

Environmental Enforcement Policy

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Contents

1.0 Introduction	Page 3
2.0 Objectives	Page 3
3.0 The scope of the policy	Page 4
4.0 Principles of enforcement	Page 5
5.0 A consistent approach	Page 5
6.0 Identification	Page 5
7.0 Working with partners	Page 5
8.0 Under 18's	Page 6
9.0 CCTV, photographic and video evidence	Page 6
10.0 What is the income from FPN's spent on?	Page 6
11.0 Appeals	Page 6
12.0 Publicity	Page 7
13.0 Reporting	Page 7
Appendices A-F	Pages 8-22

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1.0 Introduction

1.1 South Gloucestershire is a great place to live and work. We value our extraordinarily diverse landscape with access to busy urban centres, historic market towns, beautiful countryside and areas of outstanding natural beauty and the extraordinary people who live and work here. South Gloucestershire has a high quality natural environment and we want to keep it that way, recognising the importance of maintaining what residents value most, particularly the area's heritage and access to green spaces (South Gloucestershire Council Plan 2020-2024).

1.2 Our role is to protect individuals, communities, businesses and the environment of our area. We do this through education, guidance and enforcement, helping to promote and improve, health and our quality of life. In 2007 the council adopted powers under the Clean Neighbourhoods and Environment Act 2005 enabling us to issue Fixed Penalty Notices for a range of local environmental quality offences including littering, graffiti, fly posting and abandoned or nuisance vehicles. In addition, South Gloucestershire Council adopted civil penalties for littering from motor vehicles in March 2019, which are used alongside Fixed Penalty Notices.

1.3 We believe that carrying out these regulatory functions in a fair, consistent, independent and practical manner will help to promote a thriving local and national economy. Taking proportionate and effective enforcement action against littering and related offences is a practical step that can be taken to help deliver our statutory duties to keep relevant land clear of litter and refuse.

2.0 Objectives

2.1 The Council's enforcement measures will contribute to the Council's corporate priorities and objectives to create 'a great place to live and work', enhancing the quality of life by helping to:

- maintain a clean and tidy environment
- reduce waste and increase recycling
- enhance the quality of life in local neighbourhoods

2.2 The Council aims to provide clear information and guidelines on individual responsibility via its website, policies and communication campaigns (which will be in the form of leaflets, posters, press releases, residents magazines and so on).

2.3 The Council aims to employ a clear policy and consistent approach in the delivery of waste management and environmental enforcement duties and will not hesitate to take robust enforcement action in accordance with its policies against those who commit offences.

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3.0 The scope of the policy

3.1 This policy covers enforcement activities in support of the Council's statutory duties for the maintenance of the street scene and the visual amenity of the local environment. For simplicity these enforcement activities have been categorised into four areas, namely;

- Fly tipping waste offences
- Waste presentation offences
- Street scene offences
- Community anti-social behaviour offences

3.2 An outline of what these offences are is set out below. For further information on the relevant legislation and which enforcement tools are available for use, please see the environmental offences tables at **Appendices A - D**.

3.3 *Fly tipping waste offences*

3.4 Fly tipping is the illegal deposit of any waste onto land that does not have a licence to accept it. Fly tip investigations may not always identify the actual fly tip offender but do reveal associated offences, such as 'duty of care' offences (i.e. the householder having no idea who actually took away their waste and fly tipped it) or non-registered waste carriers. The Council has always had a zero tolerance approach to fly tipping and looks to prosecute fly tippers and other offenders for associated offences.

3.5 *Waste presentation offences*

3.6 Typical offences are when businesses or households do not take reasonable care or effort over waste produced at their premises. Although the Council will evaluate each case on its circumstances the initial approach is one of education and advice. There is an incremental increase in enforcement should the behaviour and offences continue despite the Council's help and guidance.

3.6 *Street scene offences*

3.7 Litter, abandoned cars, graffiti, fly posting, advertising boards ('A' boards) are all offences that come into this category. If the offence is witnessed by an officer, for example dropping litter, it can be dealt with instantly by issuing a fixed penalty notice. If the remedy is not instant then the Council policy is to deal with the immediate issue (i.e. remove advertising/abandoned vehicle) and from subsequent enquiries take the appropriate enforcement option.

3.8 *Community Anti-Social Behaviour offences*

3.9 These offences are where the behaviour of a person or person(s) is affecting the community and local environment rather than individuals or households. For example, a Public Spaces Protection Order (PSPO) is in place for South Gloucestershire which requires people to clear up after their dogs on all land open to the air which the public have access to. Anyone who allows their pets to foul in a public space and fails to clear up after the dog would be in breach of this order and could be issued with a fixed penalty notice.

3.91 A Community Protection Notice (CPN) can be issued to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life. It will require the behaviour to stop and if necessary reasonable steps to be taken to ensure it is not repeated in the future. Failure to comply with a CPN could result in a fixed penalty notice being issued or prosecution.

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4.0 Principles of enforcement

4.1 Prevention and education are essential to assist with achieving compliance by raising awareness and promoting good practice. The Legislative and Regulatory Reform Act 2006 requires every local authority to have regard to the five Principles of Good Regulation when carrying out specific regulatory functions. That is to say regulatory activities should be carried out in a way that is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

4.2 The enforcement tools that are used by officers can be found at **Appendix E**.

5.0 A consistent approach

5.1 All our staff will:

- be courteous, open, fair and consistent in enforcing the law
- show their official identification or give a business card when they visit
- introduce themselves when speaking on the telephone
- answer enquiries as promptly as they can
- tell you if they are going to write following a visit: sometimes staff need to consult colleagues or others, seek further advice, or conduct further investigations

5.2 We will be consistent in our approach by following the criteria and guidance set down in relevant legislation and codes of practice. All officers will have appropriate training which enables them to use their discretion in their enforcement activities when appropriate. We will ensure that before considering prosecution, the case will be subject to independent review by a Senior Manager and the Council's Solicitor. We will always be objective to ensure our decisions are based on facts and evidence.

6.0 Identification

6.1 The identity or warrant card provided by the Council must be carried at all times whilst on duty, and should be made available for inspection upon request. Enforcement action will only be carried out by authorised officers who have received appropriate training in environmental enforcement action.

6.2 The Council believes that prevention is better than cure and will educate and encourage businesses and individuals to act responsibly before initiating direct enforcement action. In return the Council will be clear about issues that constitute direct non-compliance with legislation and those matters which are examples of good practice.

7.0 Working with partners

7.1 The Council will aim to maximise its effectiveness by working with other authorities and other agencies to share intelligence and resources where it is lawful to do so. Where issues are identified that extend beyond the remit of one agency and into the role of another, then

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joint operations will be undertaken to maximise resources and improve any enforcement outcome

8.0 Under 18's

8.1 Whilst the law allows FPNs for littering to be issued to children between the ages of 10 -17 years, the Council has taken the decision not to do so. Alternative action will be taken in the form of education and where identification of the young person is made, the details will be passed to the Community Safety Team to follow the Safer and Stronger Communities Partnership's early intervention protocols for anti-social behaviour. This entails letters to parents/guardians, home visits and multi-agency work aimed at tackling the cause(s) of anti-social behaviour in order to bring about change.

9.0 CCTV, photographic and video evidence

9.1 The Council employs both overt and covert CCTV use in its effort to protect public open spaces. The key aims and objectives are to encourage responsible use of facilities and to deter and detect crime. Patrolling Officers will use Body Worn CCTV for evidential purposes of offences and during their duties may also take photographs for the same purpose.

9.2 Body Worn CCTV and deployable CCTV will be used in compliance with the relevant legislation including the Data Protection Act 1998, Human Rights Act 1998 and the ICO CCTV Code of Practice to ensure a consistent and effective system is adopted throughout, benefiting both members of the public and staff.

10.0 What is the income from FPN's spent on?

10.1 The level of fixed penalty charges for different offences can be found at **Appendix F**. The receipts from fixed penalties for environmental offences may be retained by South Gloucestershire Council. Any receipts will be spent by South Gloucestershire Council on the functions relating to education and enforcement with regard to waste, litter, waste management, dog control, graffiti and fly-posting

11.0 Appeals

11.1 If there is an option to appeal a notice that has been served then the process will be outlined on the notice.

11.2 There is no legal right to appeal a FPN; if a FPN goes unpaid where possible, and where it is considered appropriate to do so, the original offence will be prosecuted, and the outcome will be determined by the courts. However, the Council deems it to be good practice to review disputed cases ahead of legal action. All disputes or representations will be considered by the authorised manager. The manager can cancel or uphold the FPN as appropriate or instruct officers to prepare the matter for prosecution. Consideration may be

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given to proven cases of hardship, homelessness and/or mental ill health and other vulnerabilities and protected characteristics.

12.0 Publicity

12.1 Whilst not a direct form of enforcement, the Council will seek to raise awareness and increase compliance levels by making public details of evidence of unlawful practice and any legal action taken where in their opinion it is appropriate to do so.

13.0 Reporting

13.1 We will publish the following information on our website every six months:

- the number of FPN's issued
- what the number of FPN's were issued for
- the number of FPN's cancelled
- the number of FPN's paid
- the number of FPN's paid at a discount rate
- the number of prosecutions undertaken following non-payment of FPN
- the number of prosecutions undertaken for environmental offences for which a FPN was not offered
- the total net income from an FPN for each of the environmental offences
- An overview of any equalities issues emerging as a result of actions taken.

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APPENDICES

Appendix A - Fly Tipping Waste Offences

Appendix B – Waste Presentation Offences

Appendix C – Street Scene Offences

Appendix D – Community Anti-Social Behaviour Offences

Appendix E - Enforcement Tools

Appendix F – Fixed Penalty Charges

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Appendix A – Fly Tipping Waste Offences

Below is a table which sets out the offences and the legislation that would generally be applied to the particular offence (Prime legislation column).

A single set of actions may contravene several different pieces of legislation. Depending on the evidence or a particular set of events the Council will enforce the appropriate legislation to the circumstances.

This is an indication of potential enforcement action that may be taken but the Council will use its own discretion regarding enforcement action and each case will be dealt with on its own merits and any decisions made will be transparent and recorded.

While Fixed Penalty Notices are one tool that can be useful in some circumstances to combat fly-tipping, they are not the only tool and this council has adopted different tactics in response to this crime, and has invested expertise and resources into an Environmental Enforcement Team to specifically co-ordinate education and enforcement action in response to it. The Council is keen not only to punish those who offend, but also to highlight the punishments received so as to deter other offenders. Fixed Penalty Notices are by their very nature private matters between local authorities and offenders. This council therefore invests its time and resources in gathering evidence to pursue offenders through the courts. This has not only led to much greater punishment for offenders, but has also generated considerable publicity and public awareness.

When a report of fly tipping is made to the Council, Streetcare staff attend the location to inspect and arrange its clearance. If there is any evidence found or if there are any witnesses, then the case is passed to the Envirocrime Enforcement Officers in the Environmental Enforcement Team, to investigate.

All officers have appropriate training which enables them to use their discretion in their enforcement activities when appropriate. All cases are reviewed by a senior officer before proceeding to court for a prosecution.

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Fly Tipping Waste Offences

Offence layman's terms	Offence legal terms	Prime legislation	Enforcement action time limit	Initial Investigation by	Type of enforcement – in order of escalation	Max Fixed Penalty	Discounted penalty if paid within ten days	If escalated to Prosecution Lead by
Fly tipping	Illegal deposit of waste	Sec 33 EPA 1990	No Time limit	Envirocrime Enforcement Officers	Prosecution (in the first instance)	N/A	N/A	Envirocrime Enforcement Officers
Householder paying 'anonymous' fly tipper to remove waste	Householders Duty of Care	Sec 34 EPA 1990	No Time limit	Envirocrime Enforcement Officers	Prosecution (in the first instance)	N/A	N/A	Envirocrime Enforcement Officers
Business paying 'anonymous' fly tipper to remove waste	Business' Duty of Care	Sec 34 EPA 1990	No Time limit	Envirocrime Enforcement Officers	Prosecution (in the first instance)	N/A	N/A	Envirocrime Enforcement Officers
Waste coming off commercial waste vehicles	Escape of Controlled waste	Sec 34 EPA 1990	No Time limit	Envirocrime Enforcement Officers	Prosecution (in the first instance)	N/A	N/A	Envirocrime Enforcement Officers
No Waste Transfer Note re Fly tip offences	No Waste Transfer	Sec 34 EPA 1990	No Time limit	Envirocrime Enforcement Officers	Prosecution (in the first instance)	£300	£180	Envirocrime Enforcement Officers
No Registered Waste Carriers Licence re Fly tip offences	Transporting waste without a licence	Sec 1 Control of pollution Act 1989	6 month time limit	Envirocrime Enforcement Officers	Prosecution (in the first instance)	£300	£180	Envirocrime Enforcement Officers

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Appendix B – Waste Presentation Offences

Below is a table which sets out the offences and the legislation that would generally be applied to the particular offence (Prime legislation column).

A single set of actions may contravene several different pieces of legislation. Depending on the evidence or a particular set of events the Council will enforce the appropriate legislation to the circumstances.

This is an indication of potential enforcement action that may be taken but the Council will use its own discretion regarding enforcement action and each case will be dealt with on its own merits and any decisions made will be transparent and recorded.

All waste presentation offences will be handled by Waste and Street Cleansing Officers in the first instance to inform and educate, to serve warnings and notices as necessary. If the case needs to progress to prosecution then the matter will be handed over to the Environmental Enforcement Team for the Envirocrime Enforcement Officers to prepare the evidence for court.

There is no appeal route for a Community Protection Warning (CPW) because it is just a warning, the appeal route for other notices will be detailed on the notice itself. Requests for review or representations for FPNs should be made to the authorised manager, for waste presentation offences this will be the Waste & Street Cleansing Manager.

All officers have appropriate training which enables them to use their discretion in their enforcement activities when appropriate. All cases are reviewed by a senior officer before proceeding to court for a prosecution.

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Waste Presentation Offences

Offence layman's terms	Offence legal terms	Prime legislation	Enforcement action time limit	Initial Investigation by	Type of enforcement – in order of escalation	Max Fixed Penalty	Discounted penalty if paid within ten days	If escalated to Prosecution Lead by
Householder not presenting domestic waste properly	Householders Duty of Care	Sec 34 EPA 1990	No Time limit	Waste and Street Cleansing Officers	Inform and educate CPW CPN FPN Prosecution	£80	£50	Envirocrime Enforcement Officers
ALTERNATIVELY								
Householder not complying with Waste bin rules	Refuse storage and collection requirements	Sec 46A EPA 1990	6 months	Waste and Street Cleansing Officers	Inform and educate Notice FPN Enforce civil debt	£80	£50	Envirocrime Enforcement Officers
Business without a Business Waste Contract	Businesses Duty of Care No Waste Transfer Note	Sec 34 EPA 1990	No Time limit	Waste and Street Cleansing Officers	Inform and educate. Written warning FPN Prosecution	£300	£180	Envirocrime Enforcement Officers
Business not presenting business	Businesses Duty of Care	Sec 34 EPA 1990	No Time limit	Waste and Street Cleansing Officers	Inform and educate CPW CPN	£110	£75	Envirocrime Officers

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waste properly					FPN Prosecution			
ALTERNATIVELY								
Business not complying with Waste bin rules	Refuse storage and collection requirements	Sec 47 EPA 1990	6 months	Waste and Street Cleansing Officers	Inform and educate Notice FPN Prosecution	£110	£75	Envirocrime Enforcement Officers

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Appendix C – Street Scene Offences

Below is a table which sets out the offences and the legislation that would generally be applied to the particular offence (Prime legislation column).

A single set of actions may contravene several different pieces of legislation. Depending on the evidence or a particular set of events the Council will enforce the appropriate legislation to the circumstances.

This is an indication of potential enforcement action that may be taken but the Council will use its own discretion regarding enforcement action and each case will be dealt with on its own merits and any decisions made will be transparent and recorded.

Littering offences will be dealt with by way of education and/or FPN which will be issued by the Street Enforcement Officers, who are part of the Environmental Enforcement Team. The other street scene offences will be handled by Waste and Street Cleansing Officers and Street Enforcement Officers as indicated below; in the first instance to inform and educate, to serve warnings and notices as necessary. If the case needs to progress to prosecution then the matter will be handed over to the Envirocrime Enforcement Officers to prepare the evidence for court.

There is no appeal route for a Community Protection Warning (CPW) because it is just a warning, the appeal route for other notices will be detailed on the notice itself. Requests for review or representations for FPNs should be made to the authorised manager, for street scene offences this will be the Waste & Street Cleansing Manager or the Environmental Enforcement Team Leader.

All officers have appropriate training which enables them to use their discretion in their enforcement activities when appropriate. All cases are reviewed by a senior officer before proceeding to court for a prosecution.

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Street Scene Offences

Offence layman's terms	Offence legal terms	Prime legislation	Enforcement action time limit	Initial Investigation by	Type of enforcement – in order of escalation	Max Fixed Penalty	Discounted penalty if paid within ten days	If escalated to Prosecution Lead by
Littering (including from vehicles)	Depositing litter	Sec 87 & 88 EPA 1990	6 months	Street Enforcement Officers	Inform and educate FPN Prosecution	£150	£75 (28 days for littering from vehicles)	Envirocrime Enforcement Officers
ALTERNATIVELY								
Littering	Depositing litter	Clean Neighbourhoods Environmental Act 2005	6 months	Street Enforcement Officers	Inform and educate FPN Prosecution	£150	£75	Envirocrime Enforcement Officers
Fly Posting	Display of advertising materials without consent	Highways Act 1980 T & C Planning 1990 ASB Act 2003 Criminal Damage Act 1971	Time limit depends on the action decided upon	Waste and Street Cleansing Officers Street Enforcement Officers	Inform and educate. Written warning FPN Prosecution	£150	£75	Envirocrime Enforcement Officers
Graffiti	Defacing property	Clean Neighbourhoods Environmental Act 2005 (Part 4) ASB Act 2003 (Sec 43)	Time limit depends on the action	Street Enforcement Officers	Options:- Inform and educate CPW	£150	£75	Envirocrime Enforcement Officers

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		Criminal Damage Act 1971	decided upon		CPN FPN Prosecution			
A Boards	Advertising Boards on highway	Sec 132 Highways Act 1980	6 months	Waste and Street Cleansing Officers Street Enforcement Officers	Options:- Inform and educate Written reminder FPN Prosecution	£150	£75	Envirocrime Enforcement Officers
Abandoned / Nuisance vehicles	Refuse storage and collection requirements	Various Legislation including Refuse Disposal Amenity Act 1978	Time limit depends on the action decided upon	Waste and Street Cleansing Officers Street Enforcement Officers	Inform and educate Notice FPN Prosecution	£220	£120	Envirocrime Enforcement Officers
Sale or Repair of vehicles		Clean Neighbourhoods Environmental Act 2005	6 months	Waste and Street Cleansing Officers Street Enforcement Officers	Inform and educate Notice FPN Prosecution	£100	£75	Envirocrime Enforcement Officers

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Appendix D – Community Anti-Social Behaviour Offences

Below is a table which sets out the offences and the legislation that would generally be applied to the particular offence (Prime legislation column).

A single set of actions may contravene several different pieces of legislation. Depending on the evidence or a particular set of events the Council will enforce the appropriate legislation to the circumstances.

This is an indication of potential enforcement action that may be taken but the Council will use its own discretion regarding enforcement action and each case will be dealt with on its own merits and any decisions made will be transparent and recorded.

The offences will be handled by Waste and Street Cleansing Officers and Street Enforcement Officers as indicated below; in the first instance to inform and educate, to serve warnings and notices as necessary. If the case needs to progress to prosecution then the matter will be handed over to the Envirocrime Enforcement Officers to prepare the evidence for court.

There is no appeal route for a Community Protection Warning (CPW) because it is just a warning, the appeal route for other notices will be detailed on the notice itself. Requests for review or representations for FPNs should be made to the authorised manager, for street scene offences this will be the Waste & Street Cleansing Manager or the Environmental Enforcement Team Leader.

All officers have appropriate training which enables them to use their discretion in their enforcement activities when appropriate. All cases are reviewed by a senior officer before proceeding to court for a prosecution.

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Community Anti-Social Behaviour Offences

Offence layman's terms	Offence legal terms	Prime legislation	Enforcement action time limit	Initial Investigation by	Type of enforcement – in order of escalation	Max Fixed Penalty	Discounted penalty if paid within ten days	If escalated to Prosecution Lead by
Nuisance behaviour (not personally directed at individual)	Breach of Public Spaces Protection Order (eg failure to clear up dog fouling)	Anti-Social Behaviour Crime and Policing Act 2014	6 months	Dog Warden Street Enforcement Officers	Inform and educate Notice PSPO FPN Prosecution	£100	£75	Envirocrime Enforcement Officers
Breach of a Community Protection Notice	Where offender has failed to comply with Notice	Anti-Social Behaviour Crime and Policing Act 2014	6 months	Envirocrime Enforcement Officers	Prosecution	£100	N/a	Envirocrime Enforcement Officers

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Appendix E - Enforcement Tools

There are a number of options available to the Council and the following is not an exhaustive list:

No Further Action

When an investigation reveals insufficient evidence, legislation precludes prosecution. Additionally, when a matter is not in the public interest to proceed, no further action will be taken. All such decisions will be made transparently and recorded.

Advice

Inform and educate

South Gloucestershire Council will provide clear information and guidelines on individual responsibility via its website, policies, and communication campaigns (which will be in the form of leaflets, posters, press releases, residents magazines and so on).

Officers will seek to help individuals, existing and prospective businesses and other organisations to comply with legal obligations. This will be achieved by providing information and guidance to help resolve potential problems. The Council expects residents and businesses to act on its officer's advice when given. If a resident or business operator chooses not act on this advice, further enforcement should be expected.

Warnings

Informal warnings may be issued to reinforce advice and guidance where minor breaches of the law have been discovered but where it was thought appropriate to not take formal action. These warnings can be verbal or written. Follow-up visits may be made to ensure that steps have been taken to rectify the problem. Warnings issued in respect of significant breaches of legislation will include time scales within which the breaches should be rectified and will usually result in follow-up visits to ensure compliance.

Formal Action

Notice

Some legislation provides for the service of notices, which require a person, business or organisation to comply with specific legislation. The notice will explain what is wrong, what is required to put things right, the timescale in which to put things right, and what will happen if the notice is not complied with. In some circumstances, where a notice has been served, there may be a right of appeal against the Council's decision. In such cases, an explanation of the method of appeal will be provided at the time the notice is issued.

Fixed Penalty Notice (FPN)

FPNs can be issued for certain offences and allow individuals or businesses to discharge their liability for an offence, avoiding prosecution and a criminal record. Issued only when an offence has been committed, an FPN is a proportionate response where there is evidence to support prosecution if the offender fails to pay the fixed penalty. Payment of the FPN prevents any further action; no record of the FPN is kept except by the Council for a period of up to six years. There is no legal duty to have an appeal process for a FPN, however the Council has decided to review cases on request, see Appendix A- D for details. Alternatively if you disagree that you have committed an offence, you can decide not to pay the Fixed Penalty Charge and the matter will be decided by a Court.

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The table in Appendix F details the permitted levels of fixed penalties for environmental offences, together with the discounted rate if payment is made within ten days.

FPNs will not be issued to anyone under the age of 18 for littering. Where offenders are under the age of 18 details should be taken in order to monitor persistent offenders, and advice offered with regard to responsible disposal of litter. If name and address details are obtained then they will be referred to the Community Safety Team to be dealt with by way of the early intervention protocol.

How is an FPN issued?

FPNs will be issued in person by an authorised officer, or they can be sent electronically or via post.

Simple (previously Formal) Caution

Under certain circumstances a simple caution may be used as an alternative to prosecution. A caution is a serious matter and it will be recorded. In addition, it may be used to influence any decision on whether or not to prosecute should the individual, business, or organisation offend again. Simple cautions remain on record for a period of up to six years.

For a caution to be issued the following criteria must be met;

- There is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to caution;
- There has been a reliable admission of guilt by the offender; and
- The offender is over 18 years of age and has capability to understand the offence.

The refusal of an offender to accept a caution will not prevent the matter from being prosecuted. Consideration will be given to the Ministry of Justice - Simple Caution for Adult Offender guidance (MoJ Guidance).

Prosecution

To ensure that fair and consistent decisions are made regarding prosecutions any decision to prosecute takes account of the Code for Crown Prosecutors by having regard to the weight of evidence and public interest.

If required or requested we will, during the investigation, give the offender the opportunity to be interviewed, with legal representation if they so wish, and will give due regard to any statutory defences, explanations or mitigation.

The Council takes a very robust stance to fly tipping and associated offences and prosecution is the preferred enforcement action.

All officers have appropriate training which enables them to use their discretion in their enforcement activities when appropriate. All cases are reviewed by a senior officer before proceeding to court for a prosecution.

Post-conviction Orders

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

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CBOs include prohibitions to stop the anti-social behaviour, and may also include requirements to address the underlying causes of the offender's behaviour.

The court may make a CBO against an offender only on the application of the prosecution. For a CBO to be made:

- The court must be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person; and
- That the court considers making the order will help in preventing the offender from engaging in such behaviour.

An application for a CBO will be considered on a case by case basis where the Council considers that the test has been met.

Repeat Offenders

For those that continue to offend, or repeatedly fail to comply with advice or legislative requirements, or cause a disproportionate drain on the council's regulatory resources the Council may decide to prosecute rather than issue an FPN, in order to secure long term compliance and reduce the regulatory burden.

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Appendix F – Fixed Penalty Charges

Environmental Offence	Maximum fixed penalty	Discounted penalty if paid within ten days
Littering	£150	£75
Graffiti and fly posting	£150	£75
Abandoning a vehicle	£200	£120
Nuisance parking – vehicles for sale or being repaired on the highway	£100	£75
Industrial and commercial waste receptacle offences	£110	£75
Domestic waste receptacle offences	£80	£50
Failure to produce a Waste Carriers Licence or Waste Transfer Note	£300	£180
Breach of Public Spaces Protection Order (eg failure to clear up dog fouling)	£100	£75
Breach of a Community Protection Notice	£100	£75

The level of Fixed Penalty Charges will automatically increase in line with any future increases to the maximum limits announced by government. Following any future increases to the maximum charge for Fixed Penalty Charges, the decision to increase the discounted charge for payment within ten days will be delegated to the Director of Environment and Community Services in consultation with the Executive Member for Communities and Local Place. The Council sets the charges at the maximum level to provide a genuine deterrent in order to encourage compliance.