

Bolton Council

Report to: ENVIRONMENTAL SERVICES
SCRUTINY COMMITTEE

Date: 7TH FEBRUARY 2007

Report of: DIRECTOR OF ENVIRONMENTAL
SERVICES

Report No: ESSC/01/07

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Report Title:
Fixed Penalty Notice Charging Policy

Non Confidential: ***Non-Confidential)*** This report does **not** contain information which warrants its consideration

Purpose: To advise Scrutiny Committee of the current policy on fixed penalty notice charging.

Recommendations: Scrutiny Committee is asked to note the report.

Decision:

Background Doc(s):

(for use on Exec Rep)

Signed:

Leader / Executive Member

Monitoring Officer

Date:

Background

A report was presented to the Environmental Service Policy Development Group in August 2006 outlining the measures contained within the Clean Neighbourhoods and Environment Act. Within the Act, and noted in the report, is a measure to make greater use of fixed penalty notices as an alternative to prosecution.

For eight offences the Act enables a local authority to specify the amount of a fixed penalty. If an authority does not make use of this power, the Act provides that a standard default amount (of either £75 or £100) applies. DEFRA recommends that when setting the rates, people's readiness to pay and the affects of non-payment are taken into account. It also introduces a power for authorities to offer a discount for early payment of a fixed penalty.

When setting the levels DEFRA advise that Authorities need to take into account the deterrent effect of different levels and also peoples' readiness to pay and the levels of fines imposed locally for the relevant offences in the magistrate's courts. They add that Fixed Penalties that are too high for local conditions lead to non-payment and is counter productive in officer time. It is worth noting also that high performing councils such as Bolton are allowed to keep Fixed Penalty revenue although Councils are not able to access the fines if the person is prosecuted for non-payment. It could also be counter-productive if the Fixed Penalty is more that the likely fine for non-payment.

Options

The table 1. below lists the fixed penalties that can be set locally and illustrates the range of options for each offence.

The Act also allows Authorities to offer a discount for early payment of a fixed penalty. The current Oracle system is unable to function this programme at the moment however we are working with ICT as to the feasibility of this or the future. It may be possible for Car Parking services to administer the fine collection process. This opportunity will be researched and reported back to members as soon as possible.

Discounts for early payments

There is a standard period for payment of fixed penalties set in the legislation at 14 days. Once a fixed penalty notice has been issued, an authority cannot prosecute for the alleged offence if the fixed penalty is paid within this period and this must be stated on the notice. For this reason DEFRA is

recommending that to avoid confusion the period during which a discount for early payment is offered should not be more than 10 days.

Bolton Council

The regulations specify an amount below which the discounted penalties may not fall. These are:-

£50 for offences with a default rate of £75

£60 for offences with a default rate of £100

Table 1

		Legislation guidance		Legislation options	Recommendation for Bolton	
Description of offence	Current	Range of fixed penalty	Default level	For early payment penalty discounted to	Fixed Penalty	For early payment penalty discounted to
Litter	£50	£50-£80	£75	No less than £50	£50	£50
Street Litter control notices and Litter clearing notices	NA	£75-£100	£100	No less than £75	£75	£75
Unauthorised distribution of literature on designated land	NA	£50-£80	£75	No less than £50	£75	£50
Graffiti and fly posting	NA	£50-£80	£75	No less than £50	£75	£50
Offences in relation to waste receptacles	NA	£75-£110	£100	No less than £75	£75	£75
Offences under dog control orders	Where applicable £50	£50-£80	£75	No less than £50	£75	£50

Fines cannot be implemented until the Council has formally approved the fine schedule.

Current Policy

The Executive Member for Environmental Services has approved the recommended penalties shown in the last two columns. These were invoked in January 2007.

Recommendations

Scrutiny Committee is asked to note the report.