

# Stevenage Borough Council Environmental Crime Enforcement Policy

## Contents:

	<b>Page</b>	
<b>1</b>	<b>Introduction</b>	1
<b>2</b>	<b>Aim</b>	1
<b>3</b>	<b>Key Legislation</b>	1
<b>4</b>	<b>Principles of Enforcement</b>	2
<b>4</b>	<b>Focus Areas</b>	
	Abandoned Vehicles	3
	Litter	4
	Fly-tipping	4
	Graffiti	5
	Fly-posting	5
	Dog Fouling	6
	Nuisance Vehicles	6
	Waste Disposal	7
	Community Based Bonfires	8
<b>5</b>	<b>Implementation</b>	
	Education and Enforcement	9
	Environmental Enforcement Team	9
	Partnership Working	9
	Enforcement Approach	10
	Income Received from Fixed Penalty Notices	11
	Juveniles	12
<b>6</b>	<b>Appeals &amp; Complaints</b>	13
<b>7</b>	<b>Evaluation and Review</b>	13

<b>1. Introduction</b>	
1.1	The Residents Survey in February 2018 informed that 79% of respondents said they were happy with their local area as place to live, however tackling crime and anti-social behaviour, and clean streets, pavements and cycleway were two of the top five ranked priorities for residents.
1.2	Stevenage Borough Council is committed to maintaining a clean and safe environment for the benefit of everyone who lives, works or visits the town.  Whilst the Council recognises its responsibilities in maintaining a clean environment, our communities also have a key role to play.
1.3	Enforcement plays a vital role in maintaining a clean and safe environment by Providing information and advice to individuals, businesses and other organisation regarding the law, regulations and duties. In the last resort, it is enforcement action that ensures that those individuals and /or businesses that spoil the environment for others are made accountable for their actions through legislative processes.
1.4	The presence of dumped waste, litter, dog fouling, graffiti, abandoned vehicles, and other environmental crime contributes to a visually unattractive local environment, but research from Keep Britain Tidy also shows that the quality of the environment can have an impact on health and wellbeing, on rates of crime and antisocial behaviour, and the vibrancy of the local economy.
1.5	The Council will work with the community to ensure that they understand their responsibilities, and that they receive reasonable assistance and support in their efforts to keep Stevenage clean and green. This forms part of the council's co-operative approach to working with residents, where both the council and the community have a key role to play in this ambition.
<b>2. Aim</b>	
2.1	This enforcement policy aims to provide guidance to Councillors, officers, businesses and individuals on the Councils approach to achieving compliance with environmental legislation in Stevenage.
2.2	Stevenage Borough Council seeks to achieve regulatory compliance from the whole community, recognising that prevention through education and advice is preferable to enforcement.  However, the Council also appreciates that there will be instances where it becomes necessary to take enforcement action against an individual or businesses who are in breach of the legislation.
2.3	This policy deals with crime and nuisance occurring in publicly accessible spaces, but does not cover enforcement issues managed by the Council's Environmental Health team, which is found under the umbrella of Communities and Neighbourhoods.
<b>3. Key Legislation</b>	
3.1	The key pieces of legislation relevant to environmental enforcement in Stevenage

	<p>are:</p> <ul style="list-style-type: none"> <li>• Environmental Protection Act 1990</li> <li>• Anti-Social Behaviour Act 2003</li> <li>• Clean Neighbourhoods &amp; Environment Act 2005</li> <li>• Refuse Disposal (Amenity) Act 1978</li> <li>• Control of Pollution (Amendment) Act 1989</li> <li>• Anti-Social Behaviour, Crime &amp; Policing Act 2014</li> <li>• Regulation of Investigatory Powers Act 2000</li> <li>• Dogs (Fouling of Land) Act 1996</li> <li>• Police &amp; Criminal Evidence Act 1984</li> <li>• Data Protection Act 1998</li> <li>• The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008</li> <li>• The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016</li> </ul>
<h4>4. Principles of Enforcement</h4>	
4.1	<p>Stevenage Borough Council believes in firm but fair enforcement of environmental legislation. This is informed by the principles of:</p> <ul style="list-style-type: none"> <li>• Proportionality;</li> <li>• Consistency;</li> <li>• Transparency;</li> <li>• Targeting; and</li> <li>• Accountability.</li> </ul>
4.2	<p><b>Proportionality</b></p> <p>Stevenage Borough Council believes that a majority of individuals and businesses wish to comply with the legal requirements placed upon them, and should be assisted in doing so.</p> <p>Any enforcement action taken to be proportionate to, or reflect the level of risk to the public and environment, and the seriousness of the offence.</p> <p>The Council views formal enforcement as a last resort, and prefer to work with the community to achieve compliance. With the exception of the most serious cases, or where advice / warnings have not been complied with, adequate opportunity will be given to rectify non-compliance before formal legal action is started.</p>
4.3	<p><b>Consistency</b></p> <p>Consistency does not simply mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends. Individuals and / or businesses found to be carrying out similar activities can expect a consistent approach from Stevenage Borough Council in the advice given, the use of enforcement action, decisions on whether to prosecute, and in the response to complaints.</p> <p>Consistency is not a simple and straightforward matter. Officers need to take account of many variables including the extent of environmental impact, the attitude and actions of individuals, and the history of previous incidents, breaches and</p>

	<p>enforcement action.</p> <p>Decisions on enforcement action are a matter of professional judgement and our officers need to be able to exercise discretion. We will continue to develop arrangements to promote consistency, including effective ways to liaise with other enforcing authorities.</p>
4.4	<p><b>Transparency</b></p> <p>Transparency means helping people understand what is expected of them and what they should expect from Stevenage Borough Council.</p> <p>It also means helping individuals / businesses distinguish between statutory requirements and advice / guidance about what is desirable, but not compulsory.</p>
4.5	<p><b>Targeted</b></p> <p>Targeting means making sure that enforcement action is directed primarily towards those whose activities give rise to serious and / or persistent non-compliance. Action will be primarily focused on deliberate or organised breaches of the law, and those residents, businesses or visitors to Stevenage who are responsible.</p>
4.6	<p><b>Accountability</b></p> <p>All of the Council's enforcement activities will be open to public scrutiny, with clear and accessible policies. There is also a fair mechanism for dealing with appeals and complaints associated with enforcement.</p>
<p><b>5. Focus Areas</b></p>	
<b>5.1</b>	<b>Abandoned Vehicles</b>
5.1.1	The removal of abandoned vehicles from roads, public land and open spaces is a statutory duty for local authorities.
5.1.2	<p>There is no legal definition of an abandoned vehicle, but guidance suggests that the vehicle would have one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>• No registered keeper listed on the DVLA database, and are untaxed</li> <li>• Stationary for a significant period of time</li> <li>• Significantly damaged, run down or un-roadworthy, i.e. with flat tyres, wheels removed, or broken windows</li> <li>• Burnt out</li> <li>• Number plates missing.</li> </ul>
5.1.3	The penalty for abandoning a vehicle, or parts of a vehicle, is a Fixed Penalty Notice or prosecution.
5.1.4	The Council is also able to claim, from the owner of the vehicle, prescribed amounts for the removal, storage and disposal of a vehicle.
<b>5.2</b>	<b>Litter</b>
5.2.1	Local authorities have a legal duty to clear litter from land for which they are responsible, such as streets, parks, playgrounds, and pedestrianised areas. They

	also have a duty to cleanse highways.
5.2.2	<p>However, it is illegal to drop litter. It is a criminal offence for a person to drop, throw down, or otherwise deposit and then leave litter in a public place.</p> <p>The offence of littering was previously covered in Sections 87 of the Environmental Protection Act (EPA) 1990, which is now updated and amended by the Clean Neighbourhoods and Environment Act (CNEA) 2005.</p>
5.2.2	<p>Litter is generally considered to be largely of synthetic materials often associated with smoking, eating and drinking. The Local Environmental Quality Survey of England 2014/15, carried out by Keep Britain Tidy revealed that four types of litter saw an increase</p> <ul style="list-style-type: none"> <li>• Fast-food related</li> <li>• Snack packs (e.g. crisp packets, biscuit wrappers)</li> <li>• Discarded food and drink</li> <li>• Supermarket or retain carrier bags.</li> </ul>
5.2.3	<p>Stevenage Borough Council provides litter bins in residential areas, town centre, neighbourhood centres and many open spaces. Officers will continue to undertake litter education work with residents groups, schools, and other community groups to raise awareness of the environmental and financial implications of littering, and the consequences for those that commit this enviro-crime.</p>
5.2.4	<p>Stevenage Borough Council provides a comprehensive range of services to assist its residents with the legal disposal of waste:</p> <ul style="list-style-type: none"> <li>• Kerbside Collections – alternate weekly collections for refuse and recyclables, including plastic, glass, cans, paper, cardboard, garden waste, food waste.</li> <li>• Assisted Collections - a free service to residents who, through illness or infirmity, are unable to put out their refuse/recycling and do not have anyone else to assist them.</li> <li>• Junk Collections – a chargeable service which will dispose of a maximum of 6 household items or up to 20 sacks of bagged garden waste per order.</li> <li>• Assessed Collections – a chargeable service disposing of larger volumes of waste than the junk collections and/or house clearances.</li> </ul>
5.2.5	<p>Hertfordshire County Council manages the Household Waste &amp; Recycling Centre in Caxton Way, Stevenage. It is open 5 days a week, year round. It is a free service to residents, offering recycling facilities for a wide range of goods including white goods, oil, and plasterboard.</p> <p>Hertfordshire residents wishing to dispose of household waste using a van, pickup truck, commercial type vehicle or vehicle and trailer combination, may apply for a permit. The permits are free of charge and are valid for 12 months.</p>
5.2.6	<p>The use of covert or overt surveillance techniques may be employed where officers deem it an appropriate enforcement tool in tackling large scale or recurring fly-tip incidents. The use of any CCTV equipment will be carried out in accordance with the Regulation of Investigatory Powers Act 2000.</p>
<b>5.4</b>	<b>Graffiti</b>

5.4.1	Graffiti is defined as writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place. Graffiti is illegal (it is classed as criminal damage), anti-social and is costly to remove.
5.4.2	Officers have a range of actions available to them from an FPN to an unlimited fine on conviction. Officers will consider (1) the degree and extent of graffiti, (2) the overall impact on the local environment, and (3) the previous history and record of anyone involved in the graffiti, in determining the most appropriate course of action.
5.4.3	Graffiti which is racially and/or religiously aggravated should not receive an FPN This form of criminal damage is considered to be a more serious and should be tried at a magistrate's court.
5.4.4	The Council has a dedicated team responsible for the clearance of graffiti from Council property including parks, highways land, subways, bridges and street furniture. Graffiti that is of a particularly offensive nature is given the highest priority.
5.4.5	The Council is not responsible for, and cannot undertake, graffiti removal from privately owned features within the public domain, i.e. junction boxes, garden fences etc. However, we will report graffiti to the owner for attention.
<b>5.5</b>	<b>Fly-posting</b>
5.5.1	Fly-posting is an illegal form of advertising. It is defined as the display of any printed material, which is left illegally fixed to any structure. It includes any size of material from small stickers up to large posters and banners.
5.5.2	Illegal advertisements can range from notices for lost pets, adverts for fund raising events, campaign material, directional signage to one-off events and commercial activities. The majority of illegal advertisements relate to the latter. The legislation makes no distinction between the two types of fly-posting.
5.5.3	Stevenage Borough Council are authorised to remove and destroy all fly-posts on public land. Within the terms of the Anti-Social Behaviour Act 2003 (as amended) officers may issue an FPN to an individual, group or organisation, for each individual fly-post.
5.5.4	Officers will take a reasonable and proportionate approach to dealing with offences of fly-posting. In cases of commercial advertisements officers will educate and enforce as deemed appropriate for the scale, nature and recurrence of the offence.
5.5.5	In responding to incidents of community groups and local fundraising events officers will assist with raising awareness of the legislation, and trying to assist these groups in meeting those requirements. Advertisements in support of these groups/activities/events will be removed and returned to the organiser without penalty in the first instance.  Continued advertisements placed in contravention of the legislation will be dealt with by the issue of a Fixed Penalty Notice or prosecution.
<b>5.6</b>	<b>Dog Fouling</b>
5.6.1	It is a criminal offence to not clear up after your dog. Enforcement officers will approach an educational approach with dog owners in the first instance. However, if a dog owner refuses to clear up after their dog, after the offence has been brought to their attention, this could result in the issue of a Fixed Penalty Notice or

	<p>conviction.</p> <p>The legislation does not apply to a person who is registered as a blind person.</p>
5.6.2	<p>Stevenage Borough Council provides dog bins and litter bins in residential areas, town centre, neighbourhood centres and many open spaces, which may be used to dispose of bagged dog waste.</p>
5.6.3	<p>Posters are used in locations where the Council becomes aware of extensive dog fouling problems. The locations are recorded, and the condition of the posters is monitored twice a year.</p>
5.6.4	<p>Officers will continue to undertake litter education work with residents groups, schools, and other community groups to raise awareness of dog fouling.</p>
<b>5.7</b>	<b>Nuisance Vehicles</b>
5.7.1	<p>In terms of the environmental enforcement nuisance vehicles, and the associated offences, this relates to either:</p> <ul style="list-style-type: none"> <li>• Selling vehicles on the road</li> <li>• Repairing vehicles on the road</li> </ul>
5.7.2	<p>Selling two or more vehicles on a road(s), within 500m of each other, is an offence.</p> <p>The legislation associated with this offence is aimed at people who run a business selling motor vehicles and use the road as a showroom. Private individuals selling their own vehicle are exempt from enforcement action.</p> <p>In Stevenage residential parking is already at a premium, so not only does this offence cause the local environment to look untidy, it exacerbates the shortage of parking availability.</p>
5.7.3	<p>Repairing vehicles on the road is an offence.</p> <p>Similar to the selling of vehicles, the legislation is aimed at individuals or businesses that use the road as a workshop. Anyone carrying out emergency repairs within 72 hours of the breakdown or accident is exempt from enforcement action.</p> <p>This offence poses a potential danger to passers-by, and the damage to the environment through oil / fuel spillages, for example.</p>
5.7.4	<p>Under the Clean Neighbourhoods &amp; Environment Act 2005 offenders may be issued with a Fixed Penalty Notice.</p>
5.7.5	<p>For more serious offences of nuisance vehicles, it is possible to prosecute either:</p> <ul style="list-style-type: none"> <li>• The person directly responsible for the nuisance parking, or</li> <li>• The director, manager or secretary of the company that employs the person responsible for the nuisance parking</li> </ul>
5.7.6	<p>An alternative method to prohibit the sale of vehicles on the road is to request the local highways authority to make a control order to prohibit a company selling goods on roads.</p> <p>Once the control order is in place the offender may initially be fined £1,000.</p>

	However, if they don't stop selling vehicles on roads within seven days they may be fined £10 every day until they stop.
<b>5.8</b>	<b>Waste Disposal</b>
5.8.1	Household Waste: Stevenage Borough Council is a Waste Collection Authority and, under the terms of the Environmental Protection Act 1990, has a duty to provide a household waste collection service.
5.8.2	The legislation also allows local authorities to: <ul style="list-style-type: none"> <li>• specify what waste, including recyclable materials, is placed in receptacles;</li> <li>• prescribe the type of containers used;</li> <li>• how many there area;</li> <li>• When and where they are to be presented for collection.</li> </ul>
5.8.3	Officers are able to issue Fixed Penalty Notices (FPN) where there are breaches in the legislation. However S58 of the Deregulation Act 2015 states that local authorities can only issue an FPN on the basis of nuisance or a detriment to the amenities of the locality, and only after three separate warnings have been issued to the resident.  If the resident continues not to conform officers will write a Notice of Intent, after which the resident has 28 days to respond to the local authority. It is only at this point that an FPN may be issued.
5.8.4	Community Protection Notices and Warnings (Anti-Social Behaviour, Crime & Policy Act 2014) may be used to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life. This is therefore another enforcement route to be considered.
5.8.5	Business Waste: under the Environmental Protection Act 1990, businesses must ensure that their waste is stored, presented and disposed in accordance with the Duty of Care for Commercial Waste.  This Duty requires that a business must: <ul style="list-style-type: none"> <li>• take all reasonable steps to keep their waste secure prior to disposal; Be sure that their waste is transferred to a company licensed, by the Environment Agency, to take it, transport it and recycle or dispose of it safely;</li> <li>• Receive a Waste Transfer Note from their authorised waste company, and store it for two years.</li> </ul>
5.8.6	Waste Carriers Licence: under the Control of Pollution (Amendment) Act 1989, any organisation (business, charity or voluntary) that collects or transports waste must register with the Environment Agency as a waste carrier, unless they are carrying their own waste and it is not construction or demolition waste.  Failure to produce a waste carrier's licence will result in an FPN or prosecution. Seizure of the unregistered vehicle is also possible.
<b>5.9</b>	<b>Community Based Bonfires</b>
5.9.1	The role of the Environmental Enforcement team, with regards bonfires, is primarily

	limited to education and enforcement associated with community based bonfires such as those around Guy Fawkes Night. However, this will not limit a partnership approach to help respond to incidents that may occur at other times.
5.9.2	Stevenage Borough Council does not permit the construction or use of community based bonfires on publicly maintained land unless they are licensed and have received consent from the Council and Hertfordshire Fire and Rescue Service.
5.9.3	The licensing of bonfires with a community gathering element will include: <ul style="list-style-type: none"> <li>• Conditions relating to time, location and materials to be used</li> <li>• Nominated responsible parties</li> <li>• Adequate supervision before, during and after the event</li> <li>• Adequate public liability insurance</li> <li>• Completed risk assessments</li> <li>• Suitable first aid arrangements</li> <li>• Emergency procedures.</li> </ul>
5.9.4	<p>Before the ignition of any bonfire to take place on publicly maintained land, a safety and compliance check is to be carried out in partnership with the event organiser, Hertfordshire Fire &amp; Rescue Service, Hertfordshire Constabulary and Stevenage Borough Council.</p> <p>Any non-compliance, or identified risks, found which endanger the community, the location, infrastructure or an individual will result in the event being cancelled and the bonfire materials are cleared immediately.</p> <p>Any costs incurred, by the Council, as a result of:</p> <ul style="list-style-type: none"> <li>• Clearance of the bonfire following the safety and compliance check</li> <li>• Clean up costs after the event</li> <li>• Reinstatement of damage incurred to publicly owned land or infrastructure,</li> </ul> <p>Will be recharged to the event organiser.</p>
<b>6. Implementation</b>	
<b>6.1</b>	<b>Education</b>
6.1.1	Education and campaigns raising awareness of environmental issues are the key foundations to any successful enforcement work. It is important that the community understand their responsibilities to enable them to abide by the law.
6.1.2	The Council will provide clear and consistent advice through: <ul style="list-style-type: none"> <li>• Leaflets</li> <li>• The Council's website</li> <li>• Chronicle</li> <li>• Local Press</li> <li>• Face-to-face engagement through events, street meets, etc.</li> <li>• Subject specific campaigns</li> <li>• Presentations to schools and community groups</li> <li>• Partnership working with Keep Britain Tidy, for example.</li> <li>• Social Media</li> </ul>

6.1.3	Community Safety Officers work closely with the Environmental Development Officer to design and deliver campaigns, educational messages and applying for funding for initiatives.
<b>6.2</b>	<b>The Community Safety Team</b>
6.2.1	Only fully Accredited Persons (under the Community Safety Accreditation Scheme) will be authorised to take enforcement action.
6.2.2	<p>The Community Safety Accreditation Scheme (CSAS) is a nationally recognised scheme promoted by the Home Office and the Association of Chief Police Officers, and has been established in Hertfordshire since 2005.</p> <p>Accredited Persons are police vetted, and prior to their accreditation being formalised will receive full training appropriate to the powers they have been granted.</p>
6.2.3	<p>Community Safety Officers who carry visible identification cards and an authorisation card to show what legislation they are able to enforce.</p> <p>Additional stipulations of CSAS are that they also display their Police Accreditation ID card and powers card and have the nationally recognised CSAS badge (see above) sewn onto their uniform.</p>
6.2.4	All Accredited Persons undertake a review every 3 years.
<b>6.3</b>	<b>Partnership Working</b>
6.3.1	Where there is a wider regulatory interest, enforcement activities will be co-ordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.
6.3.2	Where an enforcement matter affects a wider geographical area beyond the Borough boundaries, or involves enforcement by one or more other local authorities or organisations, where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.
6.3.3	<p>The officers will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies including:</p> <ul style="list-style-type: none"> <li>• Hertfordshire Constabulary</li> <li>• Highways England</li> <li>• Hertfordshire Fire &amp; Rescue Service</li> <li>• Government Agencies</li> <li>• Housing Associations</li> <li>• Statutory Undertakers</li> <li>• Other Local Authorities</li> </ul>
6.3.4	To be effective in addressing environmental crime, and related anti-social behaviour, the exchange of information between agencies is essential. The sharing of any specific information with other regulatory bodies and enforcement agencies will take place having due regard for the requirements of the GDPR legislation 2018, Data Protection Act 1988 and the Crime & Disorder Act 1988.
<b>6.4</b>	<b>Enforcement Approach</b>

6.4.1	<p>The decision on whether to use enforcement action will depend on a number of factors which may include:</p> <ul style="list-style-type: none"> <li>• The seriousness of the offence</li> <li>• Can the offender be easily identified / traced</li> <li>• Did the offence result from a genuine mistake that the offender is prepared to resolve?</li> <li>• Has the individual / business offended before?</li> <li>• Is it likely that the offence will happen again?</li> <li>• The attitude of the offender – do they care about their responsibilities or not?</li> <li>• Was the offender suffering from significant mental or physical ill health at the time of the offence?</li> <li>• The problem was revealed by an approach for advice from the individual /business</li> <li>• Reluctance of a witness to testify.</li> <li>• A conviction is likely to result in a very small or nominal penalty.</li> <li>• Are there any language / cultural issues that affect understanding of the law?</li> <li>• Are there adequate / appropriate facilities and services to encourage compliance?</li> </ul>
6.4.2	<p>Where formal action is considered necessary each case will be considered on its own merits. The approach to be taken will aim to:</p> <ul style="list-style-type: none"> <li>• change the behaviour of the offender;</li> <li>• change attitudes in society to offences which may not be serious in themselves, but which are widespread;</li> <li>• eliminate any financial gain or benefit from non-compliance;</li> <li>• be responsive and consider what is appropriate for the particular offender and the regulatory issue;</li> <li>• be proportionate to the nature of the offence and the harm caused;</li> <li>• restore the harm caused by regulatory non-compliance, where appropriate; and</li> <li>• Deter future non-compliance.</li> </ul>
6.4.3	<p>There are a number of potential enforcement options. The level of the action taken can vary from no action through to proceedings in Court. Examples of main types of action that can be considered are shown below:</p>

	<b>Action</b>	<b>Use Guidance</b>
<b>1</b>	No Action	<p>In some circumstances, breaches of the law may not justify any action other than to note the facts to help inform future decisions. Examples include:</p> <ul style="list-style-type: none"> <li>• where the cost of the required enforcement action to the Council outweighs the detrimental impact on the community</li> <li>• Where a trader has ceased to trade or the offender is elderly and frail and formal action would seriously damage their wellbeing.</li> </ul> <p>Such decisions will take into account the public interest principle and in such cases officers will</p>

		advise the offender and any 'victim' of the reasons for taking no action.
<b>2</b>	Informal Advice, Guidance and Support	Used for minor breaches. Officers will clearly identify any contraventions, and give advice on how to put them right along with a deadline by which this must be done. Any continuing or repeated breaches will be reconsidered in accordance with this Policy.
<b>3</b>	Fixed Penalty Notices (FPN)	FPN's offer offenders the option to discharge their liability for being prosecuted for certain offences. If a FPN is not paid, the Council will normally instigate legal proceedings or take other enforcement action in order to try to remedy the situation. Payment of a FPN does not provide immunity from prosecution in respect of similar or recurrent breaches. See Appendix A for summary of offences and penalties.
<b>4</b>	Simple Caution	Officers have authority to issue Simple Cautions as an alternative to prosecution. A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.
<b>5</b>	Prosecution	This will normally be considered where none of the other forms of enforcement action are considered appropriate, and the individual / business has met one or more of the following criteria: <ul style="list-style-type: none"> <li>• Deliberately, recklessly, negligently or persistently breached legal obligations, which were likely to cause material loss or harm to others.</li> <li>• Deliberately or persistently ignored written warnings or formal notices</li> <li>• Endangered, to a serious degree, the health, safety or wellbeing of people, animals or the environment</li> <li>• Attempted to make financial gain at the expense of others</li> <li>• Assaulted or obstructed an officer in the course of their duties.</li> </ul> <p>Prosecution will only be considered where there is sufficient evidence to provide a realistic prospect of conviction.</p>

<b>6.5</b>	<b>Income from Fixed Penalty Notices</b>
	The Council will use any income received from the payment of FPN's in accordance with government guidance

<b>Offence</b>	<b>FPN money can be spent on functions relating to:</b>
Litter	Litter, dog control, graffiti and fly-posting
Graffiti	Litter, dog control, graffiti and fly-posting

Dog Control	Litter, dog control, graffiti and fly-posting
Fly-posting	Litter, dog control, graffiti and fly-posting
Unauthorised distribution of free printed material on designated land	Litter, dog control, graffiti and fly-posting
Nuisance vehicles	Road traffic, litter and refuse
Abandoning a vehicle	Road traffic, litter and refuse
Fly-tipping	There are no restrictions on how councils can use income
Failing to show waste documents	Waste on land

<b>6.6</b>	<b>Juveniles</b>
6.6.1	In law, an FPN can be issued to anyone over the age of ten (10). Stevenage Borough Council's duty, under the Children's Act 2004, requires that we discharge our functions with regard to the need to safeguard and uphold the welfare of children. With this in mind different procedures will be followed when issuing FPN's to 16-17 year olds, and to children between 10-15 years of age.
6.6.2	When an offence has been committed, and the age of the offender is established, officers will use particular care and sensitivity in their dealings with young people.  If there are any doubts as to whether the offender is 16 or over, the officer will follow the procedures for dealing with 10 to 15 year olds.
6.6.3	If the age has been ascertained to be between 10-15 years, no further action will be taken without consultation with the child's parent or legal guardian. Any action taken will be based on the severity of the offence and the circumstances of the individual case.  The Council's Community Safety Team is likely, in a majority of cases, to issue a verbal warning for the first offence, and a written warning for the second. FPN's, or other further action, is only likely to be taken where the child is known to be a persistent offender.
6.6.4	FPN's may be issued to 16-17 year olds in the same way as for adults.

## **7. Appeals and Complaints**

7.1	There is no statutory requirement for Environmental Fixed Penalty Notices to have any form of appeal procedure in place. However, Stevenage Borough Council does operate a process in which an individual / business may contest this action.
7.2	Should a person feel that they have not caused an offence or the FPN was incorrectly served, they must write to the Community Safety Manager, stating the reasons, within 14 days of the date of issue.  The manager will provide a written decision to both the offender and the officer concerned, within ten working days.  If the appeal is upheld no further action will be taken. If the appeal is rejected the individual / business will be expected to pay the outstanding penalty amount within seven days of the date of the letter.
7.3	Any complaint about the conduct of an officer will be immediately notified to the line

	<p>manager of the officer concerned, who will make a judgement on what action is to be taken. An officer will not automatically be withdrawn from any case by virtue of a customer complaint.</p> <p>They will consider the complaint and assess if the officer has acted outside their remit and / or has acted unprofessionally towards the individual / business concerned.</p> <p>All complaints will follow the Councils Corporate Complaint system which can be viewed at <a href="http://www.stevenage.gov.uk">www.stevenage.gov.uk</a>.</p>
7.4	In the case of written and verbal warnings issued by an officer, there is no set appeal process as no formal legal action has been initiated.
<b>8. Evaluation and Review</b>	
8.1	This policy will be reviewed every twenty four months to ensure that it is current, and to provide an opportunity to introduce, where necessary, any new powers granted to local authorities in managing local environmental quality.
8.2	<p>The review will consider how effective the policy has been in reducing the impact of enviro-crime on the local environmental quality, and will evaluate the effectiveness of enforcement action in areas such as:</p> <ul style="list-style-type: none"> <li>• Reduction in the level of fly-tipping</li> <li>• Improvements in resident satisfaction relating to the cleanliness of Stevenage</li> <li>• Numbers of FPN's issued, and the subsequent payment rate</li> <li>• Reduction in the levels of abandoned vehicles</li> </ul>

Appendix A: Summary of Offences Subject to Fixed Penalty Notices

Description of Offence	Act	Amount of penalty if paid within 28 days	Amount of penalty if paid within 14 days
Depositing litter	Section 88 Environmental Protection Act 1990	£75	£50
Fly tipping	Section 33/34 Environmental Protection Act 1990	£300	
Abandoning a vehicle			
Graffiti and Fly-Posting			
Failing to pick up dog fouling			
