



Northumberland

County Council

CABINET

DATE: 11TH JULY 2023

Environmental Enforcement Fixed Penalty Notice and Penalty Notice Policy 2023.

Report of: Cllr. Gordon Stewart, Cabinet Member for Looking After Our Communities

Responsible Officer: Paul Hedley, Chief Fire Officer and Director of Public Protection

1. Purpose of report

1.1 To present the revised Environmental Enforcement Fixed Penalty and Penalty Notice Policy 2023 for consideration and adoption.

2. Recommendations

2.1 Agree and adopt the proposed policy (See Appendix 1 below).

2.2 Agree and adopt the fine levels given in the schedule of the policy (see Appendix 1 below).

3. Link to Corporate Plan

Keeping our communities safe and well included in the NCC Corporate Plan 2023-2026 under Our Values.

4. Key issues

4.1 The current Fixed Penalty Notice Enforcement Policy was created in 2017 since that date legislation has been updated to produce new offences and to increase the level of fines available for offences. The new policy considers these developments.

4.2 The purpose of the proposed policy is to set out how the Council will enforce through the use of Fixed Penalty Notices (FPNs) for environmental offences. It sets out the Council's fine levels for the non-payment of fixed penalty notices issued by the Council. In the use of FPNs the Council will always seek to follow the enforcement principles described in its overarching Corporate Enforcement Policy.

4.3 This Policy covers Fixed Penalty Notices used by NCC Environmental Enforcement for various offences including Littering, Dog Fouling and Fly-Tipping plus Civil Penalty Notices

which can be used by NCC Environmental Enforcement for a specific offence relating to Domestic Waste Bins.

4.4 A FPN is a means to give a person who has committed a relevant offence the opportunity to pay a fine and in so doing discharge their liability to conviction. As such it is intended as a means by which Courts are prevented from being overloaded with minor offences by first time offenders.

4.5 The policy covers enforcement action for those offences that could be broadly described as environmental or related to cleaner or safer neighbourhoods. As such the areas it covers include dog control/dog fouling, littering, fly tipping, abandoning a vehicle, consuming alcohol in public spaces, and graffiti.

4.6 Where legislation permits the use of fixed penalty notices, the Council will consider the use of them as an alternative to prosecution. Examples of where they may be appropriate are to deal quickly and simply with less serious offences, to divert less serious cases away from the court process and to deter repeat offences.

5. Background

5.1 As can be seen with the attached document The Environment Enforcement Policy of 2017 has been reviewed and updated adding offences and increasing the relevant fines as per current Government Guidelines.

5.2 The new Policy will continue to provide a means to give a person who has committed a relevant offence the opportunity to pay a fixed amount as a direct alternative to prosecution and in so doing discharge their liability to conviction. Normally the Council would only issue FPNs to first time offenders. In cases where the offender has a history of committing the same or similar offence, and the payment of earlier fixed penalties or court fines has not deterred them from reoffending then prosecution will normally follow.

5.3 The Policy will continue, where appropriate allow the Enforcement team to deal quickly and simply with less serious offences, divert less serious cases away from the court process and deter repeat offences.

5.4 The Policy clearly sets out procedures for Vulnerable Adults and Children and Young People ensuring that they are dealt with correctly and according to the Law

5.5 The Policy will also continue the current practice of allowing a reduction of the Fine if paid within 7 days.

5.6 There is no appeals procedure for a person in receipt of an FPN because a person served with an FPN who believes they did not commit the offence has the right for their case to be heard in court. As such it is appropriate that the magistrates court should determine such matters.

5.7 As some of the advice from Government promotes an increased fine from the previous Policy of 2017 the opportunity has been taken to provide a simpler approach to the Fines

which as can be seen from the attached schedule now are £100 reduced to £80 for payment within 7 days

Implications

Policy	No
Finance and value for money	FPN are a key tool in the Enforcement of Environmental Offences. Fines for some offences have been increased from £80 to £100. Also, a new offence with a Fine of £400 has been added. This will increase income slightly.
Legal	Under section 88 (B) of the Environmental Protection Act 1990, the Council is required to publish details of Fixed Penalty Notices and a policy is the most appropriate place to do so. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 confirm that the matters within this report are not functions reserved to Full Council.
Procurement	no
Human Resources	no
Property	no
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	no
Risk Assessment	no
Crime & Disorder	yes
Customer Consideration	no
Carbon reduction	no

Health and Wellbeing	promotes health and wellbeing as it protects both the physical and natural environment
Wards	All Wards

Appendix 1

[Environmental Enforcement FPN Policy 2023.docx](#)

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	Suki Binjal
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Chief Executive	n/a
Portfolio Holder(s)	Gordon Stewart

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