompt.**
- 6. The information we gave to pupils about the issues in the review came from the consultation document on the government website, and we asked pupils questions from the consultation. We have said which parts of the report answer particular questions or points in the consultation document.**
- 7. The report contains all pupil views given, without selection, comment or addition. The views in this report are entirely pupils' own views, and nothing but pupils' views.**
- 8. Views in this report came from a focus discussion group of 19 pupils aged 9 and 10 at Quarry Bank Primary School, West Midlands.**



Should the fines for littering be put up or not?

(Consultation question 1)

- 9. We asked our pupils to vote on this question. By a very large majority of 17 to one, the pupils voted yes, the fines for littering should be increased.**
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How much should the fines for littering be increased?

(Consultation question 3)

10. We explained the different choices for how much the fines for littering should be put up, if they should be put up at all. We took the explanations from the Government's consultation document. We also explained the ideas of increasing fines in line with the rising costs of things ("inflation"), or increasing them above inflation to make paying them have a bigger effect. Then we asked each pupil in the group to vote for which of the choices they thought the Government should make. 18 of the 19 pupils cast a vote.
11. The choice which had the most pupil votes was to increase the fine more than inflation, to a standard ("default") fine of £100, with councils able to choose their own level of fine, anywhere between £65 and £150, if they wish. Six pupils supported this choice.
12. Increasing fines in line with inflation, to between £65 and £100 with a standard "default" fine of £95, came second, with 5 votes.
13. The Government's two other choices had 3 pupil votes each. These were letting councils decide top fines of £100 if they wanted to, to cover inflation, or to decide top fines of up to £150, going higher than inflation.
14. Pupils explained they had voted to make sure that fines do not get too low compared with rising prices. Many said they wanted fines to go a lot higher than just price rises, to have a bigger effect. A fine of even more than £150 would be most likely to put people off littering.
15. If fines are "only a little amount, then it doesn't matter" to people if they get fined. But after getting a heavy fine, people will be much less likely to litter again, because they will think "a lot of money – I won't do that again".



Should the fines for littering be the same as for dog fouling?

(Consultation question 1)

16. We asked pupils whether the fines for littering, and for allowing a dog to foul in a public place, should be the same, or if not, which of the two should be punished by the bigger fine. We asked this because one of the reasons the Government is thinking of putting up fines for littering is that people can now be fined more for dog fouling than for littering, even though in the past, the fines have been the same for both.



17. All 19 of the pupils voted on this question. The majority of pupils (12 out of 19) thought that the fines for dog fouling should always be higher than those for littering.
18. Four pupils thought that the fines for dog fouling and littering should be the same. Three thought that the fines for littering should be higher than those for dog fouling.
19. Those who voted that fines for dog fouling should stay higher than those for littering said this was because dog mess can make people ill, and children can tread in it. It is hard to get the mess off shoes, and parents can get angry with children who accidentally step in it. One proposal was that fines for dog fouling should be put up to £200, with the money raised from those fines put towards covering the medical costs of treating people who fall ill from being in contact with dog mess.
20. Those who voted that fines for littering should be higher said this was mainly because many sorts of litter can hurt or kill animals, and this should be taken just as seriously as health risks to humans from dog mess.



Should the fines for graffiti, fly posting and handing out free leaflets without permission all be the same as for littering?

(Consultation question 4)

21. Eight of the 18 pupils voting on this question thought that graffiti, fly posting and handing out free leaflets without permission when permission is needed, should all be punished by the same fines.
22. Seven voted that doing graffiti should be punished by the highest fines.
23. Two thought fines should be highest for handing out leaflets without permission, and one that fines for fly posting should be the highest.
24. There was a lot of discussion about fines for graffiti. One point was that graffiti should have heavier fines than fly posting, because spray paint is much harder to get off, while posters, although looking untidy, are easier to remove and will tend to come off after rain.
25. Getting graffiti on the wall of your house has a big effect on people living there, and can make other people change their view of them. People will think “why have they done that, people don’t care about it, or think we don’t care about our house”.
26. There was discussion about some graffiti being artwork that some people might like, but others not. Some thought people might do graffiti as art on their own house, or ask a friend to paint on their house as part of their decoration. One asked “what if friends ask you to paint on their house and the council don’t like it – what happens?”.



27. Even more of a problem in thinking about fines would be if someone did graffiti on a person's house without their permission, but the owners of the house liked it as artwork. "What if they like the graffiti a random person has drawn on their house? Should the person still get fined?". One suggested solution to this was that if the house owner liked the graffiti, the fine for doing graffiti without permission should be halved – and the house owner should get to keep the graffiti.
28. There was general agreement that people should be allowed to do graffiti on their own house, and on anyone else's house if they gave their permission. Two points though were that you should only be allowed to put graffiti on a house you own, or on another house if its owner gave permission. Nobody should be allowed to do or allow graffiti on a house they rent but don't own. Also, anyone thinking of doing, or asking someone to do, graffiti on their own house, should bear in mind that they may find the house difficult to sell in the future.
29. One view on fly posting was that this should get higher fines, because posters get left up long after the thing they are advertising has ended, and you may have missed an event anyway, which wasn't fair.



Should the law say that councils can fine the keeper of a car or other vehicle if someone throws litter out of their car – whoever actually threw the litter out?

(Consultation document paragraph 9)

30. Pupils voted strongly (by 16 votes to 3) that councils should *not* be able to fine the keeper of a car or other vehicle if litter is thrown out of their car, but it is not possible to tell who actually threw it.
31. The reason pupils gave for voting against this (even though they knew it already happens in London) was mainly that it is not fair to fine the keeper of a car, who hadn't done anything wrong themselves, for what someone else had done, just because the authorities couldn't find out who had done the crime. It was unfair to punish a person who hadn't done the crime and so let off the person who had done it. It was especially unfair if the keeper of the car wasn't driving the car at the time, or wasn't even in the car when the litter was thrown out of it. "Whoever did it is responsible".
32. Reasons given by the three who voted for the keeper being fined if their passenger threw litter out of the car were that the driver should be held responsible for whatever was done in their car, as they were in charge of it at the time. It should be the driver of the car at the time though, not the keeper, who may not have been in the car at the time. The keeper could though brief anyone else driving their car not to break the law in it, by speeding or letting anyone throw litter out.



33. One view was that if the keeper of the car could be fined, then you could just as easily hold the people who made the litter responsible – like fast food shops who put their food in litter packaging; “it’s their litter”.



How should councils be able to spend the money they get from fines for littering?

(Consultation question 5)

34. Finally, we asked the pupils to vote on the Government’s consultation question about whether councils should be allowed to spend the money they get from fines for littering on any of their work for the public that needs the money, or whether they should only be allowed to spend it on things to do with keeping the environment clean from litter or other things.

35. On balance, the children voted (by 10 votes to 8) that councils should be allowed to spend the money they get from fines from littering, on any of their work for the public that needs that money.



36. I am grateful to the Head and staff of Quarry Bank school for letting me carry out this discussion with their pupils, to the member of staff who took notes of all the pupils’ votes and views, and above all to the pupils themselves who gave their fresh thinking, views and ideas for this report.

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Pupils 2 Parliament

17th June 2017

