

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005
FIXED PENALTY NOTICES – MARCH TO APRIL

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.

Recommendation

For Members to receive the report.

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 identified. 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 on the 30 March, the 13, 23, and 27 April, 2012 at Staffordshire Magistrates Court they all received the following fines and costs with a £15 victim surcharge:

J McEnvoy	Fine £75	costs £85	victim surcharge £15
S Rigby	Fine £75	costs £85	victim surcharge £15
M Mason	Fine £75	costs £85	victim surcharge £15
D Frost	Fine £75	costs £85	victim surcharge £15
M Condyliffe	Fine £75	costs £85	victim surcharge £15
R Coxon	Fine £150	costs £85	victim surcharge £15
B Hassani	Fine £150	costs £85	victim surcharge £15
L Morris	Fine £150	costs £85	victim surcharge £15
T Morris	Fine £150	costs £85	victim surcharge £15
J Sims	Fine £150	costs £85	victim surcharge £15
E Szykowski	Fine £150	costs £85	victim surcharge £15
Z Davison	Fine £100	costs £130	victim surcharge £15
S Clarke	Fine £100	costs £130	victim surcharge £15
D Bloor	Fine £ 50	costs £130	victim surcharge £15
D Baskeyfield	Fine £100	costs £130	victim surcharge £15
D Hanley	Fine £100	costs £130	victim surcharge £15

S Freakley	Fine £100	costs £130	victim surcharge £15
D Foreman	Fine £100	costs £130	victim surcharge £15
B Harding	Fine £100	costs £130	victim surcharge £15
L Mitchell	Fine £75	costs £60	victim surcharge £15
S Burton	Fine £75	costs £85	victim surcharge £15
J Redman	Fine £50	costs £85	victim surcharge £15
M Barlow	Fine £75	costs £85	victim surcharge £15
D Latham	Fine £25	costs £85	victim surcharge £15
P Yassemedes	Fine £50	costs £85	victim surcharge £15
B Green	Fine £50	costs £85	victim surcharge £15
S Dodd	Fine £75	costs £85	victim surcharge £15
A Kowalski	Fine £75	costs £85	victim surcharge £15
P Cross	Fine £75	costs £85	victim surcharge £15
B Simons	Fine £75	costs £85	victim surcharge £15
S Hallett	Fine £75	costs £85	victim surcharge £15
A Davenport	Fine £75	costs £60	victim surcharge £15
A Thorley	Fine £75	costs £60	victim surcharge £15
S Thorley	Fine £75	costs £60	victim surcharge £15
John Oakes	Fine £75	costs £130	victim surcharge £15
C McLaughlin	Fine £75	costs £130	victim surcharge £15
M Butcher	Fine £75	costs £130	victim surcharge £15

2. **Issues**

- 2.1 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.

3. **Policy Considerations**

There are none arising from this report.

4. **Outcomes Linked to Sustainable Community Strategy and 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.

6. **Equality Impact Assessment**

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.