

| REPORT TO | DATE OF MEETING |
|------------------|------------------------|
| Cabinet | 6 November 2013 |

Report template revised June 2008



| SUBJECT | PORTFOLIO | AUTHOR | ITEM |
|---|--------------------------------|---------------|-------------|
| Review of Charges for Fixed Penalty Notices | Neighbourhoods and Streetscene | Mark Gaffney | 9 |

SUMMARY AND LINK TO CORPORATE PRIORITIES

A review has been carried out of the Fixed Penalty Notice (FPN) charges for environmental crime offences. This report details the current level of charges and those that are proposed to be increased.

The report links directly to all of the Council's corporate priorities but especially Clean, Green and Safe.

RECOMMENDATIONS

That Cabinet approve the proposed Fixed Penalty Charges as detailed in Appendix 1 and that they are implemented from 1 April 2014.

DETAILS AND REASONING

Background

The Council issues FPNs for a range of environmental offences under the Environmental Protection Act 1990, the Anti-social Behaviour Act 2003 and a number of other pieces of legislation, as amended and extended by the Clean Neighbourhoods and Environment Act 2005. This latter act introduced significant change to the FPN regime including, in some cases, for the FPN amount to be specified at a local level.

The Council takes a tough stance on environmental crime and adopts a zero tolerance approach in enforcing these matters. This has and continues to be well publicised to ensure that awareness is maintained with our residents and the public.

A total of 281 FPNs were issued in 2012/13 and 19 successful prosecutions taken for environmental offences. The Council is on track to exceed this performance in 2013/14.

Fixed Penalty Notice Charges

The last time consideration was given to FPN charges was when the Council adopted Dog Control Orders in September 2009, under powers afforded to local authorities by the Clean Neighbourhoods and Environment Act 2005. Due to time period that has now passed it is considered appropriate that the charges should be reviewed. This is in line with an internal audit review which recommended that the FPN charges should be subject to a review.

The table in Appendix 1 details the current FPN charges and those proposed to be increased.

Communication and Publicity

To avoid negative publicity and ensure appropriate communication of the proposed increases to FPNs, an implementation date of 1 April 2014 is proposed. This will enable a sufficient lead in time to publicise the changes through press releases and Forward.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

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| FINANCIAL | <p>The full year income for 2012/13 from the issue of FPNs was £14,150. The proposed increases to FPN charges would have increased this income by £1050 to £15,200. Current year to date would see income increased from £12,100 to £13,000. Should the proposals in this report be approved, then this increased income will be reflected in the revenue budget for 2014/15.</p> <p>It should be noted that environmental enforcement is a key Corporate Plan action for the Council, so the appropriate resources from a number of different council services are therefore allocated to this priority. The above income is used to offset these costs which are higher than the total income from FPNs.</p> | | |
| LEGAL | The legal aspects are covered elsewhere in the report. | | |
| RISK | <p>It is important to have a sufficient lead in period to enable appropriate communication and publicising of the proposed increase in FPN charges. This will mitigate the risk of negative publicity through the public claiming that they did not know about the changes.</p> <p>Any increase to FPN charges could negatively affect payment rates. However, the proposed increases are in the main minimal and it is not expected that payment rates would fall.</p> | | |
| THE IMPACT ON EQUALITY | An Equality Impact Assessment is in place for the neighbourhood services. There are no adverse equality impacts as a result of the proposals in this report. | | |
| OTHER (see below) | <p>Corporate Plans and Policies Environmental enforcement is a key Corporate Plan action.</p> <p>Crime and Disorder Effective enforcement of environmental crime has a positive impact and the potential to minimise more serious environmental offences.</p> <p>Health Inequalities Effective enforcement of environmental crime helps to maintain a clean and healthier environment for all.</p> | | |
| <i>Asset Management</i> | <i>Corporate Plans and Policies</i> | <i>Crime and Disorder</i> | <i>Efficiency Savings/Value for Money</i> |
| <i>Equality, Diversity and Community Cohesion</i> | <i>Freedom of Information/ Data Protection</i> | <i>Health and Safety</i> | <i>Health Inequalities</i> |
| <i>Human Rights Act 1998</i> | <i>Implementing Electronic Government</i> | <i>Staffing, Training and Development</i> | <i>Sustainability</i> |

BACKGROUND DOCUMENTS

Existing Dog Control Orders