

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):

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

D024571	Mr Declan Challinor	£145 Fine £130 costs £20 Victim surcharge
D024586	Miss Angela Walsh	£220 Fine £130 costs £20 Victim surcharge
D024587	Miss Nicola Collis	£220 Fine £130 costs £20 Victim surcharge
D024583	Mr Jake Huckfield	£222 Fine £130 costs £20Victim surcharge
D024601	Miss Kathy Cooper	£220 Fine £130 costs £20 Victim surcharge plus Court Charge £150
D024612	Mr Alan Mills	£220 Fine £130 costs £20 Victim surcharge plus Court Charge £150
D024619	Mr Nigel Leonard Downes	£220 Fine £130 costs £20 Victim surcharge plus Court Charge £150
D024626	Mr Mohammed Etarghi	£220 Fine £130 costs £20 Victim surcharge plus £150 Court Charge
D024632	Miss Gizela Sarkoyiuv	£110 Fine £130 costs £20 Victim surcharge plus Court Charge £150
D024642	Mr Leonard Varley	£100 Fine £130 costs £20 Victim surcharge plus Court Costs £150
D024652	Mr Martin Dable	£110Fine £125 costs £20 Victim surcharge plus Court Charge £150
D024676	Mr Mac Wang	£220 Fine £130 costs £20 Victim surcharge plus £150 Court Charge
D024683	Mr Jamie Welch	£220 Fine £130 costs £20 Victim surcharge plus £150 Court Charge
D024679	Mr Casper Szubert	£220 Fine £130 costs £20 Victim surcharge plus £150 Court Charge
D024697	Miss Jade Hammersley	£220 Fine £130 costs £20 Victim surcharge plus £150 Court Charge
D024704	Mr Paul Daniels	£220 Fine £130 costs £20 Victim surcharge plus £150 Court Charge
D024709	Mr Kieran Bailey	£95 Fine £130 costs £20 Victim surcharge plus £150 Court Charge
D024715	Miss Sandra Pulham	£80 Fine £130 costs £22 Victim surcharge
D024725	Mr Kyle Brownfield	£220 Fine £130 costs £22 Victim surcharge
D024727	Mr Stuart Seddon	£220 Fine £130 costs £22 Victim surcharge
D024733	Mrs Susan Cooper	£220 Fine £130 costs £22 Victim surcharge
D024737	Miss Kimberley Murphy	£60 Fine £130 costs £22 Victim surcharge
D024744	Mr Willam Harrison	£60 Fine £130 costs £22 Victim surcharge
D024749	Mr James Locker	£220 Fine £130 costs £22 Victim surcharge
D024756	Mr Joshua Keates	£40 Fine £130 costs £22 Victim surcharge
D024758	Mr Borta Necunai	£220 Fine £130 costs £22 Victim surcharge
D024763	Mr Eric Riley	£220 Fine £130 costs £22 Victim surcharge
D024787	Miss Taiana Zigovawi	£40 Fine £130 costs £22 Victim surcharge

## 2. Issues

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.

- 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.