

<b>REPORT OF:</b>	Portfolio Holder for the Environment Cllr Luisa Sullivan
<b>RESPONSIBLE OFFICER</b>	Chris Marchant, Head of Environment
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<b>WARD/S AFFECTED</b>	All wards

## **1. Purpose of Report**

- 1.1 To update Members of the implementation of the Fixed Penalty Notice Policy

### **RECOMMENDATION**

Members are asked to note the content of this report.

## **2. Executive Summary**

- 2.1 A policy regarding the issuing of Fixed Penalty Notices (FPN) was agreed by Cabinet in April 2013 but has not been a priority for the Authority since.
- 2.2 Now that we are in a position to introduce an education and awareness raising campaign with the Bucks Waste Partnership, the necessary steps required to implement it will be undertaken.

## **3. Reasons for Recommendations**

- 3.1 To implement the policy in line with Government guidance.

## **4. Content of Report**

- 4.1 A report and policy concerning the issuing of FPNs for litter and other offences was considered by this PAG in December 2012. This was following the approval to proceed in February of that year.
- 4.2 Environmental crimes such as dropping litter, dog fouling and graffiti are difficult to prevent and enforce against because of their transient nature. The Environment Unit usually deals with such incidents by cleaning them up and generally only uses enforcement action such as prosecution for the more serious offence of flytipping. However we have a range of powers available to us to try and prevent such incidents.
- 4.3 Powers to issue Fixed Penalty Notices (FPNs) for certain matters as an alternative to prosecution have been in place since 1990, but were expanded to cover other anti-social 'enviro crimes' such as nuisance parking by The Clean Neighbourhoods and Environment Act in 2005. FPNs for certain issues

can also be issued by PCSOs and employees of Parish Councils if those that issue them on behalf of the latter attend an approved training course. FPNs can also be issued under the Anti-social Behaviour, Crime and Policing Act 2014 for a breach of a Community Protection Notice.

- 4.4 In addition to the policy, Members are asked to note that the intention is to issue FPNs infrequently as a deterrent or where other measures have failed, and:
- ❖ Enforcement is seen as a last resort after Education and Engagement.
  - ❖ No targets for income or FPNs issued will be set and monies received will be used for training or publicity and education relating to the offences covered.
  - ❖ There are no plans at SBDC to employ persons specifically to issue FPNs.
  - ❖ Only trained and authorised persons can issue an FPN.
  - ❖ The option to give a reduction if an FPN is paid within 14 days has not been offered for FPNs generally issued to businesses, such as failure to comply with the widely known legal requirement to have a waste transfer note if you carry waste for example.
  - ❖ Some or all of the FPNs issued will be followed up with publicity to serve as a deterrent to others.
- 4.5 The effect of staff turnover and the focus on the roll out of new waste and recycling services 2013 and 2014 meant that this project was not prioritised. The timing is also better now because a county-wide anti-litter campaign is being planned.
- 4.6 We are now in a position to move forward with this and training for the two Contract Monitoring Officers has been arranged for early October. As the policy has not been used since it was agreed, it will be checked to ensure it is up to date and any new powers, such as the ability to issue FPNs to HMO landlords without suitable smoke detectors, will be added
- 4.7 The Portfolio Holder will be advised each time an FPN is issued and a report detailing the success or otherwise of the policy will be presented to Members a year after the training is given. The Members are also reminded that:
1. any departure from the policy is to be delegated to the Director of Services in consultation with the Portfolio Holder
  2. any revision of the Policy necessary to take account of staff and legal changes from time to time to be delegated to the Director of Services in consultation with the Portfolio Holder.
  3. delegated authority to the Director of Services to authorise officers within or outside the Council to issue fixed penalty notices on our behalf has previously been agreed by this PAG.

## **5. Consultation**

Not Applicable

## **6. Options**

No options are recommended in this report.

## **7. Corporate Implications**

7.1 There are no financial issues identified at this time

7.2 There are no legal issues identified at this time, although there is a possibility that legal guidance will be required in the future.

## **8. Links to Council Policy Objectives**

This matter is related to the following local and national policy objectives:

- The current Joint Waste Management Strategy for Bucks policies, including “securing a long-term strategy for the management of wastes for which the member authorities are collectively responsible”.
- Council priority to continue to improve the street scene and cleanliness of the district as a key public services coordinator
- The Council’s recycling/composting target of 60% by 2025 as part of the Joint Waste Management Strategy for Bucks. The national target of 45% by 2015 and 50% by 2020. There are no longer District specific targets.

## **9. Next Step**

Progress will be reported to the Portfolio Holder and this PAG in due course.

<b>Background Papers:</b>	Fixed Penalty Notice Policy Previous PAG Reports on this matter from February and December 2012
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