## 1. <u>CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005</u> <u>FIXED PENALTY NOTICES</u>

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.

## <u>Reasons</u>

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):

D024512	Miss Frances Perry	£200 Fine £130 costs £20 Victim surcharge
D024518	Miss Kathleen Cooper	£130 Fine £130 costs £20 Victim surcharge
D024526	Mr Thomas Shaw	£200 Fine £130 costs £20 Victim surcharge
D024536	Mr Kenneth Steele	£200 Fine £130 costs £20 Victim surcharge
DO24538	Mr Peter Wood	£200 Fine £130 costs £20 Victim surcharge
D024546	Mr Adam Thompson	£200 Fine £130 costs £20 Victim surcharge
D024555	Mr Alex Finney	£35 Fine £130 costs £20 Victim surcharge
D024553	Mr Matthew Brown	£200 Fine £130 costs £20 Victim surcharge

# Classification: NULBC UNCLASSIFIED

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D024586Miss Angela Walsh£220 Fine £130 costs £20 Victim surchargeD024587Miss Nicola Collis£220 Fine £130 costs £20 Victim surchargeD024583Mr Jake Huckfield£222 Fine £130 costs £20 Victim surchargeD024601Miss Kathy Cooper£220 Fine £130 costs £20 Victim surchargeD024612Mr Alan Mills£220 Fine £130 costs £20 Victim surchargeD024619Mr Alan Mills£220 Fine £130 costs £20 Victim surchargeD024626Mr Mohammed Etarghi£220 Fine £130 costs £20 Victim surchargeD024632Miss Gizela£110 Fine £130 costs £20 Victim surchargeD024642Mr Leomard Varley£100 Fine £130 costs £20 Victim surchargeD024652Mr Martin Dable£110 Fine £130 costs £20 Victim surchargeD024652Mr Martin Dable£110 Fine £130 costs £20 Victim surchargeD024676Mr Martin Dable£110 Fine £130 costs £20 Victim surchargeD024679Mr Sapar Szubert£220 Fine £130 costs £20 Victim surchargeD024679Mr Casper Szubert£220 Fine £130 costs £20 Victim surchargeD024679Mr Sagar Subert£220 Fine £130 costs £20 Victim surchargeD024679Mr Sagar Subert£220 Fine £130 costs £20 Victim surchargeD024697Miss Sandra Pulhas£220 Fine £130 costs £20 Victim surchargeD024709Mr Kieran Bailey£95 Fine £130 costs £20 Victim surchargeD024775Miss Sandra Pulham£20 Fine £130 costs £22 Victim surchargeD024779Mr Stuart Seddon£220 Fine £130 costs £22 Victim surchargeD024779Mr Stuart Seddon </th <th>D024571</th> <th>Mr Declan Challinor</th> <th>£145 Fine £130 costs £20 Victim surcharge</th>	D024571	Mr Declan Challinor	£145 Fine £130 costs £20 Victim surcharge
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# 2. <u>Issues</u>

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

# Classification: NULBC UNCLASSIFIED

- 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 <u>Non payment</u>

The non-payment of fines would need to be considered seriously. If a nonpayment 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.