

<b>COUNCIL</b>	<b>AGENDA ITEM No. 16(a)</b>
<b>5 DECEMBER 2012</b>	<b>PUBLIC REPORT</b>

**Changes to the Constitution to allow Officers of Cambridgeshire Police Constabulary including Police Constables and Police Community Support Officer's to issue Fixed Penalty Notices on behalf of Peterborough City Council.**

<b>RECOMMENDATIONS</b>
<b>FROM :</b> Executive Director Operations
That Council: approves an amendment to the constitution to permit the Executive Director of Operations to enter into arrangements with Cambridgeshire Constabulary permitting its Officers to issue fixed penalty notices on behalf of Peterborough City Council in respect of the relevant offences.

## **1. PURPOSE AND REASON FOR REPORT**

- 1.1** Regulatory Services, Neighbourhood Services, Operations Directorate is seeking an amendment to the Constitution to permit the Executive Director of Operations to authorise officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering, offences ("the relevant offences") pursuant to arrangements made under s.87 of the Environmental Protection Act 1990 and s.47(1) of the Anti-Social Behaviour Act 2003 respectively. The amendment will reflect the Government's intention to take a tougher line on littering offences and to promote a cleaner environment.

## **2. BACKGROUND (& CONSULTATION)**

- 2.1** The Council's Environmental Enforcement Team has a great deal of expertise in issuing fixed penalty notices however, it has been recognised that officers of Cambridgeshire Constabulary could compliment the work that is already being done by also having the ability to issue fixed penalty notices for the relevant offences. Though tackling the relevant offences will not be a policing priority, increasing the enforcement sanction available to officers of Cambridgeshire Constabulary will provide them with the opportunity to deal quickly and effectively with the relevant offences when they are in a position to be able to do so. The request for the delegated powers came from Cambridgeshire Constabulary and is evidence of the close working relationship the Council has with them. The back office processing and fee collection for any fixed penalty charges issued by the Police will be undertaken by the Council. It is not expected that the numbers of fixed penalty notices issued will increase significantly.

## **3. LEGISLATION**

- 3.1** An authorised officer of the local authority can issue a fixed penalty ticket for a relevant offence as an alternative to prosecution.
- 3.2** s.88(10) of Environmental Protection Act 1990 and s.47(1) of the Anti-Social Behaviour Act 2003 define an authorised officer as one of the following:
- (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under s.43(1);
  - (b) any person who in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and

(c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices.

Employees of Peterborough City Council are already authorised to issue fixed penalty notices and it is therefore the arrangements referred to at paragraphs (b) and (c) above to which this request relates.

- 3.3** The value of a fixed penalty notice is currently set at £75.00 reduced to £50.00 if payment is made within 21 days. Any person found guilty of a relevant offence in the Magistrates' Court may be fined up to £2,500.00 for each incident.

#### **4. ENFORCEMENT**

- 4.1** In the case of Peterborough City Council the Sustainable Community Strategy and Safer Peterborough Partnership Plan refers to reducing crime and disorder and making communities safer. Undertaking enforcement in this area, by way of engaging with its Partners to combat littering, Peterborough City Council will be able to offer a positive contribution to reducing crime and complementing the Council's existing enforcement programme.

- 4.2** Officers will, whilst going about their normal Police duties, issue Peterborough City Council Fixed Penalty Notices.

#### **5. OFFICER COMMENTS**

- 5.1** The request by Cambridgeshire Police to issue fixed penalty notices on behalf of Peterborough City Council has been discussed and it has been agreed that this request should be presented to Full Council in order for them to consider all relevant information for the purpose of making a decision.

- 5.2** It is very apparent that as a result of working closely with Cambridgeshire Constabulary in other areas of Enforcement, for example the Operation Can-Do initiative that the partnership approach to Neighbourhood Enforcement strengthens and increases its effectiveness.

#### **6. IMPLICATIONS**

##### **6.1 Legal**

Legal Services have reviewed the proposals and confirm that they meet with the legislative requirements described above. Guidance has also been sought from the Legal Section on the compilation of this report.

##### **6.2 Financial**

This initiative is not a revenue generating exercise as it is anticipated that any income achieved will cover costs incurred namely printing Fixed Penalty ticket books, training, and costs incurred in processing fine collection.