

Title of Report:	Increase in Fixed Penalty Amounts for Dog Fouling and Litter Offences
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	5th April 2023
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Climate Change and Our Environment
Outcome	Implementation of Statutory Requirements
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	Approx £1200
Included in Current Year Estimates	No
Capital/Revenue	N/A
Code	21451
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to consider a reduced penalty amount for early payment of dog fouling and litter fixed penalty notices and to agree a commencement date for implementation of increased fixed penalty levels.

2.0 Background

- 2.1 The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (NI) 2012 allowed Councils to set the amount of a Fixed Penalty Notice for Litter and Dog Fouling offences between £50 and £80.
- 2.2 Council had previously set this penalty amount at £80 with no provision of a reduced penalty amount for an early payment.
- 2.3 New regulations, Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations (NI) 2022, came into operation on 30th December 2022 and allow Councils to set increased Fixed Penalty Notice levels at not less than £50 and not more than £200.
- 2.4 These regulations allow Councils to increase the penalty for such offences in the hope that increased fines will act as a further deterrent against the behaviours of littering and failing to remove dog fouling.
- 2.5 Meaningful enforcement is a vital part of tackling these ongoing issues. The level of Fixed Penalty Notice for these offences has not increased since 2012 and therefore it is appropriate that new increased levels are set to help combat these problems.
- 2.6 All District Councils are considering fixed penalty amounts however there is no consistency or agreement across Councils. It is entirely a decision for each Council to set their own penalty levels.
- 2.7 Further to ES230314, Committee supported the Notice of Motion to increase fines for dog fouling, littering and other offences to the maximum allowance of £200 however time period payment and early payment discounts require approval.

3.0 Financial Implications for Council

- 3.1 An increase in Fixed Penalty levels will potentially increase the amount of revenue to Council however this is dependent on the number of penalties issued and payment rate.
- 3.2 Public signage will require replacement to reflect the increased level of Fixed Penalty fines. It is anticipated that this will be in the region of £1000.
- 3.3 New Fixed Penalty booklets will also need to be replaced and it is anticipated this will cost in the region of £200.

4.0 Considerations

4.1 When setting fixed penalty amounts and early payment discounts consideration should be given to the following:

- Fixed Penalty amounts should be sufficient to act as a deterrent to potential offenders and provide revenue to Council which can be used to further tackle the ongoing issues of dog fouling and littering.
- Fixed penalty amounts should be proportionate to the offence and set at a level where payment is highly likely.
- It is Council policy to instigate legal proceedings in the event of non-payment of a fixed penalty. Increased non-payment rates would result in more legal proceedings being brought and increased legal fees being incurred by Council. Fixed penalty payments come to Council. Court fines go to the Court Service. Legal cost recovery is partial and limited.

4.2 A lead in period before new fixed penalty levels are introduced would allow for some publicity and communications on the changes as well as time for signage and fixed penalty booklets to be replaced.

5.0 Recommendations

5.1 It is recommended that Committee recommend to Council that the levels for Fixed Penalty Notices for the offences of dog fouling and littering are increased to £200 to be paid within 28 days with a reduced rate of £150 if the penalty is paid within 14 days.

5.2 It is further recommended that the commencement date for implementation of the increased fixed penalty fees is 1st July 2023.