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OXFORD CITY COUNCIL

To: City Executive Board

Date: **Item No:**

Report of: Head of Environmental Development

Title of Report: Delegation of Fixed Penalty Notice Powers to Thames Valley Police staff

Summary and Recommendations

Purpose of report: To request that the CEB delegate authority to the Head of Environmental Development to authorise police officers and Police Community Support Officers to issue Local Authority Fixed Penalty Notices for dog fouling, graffiti, litter and fly-posting, subject to a signed Memorandum of Understanding.

Key decision? No

Executive lead member: Cllr Sajjad-Hussain Malik

Report approved by:

Finance: Chris Kaye
Legal: Jeremy Franklin

Policy Framework: Community Safety Rolling Plan 2009-12

Recommendation(s):

1. **CEB delegate the authority to the Head of Environmental Development to authorise police officers and Police Community Support Officers to issue Local Authority Fixed Penalty Notices for dog fouling, graffiti, litter and fly-posting using an agreed Memorandum of Understanding between the two organisations.**
2. **The maximum level of fines set out in the report is adopted.**

Purpose of the report

1. This report sets out recommendations to CEB to strengthen our approach to environmental enforcement through delegating the authority to issue Fixed Penalty Notices (FPNs) to Police Officers and Police Community

Support Officers (PCSOs) for a range of environmental offences.

Background

2. The Clean Neighbourhoods and Environment Act 2005 (CNEA) allows for authorised officers of the council and or other persons authorised by the council to issue Fixed Penalty Notices for the offences of Littering, Dog Fouling, Graffiti and Fly Posting.

3. The Community Safety TalkBack survey 2008 identified the public's perception on whether certain categories of anti-social behaviour were a problem in their area. 539 people responded to the survey and the results illustrated in the table below show an increased concern about litter and graffiti. There were no results available for dog fouling.

Description	Rank	% who replied "Yes"	Change from previous year
Rubbish or litter	1	53.7%	4.5% increase
Vandalism or graffiti	5	38%	2% increase
Fly-tipping	8	29%	7% increase

Corporate Priorities

4. The delegation of this authority to Thames Valley Police would assist in the delivery of the following Oxford City Council Corporate Priorities:
    a. Improving the local environment, economy and quality of life; and
    b. Reducing crime and anti-social behaviour.

5. Specific corporate actions that will deliver these priorities include, by 2010, to:
    a. Ensure that 93% of our streets are free from litter.
    b. Increase by 10% the proportion of local residents who are satisfied with their neighbourhood.
    c. Step up enforcement action against environmental offences by 25% to 100 cases and implement an education and public relations programme to reduce environmental problems.

Local arrangements

6. There are currently 57 Police Community Support Officers operating within the Oxford City Local Authority area, all of whom are eligible under the CNEA to be delegated FPN powers.

7. The Community Safety Manager has consulted with both the Area Commander and the Chief Inspector for the Oxford Police Area in relation to the proposed delegation. Both officers are in agreement with the proposals.
8. The Community Safety Manager will work with Thames Valley Police to develop a Memorandum of Understanding (MOU). The MOU will set out

the protocol which PCSOs will follow when issuing FPNs for litter, dog fouling, graffiti and fly posting on behalf of the council.

9. The MOU will include the following components:
    a. Definitions of the offences
    b. The authorisation process
    c. Actions to be taken by the authorised officers in line with Oxford City Council's environmental enforcement policy
    d. Actions to be undertaken by the Police Authority in relation to the notification and collection of FPNs served.

Fines

10. The level of fines for environmental Fixed Penalty Notices are:

Offence	OCC Level of fine	Maximum allowable fine
Litter	£75	£80
Dog fouling	£50	£50
Graffiti/fly-posting		£80

Environmental Development Enforcement Policy

11. Environmental Development has a policy, which is in accordance with the Regulators Compliance Code and the Enforcement Concordat – a government code of practice. Details can be found on the Oxford City Council web-site http://occweb/environment/clean-enforcement.cfm

12. The key principles of the Concordat are:
    a. We will publicise our approach to enforcement
    b. We will be proportionate and expedient
    c. We will focus on the worst offences first
    d. We will work with partners on environmental enforcement
    e. We will warn people about their behaviour to give them the opportunity to rectify the situation.

Monitoring and evaluation

13. In order to evaluate the success of the FPNs a number of measures will be put in place including;
    a. Customer satisfaction – questions in future citizens panels.
    b. Improvement in National Indicator (NI) 195 levels for litter, graffiti and fly posting.
    c. Number of tickets issued.

Financial implications

14. The financial implications of delegating powers to issue Local Authority FPNs for litter, graffiti and dog fouling are illustrated in the table below:

Item	Cost
Training for PCSOs and Council Officers	Up to £5000 for Encams to run a training course for officer or Up to £500 for in-house training by Environmental Health Officers.
FPN leaflets	£750
FPN booklets	Up to £1,000

15. These costs will be met from a Community Safety budget and any fines received from the service of the Fixed Penalty Notices will be set off against the costs.

Risk Assessment

16. A risk assessment has been undertaken and the risk register is attached at Appendix 1. All risks have been mitigated to an acceptable level.

Climate change/environmental impact

17. The increased use of Fixed Penalty Notices in Oxford will assist in reducing environmental impact by reducing the number and frequency of journeys made by enforcement officers

Legal implications

18. Although the CNEA allows the council to enter into such an arrangement as this with TVP, the council's constitution does not provide a delegation to any officer to issue such authorisations. The City Executive Board is therefore asked to authorise the Head of Environmental Development to authorise PCSOs to issue FPNs.

Equalities impact

19. Assistance will be given to recipients where requested to ensure that they fully understand the implications of the fixed penalty notice and the implications of failing to pay.

Recommendations

20. The City Executive Board delegate the authority to the Head of Environmental Development to authorise police officers and Police Community Support Officers to issue Local Authority Fixed Penalty Notices for dog fouling, graffiti, litter and fly-posting using an agreed Memorandum of Understanding between the two organisations.

Name and contact details of author:
Gail Siddall, Service Manager, Environmental Control

List of background papers:
Appendix 1: Risk assessment

Version number: 2

No.	Risk Description Link to Corporate Obj	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness				Current Risk	
Risk Score **Impact Score**: 1 =Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic **Probability Score:** 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain															
		I	P		Mitigating Control: Level of Effectiveness: (HML)	I	P	Action: Action Owner: Mitigating Control: Control Owner:	Outcome required: Milestone Date:	Q1 ☹ 😐 ☺	Q2 ☹ 😐 ☺	Q3 ☹ 😐 ☺	Q4 ☹ 😐 ☺	I	P
1	Reducing value for money and service performance	2	3	Poor evidence captured by PCSOs resulting in fewer fines being paid and costly prosecutions	Training provided by Oxford City Council Environmental Enforcement officers to all PCSOs.	2	2	Gail Siddall Graham Eagle	September 2009						