

Economy and Environment Policy Committee

Agenda

Members of the Economy and Environment Policy Committee:

Cllr A Dearnley (Chairman)	Cllr J Knight (Vice Chairman)
Cllr V Clifford-Jackson	Cllr F Curson
Cllr D Elmer	Cllr G Francis
Cllr L Glover	Cllr K Hurn
Cllr R Savage	

Date & Time:

Friday 15 October 2021
2.00pm

Place:

Council Chamber, South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

Contact:

Jessica Hammond tel (01508) 505298
Email: democracy@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to observe the meeting, or speak on an agenda item, please email your request to democracy@southnorfolkandbroadland.gov.uk, no later than 5.00pm on Tuesday 12 October 2021.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

Public Speaking and Attendance at Meetings

All public wishing to attend to observe, or speak at a meeting, are required to register a request by the date / time stipulated on the relevant agenda. Requests should be sent to: democracy@southnorfolkandbroadland.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 due to the current rules on social distancing, the Council cannot guarantee that you will be permitted to attend the meeting in person. There are limited places in the Council Chamber and the numbers of public speakers permitted in the room will vary for each meeting.

All those attending the meeting in person are asked to sign in on the QR code for the building and arrive/ leave the venue promptly. The hand sanitiser provided should be used and social distancing must be observed at all times. Further guidance on what to do on arrival will follow once your initial registration has been accepted.

AGENDA

1. To report apologies for absence and to identify substitute members;
2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;
3. To receive Declarations of Interest from Members;
(Please see guidance form and flow chart attached – page 4)
4. To confirm the minutes of the meeting of the Economy and Environment Policy Committee held 18 June 2021
(attached – page 6)
5. Anti-Social Behaviour Policy Considerations (report attached – page 17)
6. Review of Environmental Enforcement Penalties (report attached – page 26)
7. 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)
8. Review of the Material Recycling Facility Contract (report attached – page 32)
(NOT FOR PUBLICATION by virtue of Schedule 12A Part 1 of Paragraph 3 of the Local Government Act 1972 (as amended))

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: 4

ECONOMY AND ENVIRONMENT POLICY COMMITTEE

Minutes of a meeting of the Economy and Environment Policy Committee of South Norfolk District Council, held on Friday 18 June 2021 at 2pm.

Committee Members Present: Councillors: A Dearnley (Chairman), L Glover, K Hurn, J Knight and R Savage.

Apologies for Absence: Councillor: V Clifford-Jackson

Cabinet Member Present: Councillor: L Neal

Officers in Attendance: Director of People and Communities (J Sutterby), Assistant Director for Economic Growth (T Armstrong), Assistant Director for Regulatory N Howard), Assistant Director of Community Services (S Phelan), Assistant Director of Individuals and Families (M Pursehouse), Market Towns and Business Development Manager (D Disney), Senior Economic Development Officer: Inward Investment (P Chapman) and the Recycling and Partnerships Officer (N Noorani)

13 MINUTES

The minutes of the meeting of the Economy and Environment Policy Committee held on 12 February 2021 were agreed as a correct record.

14 SKILLS AND TRAINING PROJECT

The Assistant Director of Individuals and Families presented the report, which outlined the Council's scoping work for the future direction of the skills and training provision. He also provided members with a presentation (attached at Appendix A) which outlined:

- The background

- Mapping our skills and training offer
- The proposal
- The recommendations

In response to a query, the Assistant Director of Individuals and Families informed members that the Council was obligated to ensure that a minimum of 2.3% of its workforce were apprentices

Members queried how the project would be funded and whether an additional budget would be needed to cover additional costs. The Assistant Director of Individuals and Families advised members that the costs would be covered using existing internal resources, the Director of People and Communities further explained that the project would utilise the recurring underspent in the service area budget.

In response to a query on whether apprenticeship opportunities within Big Sky would be considered, the Assistant Director of Individuals and Families confirmed that the team were considering apprenticeships within Big Sky, but that focus would also be given to areas where there was most need and hard to recruit sectors.

The Assistant Director provided members with information on the Governments Kickstart Scheme, he explained that this was a 6 month course, which was shorter than an apprenticeship which was usually 12 months to 4 years long. He highlighted a number of issues with the Kickstart Scheme which included a strict criteria which made it difficult to be eligible for the scheme and the complications if applicants had additional sources of income or were in receipt of benefits, He pointed out that the Government were looking to address a number of the issues.

Further discussion followed with regard to the origin of the project and its progress onto Cabinet, where it was noted that the Councils Strategic, Development and Recovery Plans make reference to the need of apprenticeship schemes and the need to reduce unemployment across the District.

Members highlighted their support for the project and their desire for it to be progressed further.

Voting was then carried out, and it was unanimously:

RESOLVED

To

- 1) Note the impacts on skills, training and the wider economy in South Norfolk and Broadland and to note the intended approach to tailor our support to specific cohorts of residents and start-up businesses.
- 2) Note that the Committee fully endorse the project and recommend that Officers undertake further research before the project is brought before Cabinet.

15 RESPONSE TO THE GOVERNMENT'S CONSISTENCY IN RECYCLING CONSULTATION

The Recycling and Partnerships Officer presented the report which provided members with key details from the Consistency in Household and Business Recycling in England Government Consultation and sought the Committees views in order to shape the officer's formal response.

Dry Recycling

The consultation outlined a core set of dry recycling materials to be collected separately from households and businesses by the end of 2023/24, these were:

- Glass
- Paper and card
- Metal (includes aluminium tubes)
- Plastic (includes food and drink cartons)
- Plastic films (from 2026/27 for households and 2024/25 for businesses)

National exemptions were possible. For example, by collecting plastic and metal together or glass and metal together.

Member raised concerns over the possibility of having numerous recycling bins which would rely on each household separating items into the correct bin and suggested that it would be more efficient to have all recyclables in one bin which would then be separated at the recycling centre.

The Recycling and Partnerships Officer sought members view on having paper recycling separate with all other recyclables co-mingled, she highlighted issue of paper contamination from other recyclables. The Assistant Director of Community Services added that recycled paper had a high value compared to other recyclables.

During a discussion on the recycling of glass, the Assistant Director of Community Services explained that recycled glass held very value, however as it was heavy was worth more credits in under the Government's current credit system. Members noted that the Council previously did not have glass recycling but had bottle banks in a variety of locations throughout the district

and queried whether this could be suggested in the officers response as an alternative recycling method. The Recycling and Partnerships Officer advised the Committee that the District still maintains a small number of bottle banks throughout the District.

The Assistant Director of Community Services raised the issue that Government had not, within the consultation, advised how the increased volume of recyclables would be used nor whether the government would be purchasing the recyclable goods from local councils.

Separation of Food Waste

The Recycling and Partnerships Officer outlined the consultations proposals regarding food waste, which included:

- The Environment Bill would require food waste to be collected weekly from every household
- If that was not technically environmentally or economically practicable a case could be made for collecting food waste along with garden waste
- To be introduced by 2024/25 financial year
- Requirement for business to separate food waste for collection
- This could be via dedicated vehicles bypassing the depot, joint county-wide contract, external contract, etc

In response to members queries on the cost of collection food waste, the Assistant Director of Community Services informed members that Broadland District Council currently provides food waste collections to approximately 30,000 properties (1/2 of District) at a net cost of £300,000-£350,000, he noted that South Norfolk would need to purchase vehicles and hire additional staff to provide this service and so the cost would likely be higher.

During the discussion some members queried whether it would be beneficial to begin preparations for the collection of food waste, as if this were to become mandatory by the Government there might be a shortage of the necessary equipment needed. The Assistant Director of Community Services explained that as the suggestions formed part of the consultation process and had not been adopted by the Government very little was known at this stage so it would not be practical to begin preparations or purchases at this time.

Provision of a free fortnightly collection of garden waste

The Recycling and Partnerships Officer outlined the consultations proposals regarding garden waste, which included:

- New burdens funding would apply
- 240L bin or sacks to be provided to households
- Local Authorities would be able to charge for additional capacity and/or more frequent collections

- In be in place by 2023/24
- Alternatives to a free service to be considered
 - Updated guidance on reasonable charges (in the region of £18-£30 per household per year depending on the region)
 - Clear communications to non-participating households (to discourage garden waste being put in residual waste bins)
 - Increase home composting (it is higher up the waste hierarchy than recycling)

Once member noted that some residents were put off from using the garden waste collection service and 240L bins as they only had a small amount of garden waste, which would often then be placed in the general waste bins. The Recycling and Partnerships Officer explained to members that the current garden waste collection service did have an option of a smaller sized bin for those residents with less garden waste.

During the discussion members noted that they felt the Council's current charge was reasonable and fair, they also noted that a large proportion of residents utilised the current paid for garden waste collection service and were happy/willing to pay the charge and so could not see the need to change this.

Recycling credits

The Recycling and Partnerships Officer outlined the consultations proposals regarding recycling credits, the 2 options for revised payments were:

1. Keep recycling credits for non-packaging waste (payments for packaging waste would be met through Extended Producer Responsibility (EPR))
2. Discontinue recycling credits (require all two-tier authorities to agree local arrangements)

Members queried whether the current recycling credit system was beneficial to the Council, the Assistant Director of Community Services explained that the current recycling credit system was good for the Council and that the Council averages 1.6 million credits per year.

After further discussion It was;

RESOLVED

To note the report on the Government consultation on Consistency in Recycling and provide feedback to include in the Council's formal response.

16 EXCLUSION OF THE PUBLIC AND PRESS

It was;

RESOLVED

To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following item 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)

17 COURTAULD 2025 UPDATE

Members considered the exempt report presented by the Assistant Director of Community Services, which provided a summary of the background to the Courtauld Commitment. It sought to establish the Council's ongoing commitment to Courtauld 2025 currently being revised and conclude if the Council wished to remain a signatory

Officers explained the background of the report and the reasons behind the final recommendations proposed.

A detailed discussion took place and a number of questions were raised around the benefits of being involved and its link with the Council's own Environment Strategy. Members then voted on the recommendations contained in the report, and it was,

RESOLVED

To recommend to Cabinet that Council support the recommendations set out in the exempt report.

(The meeting concluded at 3.47 pm)

Chairman

Skills & Training Project

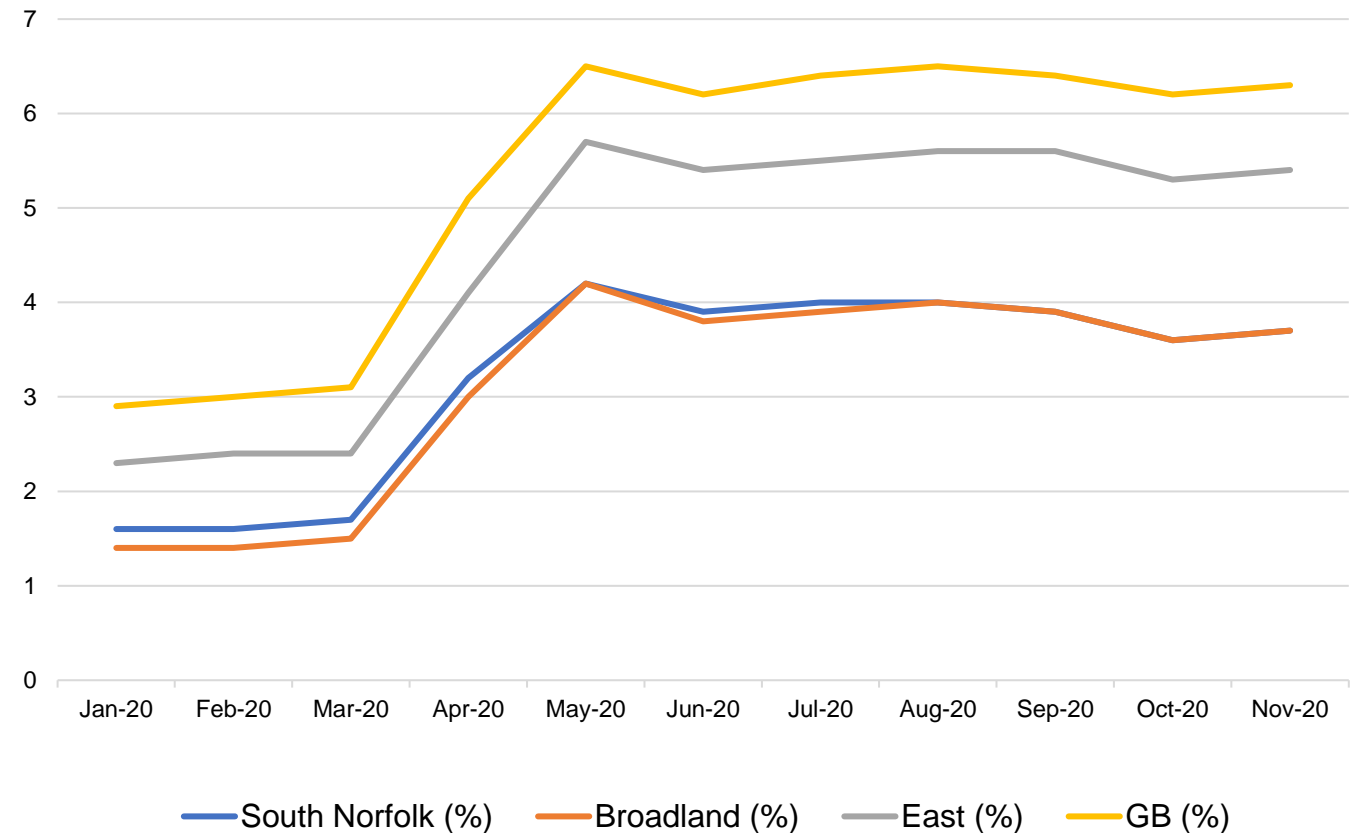
Economy and Environment Policy Committee

18th June 2021

Background

- The pandemic has created an extremely challenging job market, with redundancies reaching a record high in the three months to October 2020 (ONS, 2020)
- The greatest impact has been felt by young people and lower earners. Additionally, individuals over the age of 50 who have lost their jobs due to the pandemic face greater barriers finding a new job.
- The South Norfolk and Broadland Joint Inclusive Growth Strategy (2019) raised a number of issues relating to skills and training, many of which have been exacerbated by the pandemic.

Out of Work Benefit Claimants - % of the Potential Workforce
(NOMIS, 2020)



Mapping our Skills and Training Offer

- 7 initial groups were refined to 4 distinct cohorts (see Appendix 1):
 - School leavers
 - Higher education leavers
 - Recently unemployed (including underemployed)
 - Individuals wishing to begin their own business (start ups)
- An internal and external audit of existing provision was conducted to identify gaps in support for the above cohorts (Appendix 2 and 3)

Proposal

Proposed Action	Target Cohort
Kickstart	School Leavers
Future Paths	School Leavers
Apprenticeship Scheme	School Leavers
Norfolk Public Sector Graduate Scheme	Higher Education Leavers
Work4All	Recently Unemployed (including underemployed) / school leavers
Choices	Recently Unemployed (including underemployed)
Business Training / Support (TBC)	Start-ups

- Actions are categorised in three ways (see Appendix 3):
 - Direct delivery
 - Signposting and facilitating
 - Advocacy and influencing
- Actions for direct delivery are outlined in the table (see para. 4.3 in the report)
- Formation of a Skills and Training Project Board

Recommendations

- To note the impact on skills, training and the wider economy in South Norfolk and Broadland and to note the intended approach to tailor our support to specific cohorts of residents and start-up businesses
- To comment on the potential establishment of a central apprenticeship fund, funded by recurring underspend of existing budget

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Agenda Item: 5

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 South Norfolk 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.

The Council has 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, the Council occupies 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, the Council can contribute significantly to making our locality a hostile place where criminal enterprise struggles to gain a foothold. Under the Crime & Disorder Act 1998, our officers work with the police and other agencies to reduce crime, disorder and anti-social behaviour. In this role the Council 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

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The Council has 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 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

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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.
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

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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 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

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- h) Equipment seizures
- i) Public Space Protection Orders
- j) Closure Orders

Prioritisation

In everyday life, one person's activities may impact on another person and cause irritation or annoyance. As a statutory agency, the Council 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 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 cute 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.

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- 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).
- 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 the Economy & Environment Policy Committee 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.

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- 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).

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- 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 the Council has 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.

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Agenda Item: 6

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.

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Anti-social behaviour and noise nuisance has also been an area of significantly increased concern for residents.

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 proposed increase from £200 to £300 reduced to £230 for early payment 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 (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 held 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. Changes from the existing penalty levels are indicated in **bold** and these reflect either the legal default levels or, in some cases, the maximum permitted levels. For wastes-related offending including fly-tipping and duty of care, the proposed fixed penalty charge levels are designed to deter offending and the changes when agreed will be accompanied by a publicity campaign to maximise public awareness.

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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.

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 Economy and Environmental Policy Committee 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	£200	£200	£150	£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)	£200	£300	No reduction for early payment previously offered	£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	No reduction for early payment previously offered	£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	£225	£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	£300	£300	£225	£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)	£80	£80	£60	£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	£80	£100	£60	£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	£500	£500	£375	Remove existing reduction as no discount is permitted	Statutory range £500 No discount permitted Default: £500	£5,000 Level 5
Breach of Public Space Protection Order (includes dog fouling)	Anti-social Behaviour, Crime & Policing Act 2014 Section 68	£80	£100	£60	£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	£80	£80		£2,500 Level 4
Exposing vehicles for sale on a road	Clean Neighbourhoods & Environment Act 2005 Section 3	£100	£100	£80	£80		£2,500 Level 4
Breach of Community Protection Notice	Anti-social Behaviour, Crime & Policing Act 2014 Section 52	£80	£100	£60	£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)	£80	£100	£60	£60		£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.