

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):

D022378	Mr Stephen Coleman	£200 Fine £130 Costs £20 Victim surcharge
D022383	Mr Steven Walters	£200 Fine £130 costs £20 Victim surcharge
D022385	Mr Jason Scott	£200 Fine £130 costs £20 Victim surcharge
D022390	Miss Amy Scanlon	£200 Fine £130 costs £20 Victim surcharge
D022396	Mr Robert Baillie	£200 Fine £130 costs £20 Victim surcharge
D022397	Mr Martin Crabtree	£200 Fine £130 costs £20 Victim surcharge
D022398	Mr Matthew Knibbs	£200 Fine £130 costs £20 Victim surcharge
D022403	Mr Norman Van	£200 Fine £130 costs £20 Victim surcharge

D022404	Mr Alan Chan	£200 Fine £130 costs £20 Victim surcharge
D022405	Mr Kevin Hardiman	£200 Fine £130 costs £20 Victim surcharge
D022409	Mr Radek Polhos	£200 Fine £130 costs £20 Victim surcharge
D022411	Miss V Wheatstone	£200 Fine £130 costs £20 Victim surcharge
D022438	Mr Ian Butcher	£55 Fine £ 20 Victim surcharge

2. **Issues**

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