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 (vs):

| | | |
|---|---|---|
| D023246 | Mr Paul Whiting | £200 Fine £130 costs £20 Victim surcharge |
| D023248 | Mr Ian Breeze | £200 Fine £125 costs £20 Victim surcharge |
| D023255 | Mr Carl Lee | £200 Fine £130 costs £20 Victim surcharge |
| D023261 | Mr Paul Massey | £200 Fine £130 costs £20 Victim surcharge |
| D023265 | Miss Zoe Smith | £200 Fine £130 costs £20 Victim surcharge |
| D023284 | Mr Ben Ryan | £35 Fine £130 costs £20 Victim surcharge |
| D023292 | Miss Jodie Ball | £200 Fine £130 costs £20 Victim surcharge |
| D023301 | Mrs Rochelle Tunney | £200 Fine £130 costs £20 Victim surcharge |

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|---|---|---|
| D023303 | Mr Geoffrey Clews | £200 Fine £130 costs £20 Victim surcharge |
| D023304 | Mr Craig Wilton | £65 Fine £130 costs £20 Victim surcharge |
| D023320 | Miss Annastazia Salt | £200 Fine £130 costs £20 Victim surcharge |
| D023323 | Miss Jackie Wallace | £65 Fine £130 costs £20 Victim surcharge |
| D023327 | Miss Porscha Watts | £65 Fine £130 costs £20 Victim surcharge |
| D023332 | Miss Rebecca Thurston | £200 Fine £130 costs £20 Victim surcharge |
| D023336 | Miss Jingwen Zhang | £200 Fine £130 costs £20 Victim surcharge |
| D023339 | Mr Marik Fereko | £200 Fine £130 costs £20 Victim surcharge |
| D023350 | Miss Emma Kerry | £200 Fine £130 costs £20 Victim surcharge |
| D023352 | Miss Eliza Smith | £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.