

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 Dog Control Orders 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**

The authority adopted a series of Dog Control Orders in April 2013. Since their introduction Dog Wardens have focussed on explaining these control to dog owners and ensuring that they understand their obligations and act responsibly.

In our initial actions we have attempted to deliver high profile patrols. We believe this has deterred dog walkers from committing offences. It is an offence under the Clean Neighbourhoods & Environment Act 2005 to breach a Dog Control Order, however to avoid a conviction in the courts offenders are given the opportunity to discharge their liability by payment of a fixed penalty. Two offences have been witnessed and enforcement action taken by officers.

One case has been discharged through the acceptance of a fixed penalty notice. In the other case the offender did not accept the offer of a fixed penalty and the case was escalated to court proceedings.

In accordance with members wishes the details of this case are now being provided. 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):

Mr J P Shaw	Dog Fouling, Enderley Street, Newcastle. Offence: 19 <sup>th</sup> August 2013	£200 fine, £130 costs, £20 vs
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2. **Issues**

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