

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 of 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 (vs):

D022966	Mr James Towle	£200 Fine £130 costs £20 Victim surcharge
D022967	Mr Nathan Percy	£35 Fine £130 costs £20 Victim surcharge
D022968	Mr Simon Cattell	£35 Fine £125 costs £20 Victim surcharge
D022975	Laura Barker	£200 Fine £130 costs £20 Victim surcharge
D022977	Victoria Ecclestone	£35 Fine £130 costs £20 Victim surcharge
D022980	Mrs Diane Johnson	£200 Fine £130 costs £20 Victim surcharge
D022986	Mr Matt Rowlinson	£200 Fine £130 costs £20 Victim surcharge
D023007	Miss Fiona Moss	£200 Fine £130 costs £20 Victim surcharge

D023010	Miss Waomi Clifford	£200 Fine £130 costs £20 Victim surcharge
D023016	Mr Joshua Clayton	£200 Fine £130 costs £20 Victim surcharge
D023020	Mr Will Peers	£200 Fine £130 costs £20 Victim surcharge
D023021	Mr Aaron Mountford	£400 Fine £130 costs £40 Victim surcharge
D023022	Miss Nikki Brough	£400 Fine £130 costs £40 Victim surcharge
D023023	Mr Zac Martindale	£200 Fine £130 costs £20 Victim surcharge
D023025	Mrs Evelyn Osborne	£400 Fine £130 costs £50 Victim surcharge
D023026	Mr Andrew Shaw	£200 Fine £130 costs £20 Victim surcharge
D023027	Jake Duran Finney	£265 Fine £130 costs £27 Victim surcharge
D023030	Mr Ashley Rutter	£265 Fine £130 costs £27 Victim surcharge
D023034	Mr Tuwalib Ghalib	£400 Fine £130 costs £40 Victim surcharge
D023041	Mr Alan Pawlowski	£200 Fine £130 costs £20 Victim surcharge
D023054	Miss Josy Mcginley	£200 Fine £130 costs £20 Victim surcharge
D023055	Mr Darrell Riley	£200 Fine £130 costs £20 Victim surcharge
D023056	Sarlota Davidova	£200 Fine £130 costs £20 Victim surcharge
D023068	Miss Amy Lovatt	£35 Fine £130 costs £20 Victim surcharge
D023072	Mr Dean Carr	£200 Fine £130 costs £20 Victim surcharge
D023074	Damien Dickinson	£200 Fine £130 costs £20 Victim surcharge
D023076	Mr Mark Chetwynd	£200 Fine £115 costs £20 Victim surcharge
D023077	Miss Katy Leese	£200 Fine £130 costs £20 Victim surcharge
D023080	Mr Jamie Shepherd	£200 Fine £130 costs £20 Victim surcharge
D023082	Natasha Walters	£35 Fine £130 costs £20 Victim surcharge
D023083	Miss Sharna Lees	£200 Fine £130 costs £20 Victim surcharge
D023086	Mr Tom Wright	£300 Fine £130 costs £20 Victim surcharge
D023094	Sarah Dugmore	£35 Fine £130 costs £20 Victim surcharge
D023097	Cheryl Allen	£200 Fine £130 costs £20 Victim surcharge
D023101	Alex Gibson	£200 Fine £130 costs £20 Victim surcharge
D023103	Mark Bentley	£200 Fine £130 costs £20 Victim surcharge
D023106	Mr Conrad Cooper	£35 Fine £130 costs £20 Victim surcharge
D023107	Mr Rafal Cierocki	£200 Fine £130 costs £20 Victim surcharge
D023109	Stephanie Churchill	£200 Fine £130 costs £20 Victim surcharge
D023128	Stacey Boulton	£200 Fine £130 costs £20 Victim surcharge
D023148	Miss Zoe Brockley	£80 Fine £125 costs £20 Victim surcharge
D023161	Mr Shaun Adams	£35 Fine £130 costs £20 Victim surcharge
D023162	Miss Linsey Rawlins	£150 Fine £130 costs £20 Victim surcharge
D023168	Mr Alec Goodwin	£150 Fine £130 costs £20 Victim surcharge

2. **Issues**

Consistent enforcement is needed to challenge people who choose to ignore the law and 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.