



CABINET - 16TH OCTOBER 2012

SUBJECT: MEMORANDUM OF UNDERSTANDING FOR THE ISSUE OF FIXED PENALTY NOTICES BY COMMUNITY SUPPORT OFFICERS FOR DOG FOULING AND LITTERING

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To seek approval to enter into a Memorandum of Understanding with Gwent Police for the issue of fixed penalty notices by Community Support Officers for dog fouling and littering.

2. SUMMARY

- 2.1 Suitably authorised officers of the Council are able to serve fixed penalty notices for dog fouling and littering. The Clean Neighbourhoods and Environment Act 2005 allows Local Authorities to enter into arrangements with other agencies so as to enable other persons to issue such notices. Approval is sought to enter into such an arrangement with Gwent Police to allow the issuing of fixed penalty notices by Community Support Officers for the offences of dog fouling and of depositing litter.

3. LINKS TO STRATEGY

- 3.1 Building Better Lifestyles
- To improve the look and feel of our streets.

4. THE REPORT

- 4.1 Officers within Public Protection are authorised under the Environmental Protection Act 1990 to issue fixed penalty notices for the offence of depositing litter. Officers are also authorised to issue a fixed penalty notice under the Dogs (Fouling of Land) Act 1996 to any person who allows their dog to defecate on designated land and fails to remove the faeces. For both offences the current fixed penalty fine is £75, which is discounted to £50 if paid within 14 days. 171 fixed penalty notices have been issued from 1st April 2012 to 31st August 2012.
- 4.2 The Clean Neighbourhoods and Environment Act 2005 allows Local Authorities to enter into arrangements with other agencies so as to enable other persons to issue such notices. Gwent Police have indicated their willingness to enter into an agreement with the Council to authorise their Community Support Officers to issue fixed penalty notices for littering and dog fouling.

- 4.3 Dog fouling and littering have an impact on quality of life and contribute to concerns about crime and anti-social behaviour within a particular community. Community Support Officers may witness littering and dog fouling offences in the course of their normal duties. Rather than perhaps refer incidents to the Council or issue an informal warning it is felt that the issue of a fixed penalty notice would be a more effective deterrent. Community Support Officers also have the power to require individuals to provide their name and address, which Council staff do not have.
- 4.4 The Council will be responsible for the ongoing administration and processing of any Fixed Penalty Notice that has been issued, including any decision to prosecute and the preparation of any file of evidence required for court purposes. If a fixed penalty fine is not paid Community Support Officers will provide witness statements when requested by the Council and will attend court to give evidence as required. Any payment received in respect of Fixed Penalty Notices remain the property of the Council.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 Any payment received in respect of Fixed Penalty Notices is retained by the Council and therefore there may be a modest increase in income.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications.

8. CONSULTATIONS

- 8.1 The report has been sent to consultees listed below, and there are no consultation responses, which have not been reflected in the recommendations.

9. RECOMMENDATIONS

- 9.1 That Cabinet give approval for the Council to enter into a Memorandum of Understanding with Gwent Police for the issue of fixed penalty notices by Community Support Officers for dog fouling and littering.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To reduce the incidence of dog fouling and littering.

11. STATUTORY POWER

- 11.1 Environmental Protection Act 1990
Dogs (Fouling of Land) Act 1996
Clean Neighbourhoods and Environment Act 2005

Author: Rob Hartshorn, Head of Public Protection
Consultees: Councillor David Poole, Cabinet Member for Community & Leisure Services
Anthony O'Sullivan, Chief Executive
Daniel Perkins, Head of Legal & Governance/Monitoring Officer
Ceri Edwards, Environmental Health Manager

Appendices:
Appendix 1 - Proposed Memorandum of Understanding for the Issue of Fixed Penalty Notices by
Community Support Officers for Dog Fouling and Littering