55. **Fixed Penalty Notice Enforcement Policy**

The Anti-Social and Public Protection Service Manager:

a. presented the report ‘Fixed Penalty Notice Enforcement Policy’.

b. advised that whilst carrying out its duty of public protection the Council often dealt with a range of low level crimes which could be dealt with through fixed penalty fines.

c. further advised that this policy enabled a Fixed Penalty Notice (FPN) to be served by a Council officer on a member of the public for the following crimes:

- Littering.
- Dog Fouling.
- Breach of Public Space Protection Order (PSPO).
- Breach of Community Protection Notice (CPN).

d. explained the purpose of these FPN’s was to allow individuals to avoid prosecution in a criminal court by way of a fixed penalty fee.

e. advised that in December 2015 Executive approved the creation of a post to operate as a pilot scheme for a six month period. The focus of this post would be littering and dog fouling offences.

f. reported that there would be no direct financial implication brought about through this policy as all income received through FPN’s would be channelled back into the delivery and promotion of the service itself.

g. invited members to make comments and amendments on the proposed policy if committee felt it necessary prior to its progression to Executive for consideration.

h. invited members questions and comments.

Members made the following questions and comments and received the relevant responses.

**Comment** Members agreed with the policy in principle but were concerned whether it was actually enforceable.

**Response** The PPASB Service manager highlighted the number of FPN’s that had been issued during the 12 week pilot, stating that over 158 tickets had been issued with a pay rate of 89% and was hopeful that these figures would allow the post, if approved, to be self-financed.

**Comment** Members highlighted that it was positive to hear so many FPN had been issued, but were concerned over the effectiveness of restorative justice.
Response The restorative justice element had in the past usually been associated with burglary and theft applications of justice. Officers hoped they would transfer well to low level crime and ASB matters and effectively deal with these cases without taking the individuals through the court process.

Comment Members raised concern that some of these offences were particularly difficult to catch and issue fines for, such as if someone collects their dog mess but then proceeds to throw the bag anyway without using a proper receptacle.

Response The PPASB Manager realised that there were issues and some of these problems were very difficult to police but a number of strategies had been tried for the various offences to see if this would affect the number of fines issued, such as starting patrols of known littering and dog fouling ‘hotspots’ earlier in the morning or later in the evening to try to catch offenders who think they are ‘safe’ out of working hours. Members of the public that were caught throwing away their dog mess inappropriately would be given a FPN for littering which resulted in a larger fine.

Question Members asked why the post had been implemented for three months prior to the policy being created.
Answer The post was put in place for a 3 month trial period, whilst in place the policy was developed around the post which meant it could be shaped and adapted as necessary to fit the role required.

Comment Members enquired whether the policy had been created to manage the post which was in place for the pilot or would it be applicable to other officers as well.
Response The policy was created to manage the post which would mainly be issuing FPN’s for littering and dog fouling offences however, it also related to breaches of Public Space Protection Orders and Community Protection Notice which would tie in with work other officers carried out.

Question Members asked for clarification whether the scheme would be cost neutral or would it be ran to create a profit for the Council.
Answer The PPASB manager stated that the scheme would not be ran for profit but hoped it would be self-financed. Any excess monies would be put towards street cleansing and campaigns raising awareness of the environmental and health aspects of these offences etc.

Question Members queried whether it would be possible to employ additional self-financed officers to patrol other areas of the city, based on the figures that had been reached during the pilot phase.
Answer If the scheme continued to be financially self-sustaining there was no reason it could not be trialled in other areas. There was a cost implication in terms of training and officer protective equipment, the other concern was for officer safety which was of paramount importance.

Question Members raised concern over how the performance of the FPN’s would be monitored if income could not be measured.
Answer There was a number of ways the scheme could be measured through the number of tickets issued and amount of litter collected from the streets.

Question Members asked whether the appeals process should come through a small group of Councillors as opposed to directed through the PPASB manager to act as a layer of separation as part of the appeals process.
**Answer** The PPASB manager had considered this option but due to the potential number and frequency of appeals which would need to be considered decided it should be kept at an officer level. The PPASB manager went on to say that other appeals of this nature were dealt with on an officer level across the authority, and ultimately it was the decision of the magistrates court if the appellant wanted to appeal further. This alongside policy which would be agreed by members meant that officers would be better suited to this role.

**Question** Members asked what hours the officer patrolled during the pilot.

**Answer** The officer was very flexible in terms of his working hours. He was employed on a standard 37 hour week but would start work earlier or later dependent on what offences he was trying to capture, this had also given a valuable opportunity to collect information on what working hours would be most effective for the post.

**Question** Officers raised concern over fly tipping offences in the city and asked for further explanation regarding trade waste transportation licences.

**Answer** The PPASB manager confirmed that transportation of trade waste was an offence without a licence, unfortunately it was difficult to charge for these offences because officers did not have powers to stop vehicles.

RESOLVED that:

1. the report and members comments be noted and forwarded to the Executive for consideration and approval.

2. the Fixed Penalty Notice Policy, if approved be brought back to Policy Scrutiny Committee following a period of nine months for a post implementation review.