**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):

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|---|---|---|
| D024789 | Miss Firu Marinela | £220 Fine £130 costs £22 Victim surcharge |
| D024796 | Mr Jordon Abbotts | £145 Fine £130 costs £20 Victim surcharge |
| D024801 | Miss Anna Melvin | £220 Fine £125 costs £22 Victim surcharge |
| D024803 | Mr Adam Hollinshead | £220 Fine £130 costs £22 Victim surcharge |
| D024807 | Mrs Solaya Rowley | £220 Fine £130 costs £22 Victim surcharge |
| D024819 | Miss Sara Rossborough | £75 Fine £130 costs £20 Victim surcharge |
| D024824 | Miss Clare White | £220 Fine £130 costs £22 Victim surcharge |
| D024827 | Miss Joanne Hannon | £75 Fine £125 costs £20 Victim surcharge |

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|---|---|---|
| D024831 | Mr Kevin Jones | £220 Fine £130 costs £20vs £150 Court Charge |
| D024834 | Miss Lorraine Barlow | £217 Fine £130 costs £22vs |
| D024853 | Miss Victoria Ecclestone | £60 Fine £130 costs £22 Victim surcharge |
| D024857 | Mr Adam Knight | £220 Fine £125 costs £22 Victim surcharge |
| D024868 | Mr Rob Parsons | £220 Fine £125 costs £22 Victim surcharge |
| D024871 | Mr Andrew Edwards | £220 Fine £125 costs £22 Victim surcharge |
| D024878 | Mr Lee Bradbury | £40 Fine £130 costs £22 Victim surcharge |
| D024892 | Mr Alei Tzgell | £220 Fine £130 costs £22 V S |
| D024895 | Mr Michael Thorley | £50 Fine £95 costs £20 VS |
| D024912 | Miss Carol Sidley | £220 Fine £125 costs £22 Victim surcharge |
| D024918 | Miss Emma Brown | £220 Fine £125 costs £22 Victim surcharge |
| D024921 | Miss Shona Woodcock Mclean | £40 Fine £100 costs £20 Victim surcharge |
| D024923 | Mr Carl Austin | £60 Fine £130 costs £22 Victim surcharge |
| D024926 | Mr Jamie Ash | £220 Fine £130 costs £20Victim surcharge |
| D024927 | Mr Ovidiu Cipran | £220 Fine £145 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.