

Minute Reference: BTSP.90/21(c) (3) - Individual Charges Review - Community Services

Meeting date: 7 December 2021

Public/Private

Written response to: Business and Transformation Scrutiny Panel

Resolution: That the Neighbourhood Services Manager provide the Panel with information on the number of penalties that were paid early and received a discount.

Written response from: The Neighbourhood Services Manager

Response:

Reduced penalties for early settlement of enviro-crime offences

As a guiding principle, enforcement action must be seen to be reasonable and proportionate. Penalties must be set in line with legislation and enforcement practice should be built around relevant codes of practice for the sector. Fixed Penalty Notices (fines) should be a realistic alternative to prosecution through the magistrates' courts. The option of a reduced penalty for early settlement is effective in helping to bring matters to a swift and efficient conclusion, yet still provides the necessary teeth to reflect the offence committed. Such an approach may also help strengthen cases which proceed to court, demonstrating that the Council has been reasonable and proportionate in its action.

The table below provides further information.

Offence	Fines issued	Settled early Reduced payment	Settled on time Full payment	Not paid. Court case pending
Dog fouling		£80	£100	Maximum fine: £1,000
2020/21	4	2	1	1
2021/22 to date	7	4	0	3
Littering		£80 in 20/21 £100 in 21/22	£150	Maximum fine: £2,500
2020/21	60	49	5	4
2021/22 to date	61	49	6	1

Where penalties are not paid, cases will be referred to the courts. Payment of a penalty avoids the risk of a larger fine and a criminal record. Examples of court outcomes provided below:

Offence	Outcome	
Littering	Fine:	£220
	Costs:	£312
	Victim surcharge:	£34
	Total:	£566
Dog fouling	Fine:	£220
	Costs:	£254
	Victim surcharge:	£30
	Total:	£504

December 2021 status: 46 cases are currently awaiting hearing in the magistrates' court, covering a range of offences - littering, dog fouling, micro-chipping of dogs, fly-tipping.

Further background is available from the Council's [Local Environmental Crime, Action and Enforcement Strategy](#)