

Islington Tribune

Publications by New Journal Enterprises

29 May 2009

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Islington Tribune - by PETER GRUNER
Published: 29 May 2009



David Leigh

Smoker fumes over fine for throwaway butt

A LEGAL adviser accused the Town Hall of playing "Big Brother" after he was fined £50 for stubbing a cigarette out on the pavement.

David Leigh, who works for mental health charity Mind in Islington, based in Archway, is threatening to refuse to pay the fine. He is determined to appeal, on the grounds that he was not aware of the law against putting out cigarettes on the pavement.

Mr Leigh, who specialises in employment rights,

was stopped outside Angel Tube station by two council environmental wardens.

"I apologised and offered to pick the stub up," Mr Leigh said. "But one warden was extremely offhand and said: 'We don't care what you do you are still being fined'."

Mr Leigh said he understood wardens had a difficult job to do. "We all want our streets to be clean but rather than educate the public the council's approach merely makes people angry," he said.

He called for more signs warning smokers about the bans and telling them that wardens were working in an area. "There's such a thing as natural justice," he said. "In some boroughs there's more of the softly, softly approach, and wardens give out wallets for people to stub their cigarettes out.

Smokers who have been allowed to stub their fags out in the street for years have to be educated into changing their habits like anyone else.

And what about people with mental health problems? For them smoking is a way of life. But having the big stick of a £50 fine won't force them to stop."

The law against stubbing out cigarettes on the street was introduced with the smoking ban in 2007.

Mr Leigh said a friend was also fined at the same time and they witnessed two pensioners being fined for the same offence. "It was bad enough for my friend," he said. "He was a visitor who said he would not be coming back to the borough. But my heart went out to the two pensioners. Those fines represented most of their pensions."

Old Street-based solicitor Nicholas Lakeland said that, according to his research, guidance from the Department of Environment, Food and Rural Affairs in 2007 indicated that local authorities had to have clear, consistent signs telling people they are required not to throw cigarettes to the ground. "Mr Leigh might have a good case," said Mr Lakeland, a partner in Silverman and Sherliker.

Islington Labour group leader Councillor Catherine West described the council's smoking policies as "bonkers". She added: "With all the other problems of crime, fining someone for stubbing a fag out was excessive."

Lib Dem executive member for the environment Councillor Greg Foxsmith said: "I would say that, of course, no one likes to receive a ticket, but for every person who receives one and is fined there are many times the number who are thanking the wardens for keeping the streets clean of littering, cigarette butts and especially dog fouling.

We've tried the educational approach and having a quiet word with people. We've given out