

ROTHERHAM BOROUGH COUNCIL - REPORT TO MEMBERS

1.	Meeting	CABINET MEMBER FOR HOUSING & NEIGHBOURHOODS
2.	Date	19 JULY 2010
3.	Title	INCREASE OF LITTER FIXED PENALTY FINE LEVEL
4.	Directorate	Neighbourhoods and Adult Services

5. Summary

This report presents recommendations for the increase of the Fixed Penalty fine for Littering under the Environmental Protection Act 1990.

6. Recommendations

It is recommended that Cabinet Member for Housing and Neighbourhoods:

- 1) Agrees with the proposal and to confirm the increase of the fixed penalty fine to £80 with effect from 1 September 2010.

7. Proposals and details

7.1 Introduction

The enforcement of littering offences has been dealt with by the Council by targeted enforcement campaigns and partnership working to deter and apprehend offenders. Those identified can opt to pay a Fixed Penalty Fine of £75 or face prosecution through the Magistrates Court with a maximum penalty of £2,500.

On 1 January 2010, a Dog Control Order in respect of Dog Fouling came into effect increasing the fixed penalty fine for that offence from £50 to £80, reaffirming the Councils approach to environmental crime. The £80 fine level is set by the Clean Neighbourhoods and Environment Act 2005. This has continued the disparity between this offence and the Littering offence which currently carries a fixed penalty fine of £75 under the Environmental Protection Act 1990. This fine level can be amended by the Cabinet member for Housing and Neighbourhoods. The level of fine was last amended in 2006 after the adoption of the Clean Neighbourhoods and Environment Act from £50 to £75. Even in Court there is a significant difference in the fines that can be achieved, although at Court the higher fine rests with littering, as failing to remove dog faeces carries a maximum fine of £1,000.

While taking a robust approach there has been the recognisable need for building public awareness of the issues and prevention through education. To go hand in hand with the Toxic campaign in Secondary Schools and the Junior Rotherham Wardens schemes funded by the Area Assemblies, the Community Protection Unit has operated a Restorative Justice programme of organised and supervised litter picking as an alternative to paying the Fixed Penalty notice. The aim of this is to provide a reasonable deterrent to repeat offending and prevent the unnecessary use of the courts to deal with relatively minor offence committed by young people. These schemes are not advertised and the Children are not identifiable as to what or why they are doing this, unlike the Unpaid Work schemes run by the Probation Service after a court case.

The benefits of the use of Fixed Penalty Notices to tackle local environmental quality are chiefly a quicker and more cost effective method of imposing a penalty, in contrast to taking each case to Court. Although no direct data exists to support the theory that issuing fixed penalties in Rotherham has a deterrent effect, the Community Protection Unit has not seen many cases of repeat offending.

7.2 Recent Trends

Over the last three years the Council has issued fewer Fixed Penalty Notices for littering, in direct correlation to increasing street cleanliness assessments. The numbers served can be seen in Table 1 below:-

Year	FPN's served	% of land and highways that is assessed as having deposits of litter that fall below an acceptable level
2007/8	371	Representative data not available
2008/9	331	9.6%
2009/10	216	5.4%

Table 1. Number of Fixed Penalty Notices served for littering offences and the Cleanliness scores assessed By Streetpride 2007-2010.

Further to the identification of hot spot areas in the Rotherham Town Centre and other major centres of population in the borough, increased high visibility and plain clothes patrols have taken place to deal with those who drop litter as well as dealing with the impact of the reduction in the number of witness reports received from staff, partner services and the public. This has been the major cause of the reduction of the number of fixed penalty notices issued.

Despite a fall in the number of fixed penalty notices issued in the last 3 years, 20% more have been issued face to face by the Rotherham Wardens in the first 5 months of 2010 compared with same period in 2009. Further high visibility and targeted litter patrols and face to face issuing of fixed penalty notices is to continue and increase over the course of the 2010/11 financial year, to tackle the reduced number of fixed penalties and the corresponding fall in income.

7.3 Proposal

In order to ensure consistency of fine level for these similar offences within the Council, it is proposed that the fine for Littering offences is increased to the maximum of £80 from 1 September 2010. A press release highlighting this change will be issued 2 weeks before the change comes into effect and will be placed in the next available issue of Rotherham News.

This change will give the Council a further opportunity to increase its profile and the deterrent to dropping litter.

8. Financial implications

The cost of re-printing the legal forms to this increase will be wholly absorbed by the cost of printing Fixed Penalty pads for the recent fine increase for the Dog Fouling laws so there is no additional pressure on the revenue budget from this proposal.

Due to the increase in the level of fine and the increased targeting of hot spot problem areas, there is likely to be an increase in the amounts received in Fixed Penalty fines.

No. Fixed Penalty Notices issued (excluding cancelled notices)	No. of fixed penalties paid	Alternative litter picks completed	No. of cases following non payment taken to court	Amount fixed penalty fine collected (£). <i>Does not include court costs as these do not cover the cost of taking a case to court</i>
371	263	19 (5% of FPN's)	89	19,730
331	199	82 (24% of FPN's)	50	14,940
216	111	60 (27% of FPN's)	45	8,325

Table 2 – Number of fixed penalties issued, paid and the income generated

Table 2 shows the amount of income generated by Fixed Penalty Notices for littering in the last 3 years. There has been a significant decline in the income generated due in part to a lower number of fixed penalty notices being issued. However, there has also been an increase since 2007/8 in proportion of Fixed Penalty Notices resulting in Restorative Justice litter picks. In 2009/10 this increased to 27% of all fixed penalty notices issued being paid in kind through an organised litter pick. This has real advantages to parents by reducing the financial burden on them, who would normally be responsible for paying the fine and court fines and costs if the case went to court, as well as providing a non criminal sanction for a first offence.

9. Risks and uncertainties

An increase to the fine could lead to more cases being sent before the courts and even lower revenues to the Council from the fines recovered. However with an increase in enforcement activity and development of more face to face interventions this should be mitigated.

10. Policy and performance agenda implications

The control of littering links to perceptions of the quality of our neighbourhoods and are seen as enviro-crimes, as such this is an aspect of the Corporate Priority “Rotherham Safe”, where the cleaner, greener agenda is set out, emphasising a preventative approach, including peaceful communities free from antisocial behaviour.

In addressing the **Rotherham Safe** priorities the strategy contributes to delivering the following key strategic actions;

- Maintaining the current overall low crime rate in Rotherham, as well as in continuing to address people’s concerns about anti-social behaviors and their fear of crime

- Increase satisfaction with local neighborhoods.
- Making the connection between national and local strategies
- Providing a link between regional, national and local organisations
- Dealing effectively with perpetrators of anti-social behaviour through enforcement and rehabilitation
- Providing support to victims of anti-social behaviour through effective response to reported incidents

In addition it will contribute to the **Sustainable Development** cross cutting theme by protecting and enhancing the environment, **Rotherham Alive** by ensuring a place where people feel good, are healthy and active, **Rotherham Achieving** by helping raise the quality of life in the most deprived communities and **Rotherham Proud** by increasing the satisfaction in the local area as a place to live and putting pride in the hearts of our communities.

The proposals have clear linkages to the Outcomes Framework for Social Care, in particular;

- **Improved Health and Emotional Well-being**, by promoting and facilitating the health and emotional well-being of people who use the services.
- **Improved Quality of Life**, by supporting independence of people to live a fulfilled life.

11. Background papers and consultation

Clean Neighbourhoods and Environment Act 2005
Environmental Protection Act 1990

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