

Bath & North East Somerset Council	
MEETING:	Safer and Stronger Communities Overview and Scrutiny Panel
MEETING DATE:	20 January 2011
TITLE:	Briefing note on Litter Enforcement
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: None	

1 THE ISSUE

- 1.1 The Council has been taking a holistic approach to improving the local public realm by taking steps to minimise the amount of litter that is deposited upon the streets of Bath and North East Somerset. Significant investment has been made to improve and update cleansing operations, in accordance with the recommendations of the Bath City Liaison Forum's Task & Finish group, and by procuring new equipment and updating working practices to make the operation fit for purpose across the authority. An educational campaign was launched in August 2010 to make the public aware of the enforcement consequences of creating litter, which emphasised individuals' personal responsibility to dispose of litter responsibly. This campaign is now being supported by a new enforcement regime, through the issuing of fixed penalty notices (FPN's) to bring about behavioural change amongst both the public and local businesses. This briefing paper provides an update to the Panel on the work that has been completed to date and proposals for the future.

2 RECOMMENDATION

The Panel is asked to:

- 2.1 Note the contents of the briefing paper and make any necessary comments.

3 FINANCIAL IMPLICATIONS

- 3.1 The project to implement fines for litter enforcement was the subject of a business case which was considered and approved by PID and Capital Strategy Groups. This included an assumption that income from this source would be in the order of £50K in 2010/11 and £100K in 2011/12.
- 3.2 The project's implementation was delayed due to the need to re-configure the Council's e-payment system to enable FPN's to be paid over the web. This has now been resolved but the delay will reduce estimated income in 2010/11 to £25K. The current draft 2011/12 Service Action Plan contains an assumption that £50K extra (i.e. above the £25K for this year) will be derived from this source. This assumption is currently under review as are all of the constituent parts of the

£1.87 million savings which Environmental Services is required to achieve prior to finalising the budget for 2011/12.

- 3.3 In accordance with the Environmental Protection Act 1990, the income received as a result of fixed penalty receipts will be directed back into improvements in cleansing of the public realm and related enforcement.

4 THE REPORT

- 4.1 Over the past 2 years the Council has taken the following steps in updating and improving its stance with respect to environmental crimes:

- *Revision and publication of a new enforcement policy for environmental offences*
- *Revision of FPN fines for littering offences from £50 to £75* - This level is now in alignment with neighbouring local authorities and the Council has created a lower fine of £60 if payment is made within 14 days.
- *Awareness raising campaign*- This was launched in August 2010 and had at its heart a key message to the public that there is no excuse for failing to take personal responsibility for disposing of litter.

- 4.2 The next objective of this enforcement strategy is to ensure that the scope and process of the enforcement is fit for purpose, so that officers are focussed upon delivering effective enforcement. The Council has invested in new technology which has adapted existing software and mechanisms used for issuing parking penalty charge notices. The provision of hand held PDAs to Enforcement Officers will enable them to issue fixed penalty notices at the time of witnessing offences. The software system can also automatically generate reminder notices about payment and help produce reports for legal proceedings which will reduce the administrative burden on Enforcement Officers, thus enabling them to spend more time on enforcement patrols.

- 4.3 From January 2011, 8 Council officers will be issued with PDAs. The Environmental Protection Act 1990 allows the Council to authorise enforcement officers working for our partner organisations such as local registered social landlords and the Police. It is the Council's intention to explore these partnership arrangements so that we can collectively increase the number of enforcement officers targeting littering offences throughout Bath and North East Somerset. Discussions have already commenced with senior Police officers to authorise Police Community Support Officers to issue fixed penalty notices as has been recently introduced in Bristol.

- 4.4 Under the Environmental Protection Act 1990, the Council can deal with a wide range of circumstances in which litter is created on public land. In the past the Council has focused resources on tackling offences where waste has been fly tipped or left out after waste collections have occurred. There is now the capacity in this new regime to issue FPNs to persons who are observed dropping litter onto public land. Through dedicated patrols across the authority, officers will be targeting 'hotspots' where, for example, cigarette litter is considered an issue.

5 RISK MANAGEMENT

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

6.1 An equalities impact assessment has been carried out and no negative impacts have been identified.

7 CONSULTATION

7.1 The following individuals and groups have been consulted regarding the new enforcement regime: Cabinet Member; Staff; Other B&NES Services; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer

7.2 The consultation has been carried out through previous Executive member reports, individual meetings and public meetings such as PACT meetings.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Issues that have been considered as part of this project have included: Customer Focus; Corporate issues; Impact on Staff; Young People and Other Legal Considerations

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	Executive Forward Plan E2063 - Neighbourhood Environmental Service Enforcement Policy Executive Forward Plan E2154 - Review of fixed penalty notices for littering issued under the Environmental Protection Act 1990 Executive Forward Plan E2158 - Approval of Customer Services capital projects- Haycombe Cemetery Extension and Mobile Technology for Environmental Enforcement
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