

Environmental Excellence Policy Development Panel

Agenda

Members of the Panel:

Cllr K S Kelly (Chairman)

Cllr N J Brennan (Vice Chairman)

Cllr D J Britcher

Cllr K E Lawrence

Cllr B Cook

Cllr G K Nurden

Cllr A D Crotch

Cllr S M Prutton

Cllr J F Fisher

Cllr J M Ward

Cllr J Leggett (ex officio)

Date & Time:

Thursday 7 October 2021 6.00pm

Place:

Council Chamber Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

Contact:

James Overy tel (01603) 430540 Email: james.overy@broadland.gov.uk

Website: www.broadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to attend to speak on an agenda item, please email your request to committee.services@broadland.gov.uk, no later than 5.pm on Monday 4 October 2021. Please see further guidance on the options for public speaking at page 2 of this agenda.

Guidance on Public Speaking and Attendance

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to:

committee.services@broadland.gov.uk

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance but we will endeavour to meet all requests.

All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at, and leave the venue. Hand sanitiser are provided and you are invited to observe social distancing. Further guidance on what to do on arrival will follow once your request to attend or speak has been accepted.

AGENDA

- | | | |
|-----------|--|-----------|
| 1. | To receive declarations of interest under Procedural Rule no 8 | 4 |
| 2. | Apologies for absence | |
| 3. | Minutes of the meeting held on 23 August 2021 | 6 |
| 4. | Anti-Social Behaviour Policy | 9 |
| 5. | Review of Environmental Enforcement Penalties | 18 |
| 6. | Exclusion of the Public and Press | |
| | To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) | |
| 7. | Review of the Material Recycling Facility Contract | 24 |

DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Agenda Item: 3

ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL

**Minutes of a remote meeting of the Environment Excellence Policy
Development Panel of Broadland District Council, held on Monday 23 August
2021 at 6.00pm.**

Committee Members Present: Councillors: K S Kelly (Chairman), N J Brennan, (Vice-Chairman), J F Fisher, S C Gurney, K E Lawrence, G K Nurden, S M Prutton, J M Ward.

Cabinet Member Present: Councillor: J Leggett

Other Members in Attendance: Councillor: D King

Officers in Attendance: The Director People and Communities, Assistant Director Community Services, Assistant Director Finance, Internal Consultancy Lead Waste Services, Senior Governance Officer (EG), the Contracts, Policy and Partnerships Manager and the Committee Officer (JO).

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Crotch and Cllr Cook.

10 MINUTES

The minutes of the meeting held on 3 June 2021 were agreed as a correct record.

**11 EXCLUSION OF THE PRESS AND PUBLIC
RESOLVED**

To exclude the press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972, would be disclosed to them.

12 STRATEGIC ENVIRONMENTAL SERVICES CONTRACT

The exempt report recommended the award of a ten-year contract to the

preferred bidder for the provision of the Council's Strategic Environmental Services contract. The contract included the provision of all waste collection services including residual, recycling, food waste and street cleansing, with the contract commencing on 1 April 2022. The contract also included the option to extend the contract for up to a further ten years.

The report set out two options for expanding the food waste scheme. Option A was for urban infill, which would lead to collections for an additional 6,124 households across the parishes already covered by the food waste scheme, providing full coverage to these parishes. Option B was for a food waste collection service across the whole District

The Portfolio Holder for Environmental Excellence advised the meeting that the procurement had followed a very stringent OJEU exercise and consultants and legal advice had been used throughout the process. The contract had been based on a 60/40 quality/price criteria. The procurement had been carried out in the light of forthcoming changes to the Government waste policies as well as developments in carbon reducing technology. She thanked officers for all their hard work during the procurement process. .

The Portfolio Holder for Environmental Excellence suggested that the report recommendation be amended to Option B, instead of Option A. She emphasised that this was a service that residents wanted and that Council Tax payers should be treated equitably and receive the same level of service across the District.

Three bidders had submitted tenders for the contract with bidder C being identified as providing the most economically advantageous tender solution to the Council.

In response to a query the Assistant Director for Finance confirmed that the most cost effective option for the Council was to purchase the refuse vehicles required, as it could borrow at a cheaper rate than a commercial company.

Cllr Nurden left the meeting at 18.48pm

The Assistant Director for Community Services advised the meeting that in making their decision Members needed to be aware of the recent Government consultation on the proposal to introduce a universal weekly food waste collection service from 2024/25 across the whole of the country and from 2023/24 for those areas who currently provided a food waste service. The proposal if approved would come with New Burdens funding to meet the additional costs, but it was unclear if this funding would also be provided to those authorities who already had such a service in place. It was, therefore, recommended that members defer any decision to roll out a universal weekly food waste collection until the Government's position was clear.

A member suggested that it would be wiser to wait until the Council knew the Government's position on funding additional costs before committing to a District wide food waste collection service.

The Panel was also advised that the full roll out of the food collection service across the District would not be delivered until October 2022.

In answer to a query it was confirmed that capacity had been built into the contract to accommodate housing growth in the District.

The Panel voted on the amended recommendation and it was unanimously:

RECOMMENDED TO CABINET

To award a contract to **Bidder C** on the basis of Option B for a period of ten years, with the option for a further extension of up to ten years, for the provision of the Council's Strategic Environmental Waste services.

(The meeting concluded at 7.12 pm)

Chairman

Two Councils - One Team

Agenda Item: 4

Anti-social behaviour considerations

Report prepared by Nick Howard, Assistant Director Regulatory

The purpose of this report is to seek policy views on matters to be addressed when putting in place a dedicated Anti-Social Behaviour policy for the first time.

Background

The Broadland district enjoys relatively low levels of anti-social behaviour and crime, high levels of safety, and generally good quality of life. However, there are vulnerable people living in our local communities and there are victims of anti-social behaviour, ranging from low level, often unintentional neighbour nuisance to belligerent, targeted behaviours that pose serious and escalating threats to individuals and households.

Whilst local anti-social behaviour incidence rate is relatively low, when people are vulnerable or victimised then the consequences for local people can be just as hard-hitting and lasting as anywhere else in the country.

We have key statutory duties and responsibilities for tackling local anti-social behaviour, which is a cross-cutting theme for our frontline services. Alongside other local agencies, we occupy a key position in offering local community leadership.

Our role as statutory partners in the Norfolk County Community Safety Partnership

As core members of the Norfolk County Community Safety Partnership, we can contribute significantly to making our locality a hostile place where criminal enterprise struggles to gain a foothold. Under the Crime & Disorder Act 1998 we work with the police and other agencies to reduce crime, disorder and anti-social behaviour. In this role we play a key part in using our powers to deal with all kinds of anti-social behaviour nuisance. We also undertake preventative and project work with and in our communities to bring long-term, sustainable changes to reduce the likelihood of recurring anti-social behaviour or nuisance.

Our role in protecting the environment

We have a range of responsibilities to deal with environmental anti-social behaviour, examples can include, noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities arise from a number of Acts, but in particular

Two Councils - One Team

The Environmental Protection Act 1990 and The Anti-social Behaviour, Crime & Policing Act 2014.

Whilst these are two distinct roles, there are very strong links between them, and close working arrangements have been developed between the teams that deliver the various services, including our external partners.

General policy considerations

The anti-social behaviour policy will set out our aims, principles (see Appendix 1) and commitment.

Definition: What do we consider to be anti-social behaviour or a nuisance?

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that may make peoples' lives a misery. It can be a challenging problem and covers a wide range of unacceptable actions and behaviours that negatively affects the lives of individuals, communities and the environment daily.

Those experiencing persistent anti-social behaviour or statutory nuisance can be left feeling alarmed, distressed or harassed and their quality of life can be seriously impacted.

The Council defines anti-social behaviour, with reference to published frontline practitioner guidance, as:

“Behaving in a manner that is unreasonable and has caused or is likely to cause serious harassment, alarm or distress to any person (which may be either by a person’s act or omission)”

The Council also has a responsibility for dealing with potential statutory nuisances, which involves behaving in a way that interferes unreasonably with a person’s right with reason to peace and enjoyment of their land and property. Statutory nuisance has a complex definition which is rooted in common law

Aims

1. Prevent anti-social behaviour where we can and, where it happens, to minimise it as far as possible.
2. Respond promptly and nip problems in the bud, discouraging them from escalating.

Two Councils - One Team

3. Intervene assertively with enforcement action in cases of serious or persistent anti-social behaviour.
4. Work across council services and with partner agencies to maintain vigilance, coordinate support and offer reassurance to our affected communities.

How we will deal with anti-social behaviour or nuisance

Action taken by the Council may involve collaborative working with other agencies and partners and can range from preventative action where intervention is delivered at the earliest opportunity to identify the underlying cause of the behaviour, reduce the impact and prevent the behaviour from escalating, through to formal enforcement, penalty notices and/or prosecution.

Assessment, investigation and enforcement

The majority of reports can be dealt with relatively quickly and efficiently without the need for formal or legal actions, assuming that reports are made before problems become complex or entrenched. Unless the matter is serious and urgent action is required, we use an escalating set of potential steps. Initially, if the reported issue does not involve a serious threat or risk of harm, the person concerned may be advised to speak with the other party, explaining the effect the behaviour is having, to try and reach an amicable agreement on how to move forward positively and live together.

Our officers will explain their reasons if we choose to take no action on a reported incident.

We will continue to treat all reports as live until, in the opinion of the investigating officer or service manager, they are closed in accordance with standard operating procedure.

We may coordinate on location-based anti-social behaviour in multi-agency groups dealing with specific anti-social behaviour or nuisance issues.

We will work with agencies, such as Housing Associations, Private Landlords, Letting Agents, and businesses in a supporting role, giving professional advice to enable them to confidently prevent or tackle anti-social behaviour or nuisance, utilising their own powers and resources.

Early and informal intervention

Early intervention, especially through informal approaches, may often be all that is necessary to stop incidents of anti-social behaviour. Lead officers will be best

Two Councils - One Team

placed to decide when and how to use these approaches and will engage with professional support available via the Help Hub/partners to deliver those interventions, where they are available.

Possible informal interventions include:

- a) Verbal or written warning.
- b) Community resolution.
- c) Mediation.
- d) Acceptable behaviour contract.
- e) Parenting contracts – used with a young person aged under 16, similar to acceptable behaviour contracts, but signed by the parent/guardian of the young person. Parental Orders are a formal order used where the parent/guardians' behaviour/lack of supervision, is part of the problem. (Note: Failure to exercise parental control may be dealt with alternatively under formal powers mentioned below)
- f) Support and counselling.

Formal intervention

The council has powers to intervene formally where necessary and its powers include:

- a) Nuisance abatement or prohibition notices
- b) Abatement Notices
- c) Community Protection Warnings / Notices
- d) Simple Cautions
- e) Fixed Penalty Notices
- f) Prosecution
- g) Civil Injunctions
- h) Equipment seizures
- i) Public Space Protection Orders
- j) Closure Orders

Two Councils - One Team

Prioritisation

In everyday life, one person's activities may impact on another person and cause irritation or annoyance. As a statutory agency, we will seek to ensure our activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work to be undertaken is likely to be, and a clear understanding of the agreed outcomes. The council must be satisfied that it is justified, necessary and proportionate for it to become involved in each new case.

The starting point for an accepted new case will be that, based on an assessment of risk and vulnerability of the parties involved, the council determines which initial rating should be applied:

- a) High (for a few problems)
- b) Medium (for elevated risk or vulnerability situations)
- a) Routine (for the majority of cases)

The rating will affect how quickly we can respond, assess and deal with the case, and how much resource we can dedicate to it, however our officers will keep an open mind and will periodically review and change the rating if, based on the evidence available, the case has become more or less serious than it previously appeared to be.

Matters not proposed for inclusion within the scope of the policy

The council receives reports occasionally about matters that do not justify council involvement, or for which no power to intervene exists, or which fall properly to other agencies. With reference to the earlier definitions provided, the policy will confirm that we will not normally get involved in concerns about:

- c) The use of leaving of vehicles outside schools, homes or businesses, including traffic that is stationary or otherwise, unless satisfied that of a potential statutory nuisance or that our powers to deal with abandoned vehicles apply.
- d) Civil disputes between neighbours about matters such as boundaries, shared access, drains, or trespass.
- e) Noise from general day-to-day living (washing machines, toilet flushing, vacuum cleaners, footsteps on floors/stairs, cupboards closing etc. low-level noise from televisions, radios or music).
- f) Neighbour DIY, lawful construction or demolition, or gardening including lawn mowing (unless deemed a potential statutory nuisance).
- g) Youths gathering socially (unless they are engaging in serious or sustained anti-social behaviour).

Two Councils - One Team

- h) Clashes of lifestyle differences between residents, except where they constitute significant anti-social behaviour or a potential statutory nuisance.
- i) General noise in the street noise, including from communal areas, playgrounds or open spaces, including children running, cycling, playing ball games or general playing, and from vehicle engines.
- j) Complaints about controlled drug usage in a domestic setting, unless potentially constituting a statutory nuisance or forming part of wider anti-social behaviour.

Recommendation(s)

Views are requested from members of the Environmental Excellence Policy Development Panel on what would be helpful to consider when determining the content of a formal policy, together with views on the contents of this report for policy consideration.

Appendix 1

Principles to support anti-social behaviour working

1. No one should have to experience anti-social behaviour or nuisance.
 - a) We will make people aware of what anti-social behaviour or nuisance is.
 - b) We will publicise the services we provide to deal with anti-social behaviour or nuisance.
 - c) We will encourage people to report anti-social behaviour or nuisance and make it possible for them to do this using a range of reporting methods.
 - d) We will respond to each report of anti-social behaviour or nuisance as quickly as possible and in any case, within our target times.
 - e) We will support victims of anti-social behaviour or nuisance to the extent that the seriousness of the matter requires.

2. Incidents of anti-social behaviour or nuisance will be treated seriously and dealt with professionally
 - a) We will assess the risk posed to people reporting and/or suffering alleged anti-social behaviour or nuisance when it is reported to us.
 - b) We will share information only in accordance with data protection legislation and local information sharing agreements and protocols.
 - c) We will ensure that any criminal activity identified during our enquiries is passed to the Police or other appropriate partner.
 - d) We will register each report of anti-social behaviour or nuisance we receive on our case management system and give it a unique reference number.
 - e) We will appoint a named officer to lead on the enquiry of the reported incident, where it is possible and appropriate to do so.
 - f) We will explain our reasons, should we choose to take no further action on a reported incident, where it is possible and appropriate to do so.

Two Councils - One Team

- g) We will continue to treat all reports as live until, in the opinion of the lead officer, they can be closed.
 - h) We will respond promptly to complaints about our service and advise anyone who is not satisfied with the way their report was handled, how to make a complaint.
 - i) We will provide a mechanism for victims of anti-social behaviour or nuisance to ask for a review of their case where they feel that no action or inadequate action has taken place. This is called a Community Trigger.
3. Anti-social behaviour or nuisance will be dealt with firmly, fairly and proportionately
- Our Councils are committed to addressing anti-social behaviour or nuisance and we will do this by:
- a) Adopting a threat, risk and harm-based approach which will see the most serious reports of anti-social behaviour or nuisance dealt with as a matter of urgency, especially where vulnerable people are involved, either as the victim or the perpetrator.
 - b) Keeping those affected at the centre of our actions.
 - c) Taking action quickly and decisively, where it is possible to do so.
 - d) Adopting a professional, unbiased and objective approach to dealing with incidents.
 - e) Use all available and appropriate powers to address and resolve anti-social behaviour or nuisance.
4. Working with partners to deliver an effective, value for money service
- a) We will play a full part as a key member of the Norfolk County Community Safety Partnership (CCSP).
 - b) We will participate in permanent or ad hoc multi-agency groups dealing with specific anti-social behaviour or nuisance issues (e.g. location based anti-social behaviour).

Two Councils - One Team

- c) We will work with agencies, such as Housing Associations, Private Landlords, Letting Agents and businesses in a supporting role, giving professional advice to enable them to confidently prevent or tackle anti-social behaviour or nuisance, utilising their own powers and resources.
5. Providing a high-quality service to meet identified needs
- a) We will ensure that staff dealing with anti-social behaviour or nuisance are qualified and trained, understand and follow the Councils agreed policies and procedures.
 - b) We will seek and invite customer feedback to keep our services under review.
 - c) We will seek to ensure our activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work to be undertaken is likely to be, and a clear understanding of the agreed outcomes.
6. Equalities and Human Rights
- We will ensure that all Officers will consider the Equalities Act and Human Rights Act when deciding on action to take when dealing with anti-social behaviour or nuisance. These considerations will apply equally to all parties involved in a complaint.
7. Safely and professionally sharing information, and safeguarding confidentiality
- The Council, along with agencies such as Police, Fire & Rescue, Housing Providers, Adult & Children Social Services and Health & Mental Health Services, share information to resolve cases. Information is shared in line with legislation governing data protection and local Information Exchange Protocols.
- As a local authority we have a duty of care and a responsibility to disclose information to the appropriate authority when a criminal offence has taken place, or when an individual has stated that they pose a risk to themselves or others, even if that person states they do not wish the information to be shared.

Two Councils - One Team

Agenda Item: 5

Review of environmental enforcement penalties

Report prepared by Nick Howard, Assistant Director Regulatory

The purpose of this report is to seek policy views on proposals to review and update the fixed penalty charges which are imposed when fixed penalty notice enforcement is deemed appropriate for specific environmental and anti-social behaviour offences.

Background

The Council operates fixed penalty enforcement for a range of offences, from dog fouling and littering to fly tipping, and from breaching a noise abatement notice to causing anti-social behaviour (where specific offences have been committed).

Generally speaking, each enforcement penalty power carries a specific maximum limit of fixed penalty charge. The Council may decide to set each penalty at the legal maximum or at a lesser amount within a range if specified in the relevant legislation, together with any early payment discounted level of charge.

Fixed penalty charges offer a rapid and efficient means for enforcement and, if set at appropriate levels, can help to deter offending or re-offending. Early payment discounts offer a positive incentive for the recipients to accept and resolve their offending by paying the fixed penalty charges. Once a fixed penalty charge is paid, the offending is effectively dealt with although a record will be held on file.

Fixed penalty charges are commonly issued for first offences, however the Council may alternatively decide to prosecute without offering a fixed penalty notice and normally does so if the offending is aggravated in nature or for repeat offences. The decision whether to issue a fixed penalty notice is a decision dependent on practical and operational detail and is delegated to officers.

The existing penalty charge levels, previously agreed at various times, are listed in Appendix 1. Please note that the legislation quoted is generally that where the power is provided to impose a fixed penalty notice. In many cases, the legislation has changed over time and/or the detail is accessed by cross-referencing to regulations. The amounts referred to in Appendix 1 have been drawn from legal texts on sentencing guidelines where they make refer to fixed penalty charges.

Public attitudes and expectations have changed over time. Dog fouling remains a high concern. Fly tipping and wider wastes-related offending is also a high concern. Anti-social behaviour and noise nuisance has also been an area of significantly increased concern for residents.

Two Councils - One Team

General policy considerations

Several specific points of policy consideration are invited for discussion by members:

1. The over-arching considerations to:
 - a) Achieve good law and order, and environmental cleanliness and quality, whilst maintaining public confidence in the enforcement system.
 - b) Promote the principle that 'the polluter pays' with penalties set at sufficient levels both to deter offending and, as far as possible, cover clean-up costs incurred by the council. To balance this with the advantages of offering fixed penalty enforcement when appropriate as an alternative to prosecution, members are recommended to set fixed penalty charges at the default or maximum levels permitted under the relevant legislation, where a statutory range is specified, informed by frontline regulatory experience.
2. The general principle of offering an early payment discount.
3. A specific consideration of fixed penalties for fly-tipping, where the existing level of £300 reduced to £230 for early payment which has been agreed by members would appear to be a sufficient deterrent in the experience of enforcing officers.
4. The minimum age at which an offender might be offered a fixed penalty notice in accordance (legal advice would typically suggest either age 16 or 18, depending on the offence – e.g. dog fouling when in charge of a dog, as opposed to fly tipping when the offender cannot legally drive a vehicle and is unlikely to be the responsible adult householder). Below that minimum age, the intention is that parents would be responsible during enforcement for any failure of parental control.

Proposals

It is **proposed**, with reference to Appendix 1, that:

1. The fixed penalty charges be set to the levels proposed in Appendix 1. These generally reflect default levels or – where decisions have previously been made and the levels that have been set already appear to offer a suitable enforcement deterrent – the existing levels.
2. Early payment discounts are set at the levels proposed in Appendix 1 which reflect either existing practice or a pragmatic view recommended by officers which takes into account experience of undertaking enforcement, incentivising cooperation and deterring offending.

Two Councils - One Team

No wider consultations are proposed on decisions about setting penalty levels, and this reflects normal practice. Decisions on fixed penalty charges will be taken through the formal democratic process and this support will then reinforce the empowerment of authorised enforcement officers to take decisions about fixed penalty notice enforcement.

Recommendation(s)

Views are requested from members of the Environmental Excellence Policy Development Panel on the proposals above, together with views on the issues highlighted above in this report for policy consideration.

Appendix 1

Existing and proposed fixed penalty charges for environmental / anti-social behaviour offences

Offence	Legislation	Existing FULL penalty amount	Proposed FULL penalty amount	Existing REDUCED early payment penalty amount if paid within 10 working days	Proposed REDUCED early payment penalty amount if paid within 10 working days	Maximum / minimum / permitted and default (if any) penalty	Maximum penalty on conviction (if a fixed penalty charge has not been offered, or goes unpaid)
Littering *	Environmental Protection Act 1990 Sections 87-88	£80	£100	£60	£60	Maximum: £150 Minimum: £50 Default: £100	£2,500 Level 4
Graffiti *	Anti-social Behaviour Act 2003 Section 43	The primary enforcement provision has changed	£100	The primary enforcement provision has changed	£60	Statutory Range £50-150 Minimum: £50 Default: £100	£2,500 Level 4
Flyposting *	<i>(Previously Town & Country Planning Act 1990 Section 224)</i> Anti-social Behaviour Act 2003 Section 43	<i>(£80)</i> The primary enforcement provision has changed	£100	<i>(£60)</i> The primary enforcement provision has changed	£60	<i>(£100)</i> Statutory Range £50-150 Minimum: £50 Default: £100	£2,500 Level 4
Unauthorised distribution of free literature on designated land	Environmental Protection Act 1990 Section 88	Requires setting now	£100	Requires setting now	£60	Statutory range £50 to £150 Minimum: £50 Default: £100	£2,500 Level 4
Alarm Noise: failure to nominate key holder or to notify local authority of keyholder details	Clean Neighbourhoods and Environment Act 2005 Section 73	Requires setting now	£75	Requires setting now	£50	Statutory range £50 to £80 Minimum: £50 Default: £75	

Offence	Legislation	Existing FULL penalty amount	Proposed FULL penalty amount	Existing REDUCED early payment penalty amount if paid within 10 working days	Proposed REDUCED early payment penalty amount if paid within 10 working days	Maximum / minimum / permitted and default (if any) penalty	Maximum penalty on conviction (if a fixed penalty charge has not been offered, or goes unpaid)
Abandoning a vehicle	<i>(Previously Refuse Disposal (Amenity) Act 1978 Sections 2 and 2A)</i> Clean Neighbourhoods and Environment Act 2005 Section 10	Requires setting now	£200	Requires setting now	£150	Statutory range £200 Minimum: £120 Default: £200	£2,500 Level 4 and/or 3 months imprisonment
Fly-tipping	Environmental Protection Act 1990 Section 33(1)(a)	£300	£300	£230	£230	Statutory range £150 - £400 Minimum: £120 Default: £200	£50,000 and/or 5 years imprisonment
Household waste duty of care	Environmental Protection Act 1990 Section 34(2A)	£200	£200	£150	£150	Statutory range £150 - £400 Minimum: £120 Default: £200	£5,000 at Magistrates' Court or unlimited fine at Crown Court
Failure to produce waste transfer note	Environmental Protection Act 1990 Section 34A	£300	£300	£180	£230	Statutory range £300 Minimum: £180 Default: £300	£5,000 at Magistrates' Court or unlimited fine at Crown Court
Failure to produce documentation (waste carriers' licence)	Environmental Protection Act Section 34A	Requires setting now	£300	Requires setting now	£230	Statutory range £300 Minimum: £180 Default: £300	£5,000 Level 5 or on indictment an unlimited fine
Domestic, Industrial and commercial waste receptacle offences	Environmental Protection Act 1990 Sections 34, 36 or 47(2A)	Requires setting now	£80	Requires setting now	£60	Statutory range £75 - £110 Minimum: £60 Default: £100	£1,000 Level 3

Offence	Legislation	Existing FULL penalty amount	Proposed FULL penalty amount	Existing REDUCED early payment penalty amount if paid within 10 working days	Proposed REDUCED early payment penalty amount if paid within 10 working days	Maximum / minimum / permitted and default (if any) penalty	Maximum penalty on conviction (if a fixed penalty charge has not been offered, or goes unpaid)
Noise exceeding permitted level – domestic premises	Noise Act 1996 Section 8a(2)(a) & (b) As amended by the Clean Neighbourhoods & Environment Act 2005 And the Anti-social Behaviour Act 2003	Not set previously	£100	Not set previously	£60	Statutory range £75 - £110 Minimum: £60 Default: £100	£1,000 Level 3
Noise exceeding permitted level – licensed premises	Noise Act 1996 Section 8A(2A) As amended by the Clean Neighbourhoods & Environment Act 2005 And the Anti-social Behaviour Act 2003	Requires setting now	£500	No discount allowed	No discount allowed	Statutory range £500 No discount allowed Default: £500	£5,000 Level 5
Breach of Public Space Protection Order (includes dog fouling)	Anti-social Behaviour, Crime & Policing Act 2014 Section 68	£100	£100	No reduction for early payment previously offered	£60	Statutory range up to £100 No statutory minimum	Up to Level 3 fine, (or Level 2 for breach of alcohol prohibition)
Repairing a vehicle on the road	Clean Neighbourhoods & Environment Act 2005 Section 4	£100	£100	£60	£80		£2,500 Level 4
Exposing vehicles for sale on a road	Clean Neighbourhoods & Environment Act 2005 Section 3	£100	£100	£60	£80		£2,500 Level 4
Breach of Community Protection Notice	Anti-social Behaviour, Crime & Policing Act 2014 Section 52	£100	£100	No reduction for early payment previously offered	£60	Statutory range up to £100 No statutory minimum	Up to Level 4 fine, plus, costs of remedial work & forfeiture or seizure of items
Failure to comply with Litter Clearance Notice	Environmental Protection Act 1990 Sect 92 (A/C, 94)	Requires setting now	Requires setting now	£100	£80		£2,500 Level 4

* A Community Protection Notice may be issued as an alternative method of enforcement where offences in the first column are marked with an asterisk.