

1. **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005
FIXED PENALTY NOTICES**

Submitted by **Head of Environmental Health Services**

Portfolio **Environment and Recycling**

Ward(s) affected **All**

Purpose of the Report

To advise the Committee of the action taken in respect of Littering offences within the borough.

Recommendations

That the report be received.

Reasons

Consistent enforcement is needed to challenge people who choose to ignore the law and the Department for Environment, Food and Rural Affairs (DEFRA) guidance states clearly that pursuing non-payment of fixed penalty notices is key to a successful penalty system. Authorities need to strive for a high payment rate to reflect this success.

1. **Background**

During recent patrols conducted through the town centre and borough of Newcastle-under-Lyme a number of individuals were witnessed Littering. The offenders were approached and advised with regard to the appropriate legislation and their details were then recorded by an enforcement officer.

It is an offence under the Environmental Protection Act 1990 to discard litter, however to avoid a conviction in the courts offenders are given the opportunity to discharge their liability by payment of a fixed penalty. The following offenders have been issued with fixed penalties but failed to pay them, and at Staffordshire Magistrates Court they received the following fines and costs with a victim surcharge :

D022518	Tom Daley	£200 Fine £130 Costs £20 Victim surcharge
D022520	Zoe Corbet	£200 Fine £130 costs £20 Victim surcharge
D022526	Nathan Hamnett	£35 Fine £130 costs £20 Victim surcharge
D022529	Robert Brown	£55 Fine £130 costs £20 Victim surcharge
D022534	Steph Gordon	£135 Fine £130 costs £20 Victim surcharge
D022537	Zoe Moores	£200 Fine £130 costs £20 Victim surcharge
D022538	Dona Green	£200 Fine £130 costs £20 Victim surcharge
D022539	Paul Smith	£70 Fine £130 costs £20 Victim surcharge

D022542	Tim Harnett	£200 Fine £130 costs £20 Victim surcharge
D022547	Ron Binks	£200 Fine £130 costs £20 Victim surcharge
D022553	Katrina Challenger	£200 Fine £130 costs £20 Victim surcharge
D022555	Stacey Perren	£35 Fine £130 costs £20 Victim surcharge
D022567	Andrew Lockley	£35 Fine £130 costs £20 Victim surcharge
D022577	Jasmine Rajabian	£100 Fine £130costs £20 Victim surcharge
D022579	Tony Hall	£35 Fine £130 costs £20 Victim surcharge
D022580	Gulma Rana	£200 Fine £130cost £20 Victim surcharge
D022582	Bernadette Pritchard	£35 Fine £50 costs £20 Victim surcharge
D022585	Andrew Cadman	£200 Fine £130 costs £20 Victim surcharge
D022600	David Allison	£200 Fine £130 costs £20 Victim surcharge
D022602	Damian Mills	£200 Fine £130 costs £20 Victim surcharge
D022608	Gill brown	£200 Fine £130 costs £20 Victim surcharge
D022609	Nick Hughes	£200 Fine £130 costs £20 Victim surcharge
D022610	Stacey Robinson	£200 Fine £130 costs £20 Victim surcharge
D022619	Carrie Taplin	£55 Fine £10 costs £20 Victim surcharge
D020636	Rachael Bate	£200 Fine £130 costs £20 Victim surcharge
D022641	Joshua Taylor	£200 Fine £130 costs £20 Victim surcharge
D022643	Clare Lawton	£200 Fine £130 costs £20 Victim surcharge
D022649	Kelly Lambie	£200 Fine £130 costs £20 Victim surcharge
D022651	Neil Brooks	£200 Fine £130 costs £20 Victim surcharge
D022656	Daniel Devereux	£200 Fine £130 costs £20 Victim surcharge
D022659	Derek Zhang	£200 Fine £130 costs £20 Victim surcharge
D022691	Lee Birch	£200 Fine £130 costs £20 Victim surcharge
D022695	Nathan Howell	£200 Fine £130 costs £20 Victim surcharge
D022697	Katie Harrison	£200 Fine £130 costs £20 Victim surcharge
D022699	Nathan Foster	£200 Fine £130 costs £20 Victim surcharge
D022705	Sarah Salt	£200 Fine £130 costs £20 Victim surcharge
D022712	Ashley Wise	£200 Fine £130 costs £20 Victim surcharge
D022716	Daniel Sweeting	£200 Fine £130 costs £20 Victim surcharge
D023201	Jane Worthington	£200 Fine £130 costs £20 Victim surcharge
D022758	Nicole Mclean	£200 Fine £130 costs £20 Victim surcharge
D022762	Stephen Aspley	£200 Fine £130 costs £20 Victim surcharge
D022765	Jessica Byrne	£200 Fine £130 costs £20 Victim surcharge
D022766	Marianne Carty	£200 Fine £130 costs £20 Victim surcharge
D022772	Daniel Dibble	£200 Fine £130 costs £20 Victim surcharge
D022775	Rebecca Vickers	£200 Fine £130 costs £20 Victim surcharge
D022786	Aaron Pritchard	£200 Fine £130 costs £20 Victim surcharge
D022794	Hayley Fernyhough	£200 Fine £130 costs £20 Victim surcharge
D022795	Martin Gilpin	£200 Fine £130 costs £20 Victim surcharge
D022799	Joel Gill	£200 Fine £130 costs £20 Victim surcharge
D022805	Victoria Pointon	£200 Fine £130 costs £20 Victim surcharge
D022806	Gareth Cooper	£200 Fine £130 costs £20 Victim surcharge
D022821	Helen Tyson	£200 Fine £130 costs £20 Victim surcharge
D022822	Crystal Walklate	£200 Fine £130 costs £20 Victim surcharge
D022826	Carle Poole	£55 Fine £130 costs £20 Victim surcharge
D022847	Adam Lee	£200 Fine £130 costs £20 Victim surcharge
D022904	Jodie James	£200 Fine £130 costs £20 Victim surcharge
D022917	Adam Shallcross	£200 Fine £130 costs £20 Victim surcharge
D022921	Michelle Potts	£200 Fine £130 costs £20 Victim surcharge
D022947	Gary Edwards	£200 Fine £130 costs £20 Victim surcharge
D022948	Matthew Moors	£200 Fine £130 costs £20 Victim surcharge
D022949	Janet Anderson	£200 Fine £130 costs £20 Victim surcharge

2. **Issues**

Consistent enforcement is needed to challenge people who choose to ignore the law and the Department for Environment, Food and Rural Affairs (DEFRA) guidance states clearly that pursuing non-payment of fixed penalty notices is key to a successful penalty system. Authorities need to strive for a high payment rate to reflect this success.

3. **Policy Considerations**

There are none arising from this report.

4. **Outcomes Linked to Corporate Priorities**

4.1 Creating a cleaner, safer and sustainable borough.

- Streets and open spaces are clean and the community have pride in the borough and take responsibility for seeing that it is clean and pleasant by reducing waste.
- The community is not put at risk from pollution or environmental hazards.

5. **Legal and Statutory Implications**

5.1 The Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005 place duties on the Council and provide powers of enforcement.

6. **Equality Impact Assessment**

6.1 There are no differential equality impacts identified within this report.

7. **Financial and Resource Implications**

The Council would seek to recover costs during any court proceedings.

8. **Major Risks**

8.1 **Non payment**

The non-payment of fines would need to be considered seriously. If a non-payment culture were allowed to develop the Authority would be in disrepute with the residents and members, undermining confidence in a service which aims to improve the quality of the environment.