

Spitting in the Streets

Findings of the public consultation
As at 18th November 2013

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This report provides a summary of the findings of the public consultation.

It includes information about:

- *The issues and options under consideration;*
- *The consultation method;*
- *The public response and views expressed;*
- *The decisions taken in light of what was learnt.*

BACKGROUND

Spitting Consultation

In November 2011 there was publicity surrounding dealing with spitting and it was decided we could use The (Good Rule and Government) Bylaws of 1956 to deal with this. Offenders could be interviewed under caution by a warden and subsequently sent a warning letter or prosecuted in court, where they could be fined up to £50.

The local byelaw requires a straight prosecution.

This approach does not sit with Environmental Services approach to enforcement as you would get a criminal record for spitting. The local bye law also has other problems. It does not allow prosecution for giving false details or obstructing an officer, whereas the CNEA allows a separate offence and a fine not exceeding £1000.

The cost of taking the spitting offences to court under the byelaws would be greater than the fine and costs awarded.

An Alternative approach

Legal have re looked at this and agreed that it would be fairer and more proportionate to use Section 87 of the Environmental Protection Act 1990 (as Amended by Clean Neighbourhoods Act 2005) for the offence of littering as there is an alternative to prosecution by way of issuing an Fixed Penalty notice. This allows the offender to discharge their liability for the offence by paying the FPN.

Waltham Forest has issued tickets for spitting and has had 2 successful prosecutions using littering fines.

Waltham Forest Council also conducted a public consultation exercise on whether there is a problem with spitting and if so should people be fined for spitting and the majority taking part agreed it should.

The advantage of this approach for them was is it gave them a mandate for action and the evidence can be used as part of the community impact statement in court.

Legal are happy with this approach if we did a similar consultation exercise before introducing fine as it would mean we can justify to the Magistrates why we have taken action this way and it would also pass the public interest test.

CONSULTATION METHOD

Objectives and techniques

The consultation was over 6 weeks from 28th October 2013 to 6th December 2013 and during this time it was accessible online.

It was also decided to produce an A6 sized card covering the same questions for those who do not access to the internet.

- These cards were made available in both A and B block reception, Customer services, Visit Leicester, City centre management team, City watch, Town Hall and Fenwicks.
- 11 Ward Community meetings were attended to discuss the reasons for consulting, allowing questions and also for residents to complete the cards (Castle, Spinney Hills, New Parks, Fosse, Freeman, Abbey, Stoneysgate, Coleman, Belgrave and Latimer, Beaumont Leys, Evington)
- It was promoted daily through the City Councils and City wardens facebook and twitter pages.
- The Leicester Mercury covered the story on 28th October
- Radio Leicester on 28th October
- ITV news 28th October
- Mercury opinion had a story on 29th October 2013
- 4 letters in the Leicester Mercury 13th November
- The City Council had it on their website
- 5th December Interview on Radio Leicester

PUBLIC RESPONSE AND VIEWS EXPRESSED

Respondents

There were 5 questions asked

Q1. Are you a resident of Leicester?

Q2. Are you responding on behalf of an organisation?

Q3. Are you concerned about spitting?

Q4. Do you think people should be fined for spitting in the streets of Leicester?

Q5. Please provide any additional comments about the proposal/issue of spitting in Leicester.

A total number 1192 responses were received. 95.9 % think that people should be fined for spitting in the streets of Leicester.

Question 1 Replies by postcode

LE1 - - 41	LE9 - - 16	LE19 - - 10	NG33 - - 1
LE2 - - 157	LE10 - - 3	LE23 - - 1	ME19 - - 1
LE3 - - 122	LE11 - - 1	LE67 - - 7	
LE4 - - 115	LE12 - - 5	LE86 - - 1	
LE5 - - 118	LE13 - - 2	CV11 - - 1	
LE6 - - 7	LE14 - - 3	NG10 - - 1	
LE7 - - 31	LE16 - - 3	NG12 - - 1	
LE8 - - 13	LE18 - - 13	NG15 - - 1	

Question 2 Organisations that responded back are

Curve theatre	Leicestershire centre for Integrated Living	LCC
Haymarket shopping centre	Kayal restaurant- Granby Street	St Andrews TARA
Northfields and District Play Association	St. Peters and Stoughton Street TARA	Sure Start Children's' centre
Leicester Disabled People's Access group	LCC Parks	Newmans Restaurant
The Leather Factors	De Montfort University	Café Bocca Ltd
BT Open reach	Local police	Mowacre TARA
Millington Travel	Humberstone Infant School	Irish Forum
Belgrave Rugby Club	Belgrave United Neighbourhood Watch Scheme	John Woolman house
Evington Road Neighbourhood Association	Leicestershire Pensioners Rights Campaign	St Marks TA

50+ older forum	Forum for older persons	Olympia Sport Academy
The Chand Project	The Ajain centre	
Hanover Housing Association	Evington Youth Community centre	

Views and comments

Positive comments include

Excellent suggestion Support the idea Welcome fines

Welcome the proposal Good idea Brilliant idea

Absolutely certain that this initiative will be a roaring success

I hope this does get put in place Excellent initiative go for it I back this 100%

The sooner the better Long overdue

Descriptive words include

Disgusting Filthy habit Socially unacceptable No reason for spitting

Makes me feel sick Not respectful Poor manners Unsightly

Should be classed as ASB Unnecessary Unpleasant Vile

Spreads germs, spreads disease Spreads infection Increase in TB

Environmentally unacceptable Dirty The noise of clearing the throat

Bad habits Cost to tax payers Lumps of phlem Makes me feel physically sick

Intimidating Used a weapon Abusive Costly to clean Offensive

Abhorrent behaviour Place looks dirty

Concerns raised

Bigger problems to deal with first

How will it be enforced?

Can it include vomit?

Also outlaw urinating and defecating

Wardens can't be everywhere

Those with medical conditions should not be fined

Some might see it as racist

People should be educated first

Gang related

What about people spitting whilst doing sports

There are more important issues

How will you deal with gangs of feral youths?

Is it going to be enforced in the evenings as well

Needs a multi-agency approach

Campaign needed to change people's behaviour

What about drivers spitting from cars

I think people should be issued with a warning first

What about those with learning difficulties

More wardens needed

The amount of the fine

Fine should be a bit lower £80 proportionate Not enough £80 a lot

A reasonable amount £80 seems a lot of money £500 a time

Quite happy to see a higher fine Should be more than £80 Fine should be £500

Between £20 and £50 £80 is a good start £80 seems excessive

£50 more appropriate £80 seems really high- maybe £40

Suggestions

Fines with repeat offenders being named and shamed

Highlight spit on the pavements in very bright colours

After the 3rd fine they should be given community service

Education within schools

Need to promote the health implications

Special spit receptacles around the city

Need positive role models

Provide spit buckets on every corner and use spit to water council plants

Issue a warning ticket

CONCLUSIONS

Decisions taken

There was an overwhelming public response in favour of enforcement for deliberately spitting on the pavements (including drivers). Therefore it will commence on 1st February 2014 and will be enforced by the City wardens. Vomit will not be included as this is normally not deliberate but urinating and defecating in the streets can be dealt with by the police but also by the City Wardens by way of a fixed penalty notice.

The guide lines for issuing fixed penalty notices for spitting will be the same for any littering offence and can be found on DEFTRAS website.

A press release will go out making people aware of the forth coming enforcement .