

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

Submitted by **Head of Environmental Health Services**

Portfolio **Operational**

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**

- 1.1 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 North Staffordshire Magistrates Court they received the following fines and costs with a victim surcharge (vs):

D025024	Mr Paul Smith	£220 fine, £130 costs and £22 VS
D025030	Mr Paul Howarth	£220 fine, £130 costs and £22 VS

D025032	Mr Adam Kerley	£220 fine, £130 costs and £22 VS
D025158	Mr Matthew Nagy	£145 fine, £128 costs and £30 VS
D025168	Miss Rachael Sherratt	£220 fine, £110 costs and £22 VS
D025172	Mr Mark Povey	£220 fine, £130 costs and £22 VS
D025173	Mrs Elana Novakova	£220 fine, £130 costs and £22 VS
D025176	Mr Mark Harrison	£220 fine, £120 costs and £22 VS
D025186	Miss Rebecca Booth	£40 fine, £130 costs and £30 VS
D025190	Mr Sidney Hodgkiss	£50 fine, £130 costs and £30 VS
D025192	Mr Andrew Cross	£50 fine, £130 costs and £30 VS
D025194	Miss Danielle Spencer	£40 fine, £130 costs and £30 VS
D025196	Miss Samantha Clowes	£70 fine, £128 costs and £30 VS
D025251	Miss Emma Doyle	£50 fine, £130 costs and £30 VS
D025260	Miss Hannah Slack	£50 fine, £130 costs and £30 VS
D025272	Mr David Moore	£50 fine, £130 costs and £30 VS
D025278	Mr Steve James	£220 fine, £130 costs and £30 VS
D025279	Miss Jenny Price	£220 fine, £130 costs and £30 VS
D025283	Mr Tony Nomdadau	£220 fine, £130 costs and £30 VS
D025296	Mr Adam Curly	£75 fine, £130 costs, £30 VS
D025297	Miss Jacqueline Burley	£75 fine, £130 costs, £30 VS
D025300	Mr Carl Bogges	£200 fine, £130 costs and £30 VS
D025303	Miss Charlotte Jones	£200 fine, £130 costs and £30 VS
D025323	Mr Daniel Bailey	£200 fine, £130 costs and £30 VS

2. **Issues**

- 2.1 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**

- 3.1 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**

- 7.1 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.