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REMOVAL OF THE EARLY PAYMENT OPTION ON FIXED PENALTY NOTICES
Councillor Walsh, Cabinet Member for Communities
November 2017
Deadline date: <i>n/a</i>

Cabinet portfolio holder: Responsible Director:	Councillor Walsh, Cabinet Member for Communities Adrian Chapman, Corporate Director Communities and Safety, Cambridgeshire and Peterborough Councils
Is this a Key Decision?	NO
Is this decision eligible for call-in?	NO
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

R E C O M M E N D A T I O N S
The Cabinet Member is recommended to approve the removal of the early payment option for those who are issued with a fixed penalty notice.

1. SUMMARY OF MAIN ISSUES

- 1.1 This report seeks approval to remove the early payment option from all Fixed Penalty Notices issued by Peterborough City Council with immediate effect.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for the Cabinet Member for Communities to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (b).

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. DETAILS OF DECISION REQUIRED

- 4.1 Fixed penalty notices (FPNs) can be issued by Peterborough City Council Officers, or those with delegated authority, to deal with environmental offences such as:
- littering
 - fly-tipping
 - dog control offences
 - graffiti
 - fly-posting
 - nuisance parking (people selling or repairing cars on the road)
 - abandoned vehicles
 - leafleting without permission on land where leafleting is restricted ('designated land')
 - failing to nominate a key holder or give the council key holder details in an alarm notification area
 - failing to provide a waste carrier licence (for businesses transporting their own waste)
 - failing to provide a waste transfer note when moving non-hazardous waste
- 4.2 The Government sets penalty levels, depending on the offence, and Local Authorities can charge penalties within these imposed limits. The legislation also offers the opportunity for a discounted penalty for those that wish to pay their FPN within a set number of days. Information on these limits can be found here: <https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>
- 4.3 The penalty charge for a Fixed Penalty Notice in Peterborough is currently, £80, however there is an early repayment option which reduces the penalty to £60 if paid within the 21 days of issue of the ticket.
- 4.4 In order to maximise the sanction and deterrent effect of an FPN, this report seeks approval to completely remove the early repayment option with immediate effect.

- 4.5 This recognises how seriously the council views this type of environmental crime and will act as a strong deterrent. This forms part of our work to try and reduce the incidence of environmental crime across the city and links with the council's priority to improve residents' quality of life by protecting our communities.

5. CONSULTATION

- 5.1 There has been no formal consultation, beyond the Prevention and Enforcement Service and the Cabinet Member, as extensive consultation on the Public Space Protection Order was undertaken in early 2017. This decision represents a minor change to the payment structure and will only negatively impact on those who choose to break the law.

6. ANTICIPATED OUTCOMES

- 6.1 Holding people accountable for environmental crime can be difficult. Where sufficient evidence does exist, optimising the sanctions available to the council sends a very clear message to those who have, and those might, commit environmental crime. It is anticipated, for these reasons, that environmental crime will decrease as a result and will support our efforts to improve the quality of life for people living, working and visiting Peterborough.

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1 The council has long advocated taking a serious stance against fly-tipping and offenders. Removing the early repayment option for fixed penalty notices is consistent with that position.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The alternative option is to leave the early repayment option in place, however this will not support our efforts to reduce this type of anti-social behaviour.

9. IMPLICATIONS

9.1 Financial Implications

There is always a risk of non-payment associated with FPNs. In these circumstances the next step would be to instigate prosecution proceedings against the individual concerned.

9.2 Legal Implications

The legislation relating to fixed penalty notices permits the council to issue FPNs in respect of environmental offences. The default FPN fine level is set at £75, the minimum full penalty is £50, the maximum is £80 but Local Authorities have the discretion to set the fine level themselves.

9.3 The scheme of officer delegations outlined in the Council's Constitution provides for the Prevention and Enforcement Service to implement the legislation relating to environmental crime enforcement.

9.4 The suggestion to remove the early repayment option is an important change and therefore it is appropriate for the decision to be approved by the Cabinet Member. This also serves as a record that a decision has been taken to implement and enforce the legislation.

9.5 Equalities Implications

There are no equalities implications arising from this decision.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

10.1 None.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

11.1 None.