

ENVIRONMENTAL LITTERING - REVISIONS TO PILOT PROJECT

Summary and Recommendations:

The Council have entered a one-year agency agreement with East Hampshire District Council (EHDC) to better tackle littering and dog fouling.

Cabinet were informed that the process would involve the enforcement officer requesting that the individual concerned pick up either the litter or the dog faeces. If they refused, they would be issued a Fixed Penalty Notice (FPN).

Having reviewed the approach in other Local Authorities and given the significant promotion around littering and dog fouling it is evident that those involved are aware it is an offence. If an opportunity is given to pick up before issuing an FPN, this becomes more of an educational rather than enforcement role and the cost to the Council would increase. The Portfolio Holder is therefore recommending that a zero tolerance approach is adopted and the individuals concerned be issued with an FPN regardless of if they subsequently pick it up.

Cabinet also approved standardising the environmental offences fixed penalty fines for littering and dog fouling on designated land at £75 with no early penalty payment discount, currently £50 if paid within 10 days. Unfortunately, the Council has been relying on older legislation for dog enforcement which it now seems does not allow for an uplift in the FPN above £50 for dog fouling without introducing specific Public Space Protection Orders (PSPO).

Cabinet is recommended to approve:

- a zero tolerance approach to littering and dog fouling with the individuals concerned being issued with an FPN regardless of if they subsequently pick it up. The FPN will be £75 for littering and £50 for dog fouling, the latter to be increased to £75 once the PSPO is in place.
- the Solicitor to the Council and Head of Environmental Health and Housing to start the process of introducing a PSPO for dog fouling and to review whether wider dog controls contained in the Council's Bylaws should be updated at the same time.

1. Introduction

- 1.1. Following Cabinet approval on 6 February 2018, in order to ensure a cleaner environment, the Council have entered a one-year agency agreement with EHDC to better tackle littering and dog fouling.
- 1.2. Cabinet were informed that the process would involve the enforcement officer requesting that the individual concerned pick up either the litter or the dog faeces. If they refused, they would be issued the FPN.
- 1.3. Cabinet also approved standardising the environmental offences fixed penalty fines for littering and dog fouling on designated land at £75 with no early penalty payment discount, currently £50 if paid within 10 days.
- 1.4. Unfortunately, the Council has been relying on older legislation for dog enforcement which it now seems does not allow for an uplift in the FPN above £50.

2. Proposal

- 2.1 Having reviewed the approach in other Local Authorities and given the significant promotion around littering and dog fouling it is evident that those involved are aware these are an offence. If an opportunity is given to pick up the litter before issuing an FPN this becomes more of an educational rather than enforcement role and the cost to the Council would increase and be unlikely to breakeven. Whilst this would also have an impact upon the recovery of costs for operating the project, this should not influence the decision as to whether or not it is appropriate to give a warning before issuing an FPN. The Portfolio Holder is therefore recommending that a zero tolerance approach is adopted and the individuals concerned be issued with an FPN regardless of if they subsequently pick it up.
- 2.2 To enable the FPN for dog fouling to be increased from £50 to £75 it is proposed that the Council start the process of introducing a PSPO for this offence. The opportunity will be taken to review wider dog control issues covered in the Councils Byelaws to see whether they would benefit from updating.
- 2.3 Before making a PSPO there is a requirement for the Council to consult with the Police, relevant community representatives and owners and occupiers of land in public spaces to be covered by any restrictions which will include the County Council as highways authority. A draft PSPO will be prepared for consultation, this will be the subject of a further report to Cabinet. The PSPO will subsequently require final approval by Cabinet before it comes into effect.
- 2.4 Until the PSPO is in place, the FPN for dog fouling will be set at the maximum of £50 and the FPN for littering will remain at £75.

3. Alternative Options

- 3.1 The FPN for dog fouling could remain at £50 but given the Council is being charged £55 by EHDC for each one correctly issued, the Council will not recover its costs.
- 3.2 Individuals committing an offence could be given an opportunity to pick up before being issued an FPN but again would result in increased costs to the Council.

4. Financial Implications

- 4.1 It is anticipated that around 1,000 FPN`s will be issued at £75 with a payment of £55 to EHDC for each one correctly issued.
- 4.2 An initial income and expenditure budget of £65k has been approved which includes £10k for internal resources and any shortfall in income. Given it is much more difficult to issue FPN`s for dog fouling these will be significantly lower compared to littering. The reduced income received from dog fouling will therefore be covered within the existing budget.

5. Conclusions

- 5.1 The Portfolio Holder for Environment and Service Delivery is keen to see further improvements to the environment and is recommending that a zero tolerance approach is adopted and the individuals concerned be issued with an FPN regardless of if they subsequently pick it up.
- 5.2 Unfortunately, the Council has been relying on older legislation for dog enforcement and are currently unable to uplift the FPN above £50 for dog fouling without introducing specific Public Space Protection Orders (PSPO).

Background Documents:

Draft Agency Agreement
Cabinet Report No COMM1802

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