



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
STRATEGY AND RESOURCES COMMITTEE
20 FEBRUARY 2020**

REVIEW OF PENALTY CHARGES FOR ENVIRONMENTAL OFFENCES

1. PURPOSE OF THE REPORT

- 1.1 To review current levels of charge imposed by Fixed Penalty Notices for various environmental or antisocial behaviour, offences including fly posting, fly tipping littering, dog fouling, abandoned vehicles and antisocial behaviour. Full details are contained in **APPENDIX 1**.

2. RECOMMENDATIONS

To the Council

- (i) That the levels of charge from 1 April 2020 be increased up to the maximum levels permitted under the legislation as set out in **APPENDIX 1**;
- (ii) That that the team continues to support educational campaigns targeting public awareness of environmental offences.

3. SUMMARY OF KEY ISSUES

- 3.1 The Clean Neighbourhoods and Environment Act 2005, Environmental Protection Act 1990 and Anti-Social Behaviour Crime and Policing Act 2014 enables local authorities to issue Fixed Penalty Notices to anyone committing an environmental crime that damages the street scene. These offences include littering, dog fouling, graffiti, flyposting, abandoned vehicles and anti-social behaviour.
- 3.2 Maldon District Council has previously used these powers to issue Fixed Penalty Notices (FPN's) to deter residents and visitors from committing such offences.
- 3.3 FPN's are issued by the Councils Community Engagement Officers, who are clearly identified through their uniforms, and who are appropriately trained and accredited.
- 3.4 In the last two years the team have issued more than 150 FPNs for various offences including Littering and Dog Fouling.
- 3.5 Three offenders have been prosecuted for failing to pay the FPN's resulting in charges of up to £690.

- 3.6 The legislation sets out a default level of FPN, as well as a maximum level for the various offences. **APPENDIX 1** sets out the current default and maximum charges for all offences.
- 3.7 To date Maldon District Council has charged the lower default amount, however many Councils now moved to charging the maximum penalty which acts as a greater deterrent.
- 3.8 The creation of our new Community Engagement Team provides an opportunity to review our approach to tackling anti-social behaviour within the community, and in particular issues such dog fouling, littering.
- 3.9 The imposition of maximum levels of FPN's will act as a strong deterrent when used alongside positive publicity and social media.

4. CONCLUSION

- 4.1 The proposed increase to the level of FPN for anti-social behaviour offences will act as a positive deterrent, sending a strong message to potential offenders
- 4.2 It also helps us to meet our statutory duties under the Environmental Protection Act 1990 to keep relevant highways and public spaces for which it is responsible clean and clear of refuse as far as it is reasonably practicable.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The use of Fixed Penalty Notices for Environmental Offences such as Dog Fouling, Littering, Fly Tipping and Fly Posting strongly supports the Councils Corporate Priority of a "Protected and improved environment for residents and visitors" specifically the outcomes of "delivering a clean and tidy District", "with open spaces maintained for the enjoyment of all".

6. IMPLICATIONS

- (i) **Impact on Customers** – The higher levels of charge will act as a strong deterrent to residents, visitors and businesses from committing offences. Proactive publicity will be undertaken each year to minimise the number of environmental offences committed within the District.
- (ii) **Impact on Equalities** – There is no impact. FPN's will be used in an appropriate and proportionate way and having regard to the Good Practice guidance issued by the Department of the Environment, Food and Rural Affairs.
- (iii) **Impact on Risk** – The proposed increase in the amount of the FPN will act as a strong deterrent against offences such as dog fouling, littering, anti-social behaviour, abandoned vehicles, flytipping and Flyposting.

- (iv) **Impact on Resources (financial)** – None. The purpose of the increase is to deter offences being committed. Any income generated from FPN's is used to offset the cost of enforcement.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – The Community Engagement Team work closely with the Community to both promote positive behaviour to avoid offences being committed as well as obtaining local intelligence to help direct our resources and investigate offences.

Background Papers: None.

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