



Cabinet (Resources) Panel

30 June 2015

Report title	Fixed Penalty Notices: Anti-Social Behaviour	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Nick Alderman, City Environment	
Originating service	Regulatory Services	
Accountable employee(s)	Andy Jervis	Head of Regulatory Services
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Report to be/has been considered by	Place Leadership Team: 15 June 2015	

Recommendation(s) for action or decision:

Cabinet (Resources) Panel is recommended to:

1. Approve the proposal to set the fee for Fixed Penalty Notices issued for breach of a Community Protection Notice and a Public Space Protection Order, under the Anti-social Behaviour Crime and Policing Act 2014 at £80, in line with other neighbouring local authorities.

1.0 Purpose

1.1 The purpose of this report is to:

- Obtain Cabinet approval of proposals to set the fee for a Fixed Penalty Notice issued for breach of a Community Protection Notice and a Public Space Protection Order at £80, in line with other neighbouring local authorities

2.0 Background

2.1 Part 4 Chapter 1 of the Anti-social Behaviour, Crime and Policing Act 2014 introduced the Community Protection Notice (CPN) replacing Litter Clearing Notices, Street Litter Clearing Notices and Graffiti / Defacement Removal Notices. CPN's have greater breadth and can be used to tackle a range of anti-social behaviour, including for example: graffiti, littering and dog fouling. Part 4 Chapter 2 of the Act introduced the Public Space Protection order (PSPO) designed to make public spaces more welcoming by imposing restrictions/requirements that can be targeted at specific people to apply at certain times or in certain circumstances. They are both intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible.

2.2 The Council has responsibility for enforcement and legal decisions relating to associated environmental offences affecting both the public realm and the privately owned land and sites within the city. One of the enforcement decisions made by the Council concerns the use of fixed penalty notices (FPN) to deal quickly and effectively with low level offending. The payment of a fixed penalty by the offender discharges their liability for the offence. It is current policy to institute legal proceedings where penalty notices are not paid. This work would be undertaken by enforcement officers within Regulatory Services.

2.3 Income from fixed penalty receipts statutorily has to be utilised to support the delivery of the service / activities the notice relates to. In this case, receipts would be used in combatting environmental crime and anti-social behaviour through the funding of mainline posts in Regulatory Services.

2.4 Although local authorities can specify two amounts of penalty with the lower amount applicable to early payments, this approach was ceased in Wolverhampton in 2010 because of confusion over which amount should be paid. It is also considered that the additional deterrent effect of a single tier higher penalty would be beneficial. The higher penalty would also generate additional revenue to support the delivery of the service. The maximum penalty permissible for both a Community Protection Notice and a Public Space Protection Order is £100, however there is a balance to be achieved between deterrent effect and payment levels which could decrease if the penalty was considered too high. It is therefore recommended to set the amount for both at £80 in line with other neighbouring authorities.

3.0 Financial implications

- 3.1 Regulatory Services budgets contain an income target of £23,000 per annum which is based on the levels of fixed penalty income in 2006 when large numbers of notices were issued following implementation of the Clean Neighbourhoods and Environment Act 2005. Successive restructures and legislative changes have combined to reduce this number to present day levels and create a budget deficit.
- 3.2 Today's Cabinet (Resources) Panel meeting is also considering a report on 'Alternative Enforcement Approach' which details proposals that would remove the deficit and result in a surplus. This report will clearly, contribute to the surplus generated. **[TK/12062015/Z]**

4.0 Legal implications

- 4.1 It is anticipated that the payment rate for fixed penalties issued will be in the region of 75% - 80%. Current policy is to consider the instigation of legal proceedings in relation to unpaid penalties. Some cases may not be pursued and some may be settled by late payment
- 4.2 Officers within Regulatory Services have been authorised by the Director to issue Fixed Penalty Notices in respect to CPNs and PSPOs. **[KR/12062015/N]**

5.0 Equalities implications

- 5.1 This report has minimal equalities implications in that all formal enforcement action and decisions will be based on the application of pre-existing Cabinet approved policy which bases decisions on risk, evidence and public interest.
- 5.2 The contents of the report detail measures aimed at preventing and/or mitigating the occurrence of environmental offences which will be of benefit to all groups of persons within Wolverhampton.

6.0 Environmental implications

- 6.1 There are a number of related environmental implications arising from this report.
- 6.2 The proposed service is aimed at reducing the incidence of certain 'environmental crime' and anti-social behaviour. This will have a positive impact on Local Environmental Quality.