

Communities, Housing and Environment Committee

8th December 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Increase Fixed Penalty Fine Level – Littering & Dog Offences

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	Andy Bell
Lead Officer and Report Author	Andy Bell/Michael Swoffer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

That the Committee notes the proposed increase in the penalties as detailed in paragraphs 1.1 and 1.2 of this report.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – the proposed increase in fine level will be a deterrent to littering and irresponsible dog ownership; assisting in further reducing litter and fouling within the borough and improving our parks and open spaces.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	8 th December 2015

Increase Fixed Penalty Fine Level – Littering & Dog Offences

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 Under the Clean Neighbourhood and Environment Act 2005 Maidstone Borough Council have adopted two Dog Control Orders:

- The Fouling of Land by Dogs (Maidstone) Order 2013
- The Dog Exclusion(Maidstone) Order 2013

The current fine level is £75 and the proposed increase will be to £80, which is the maximum permissible level.

1.2 Under the Clean Neighbourhood and Environment Act 2005 litter is an offence. The current fine level is £75 and the proposed increase will be to £80, which is the maximum permissible level.

2. INTRODUCTION AND BACKGROUND

2.1 The Fouling of Land by Dogs (Maidstone) Order 2013. Increase fine from £75 to £80.

2.1.1 It is currently an offence to fail to remove faeces but the current fine is set at £75. The proposal will be to increase the fine to £80.

2.1.2 Environmental Enforcement has designed and implemented a campaign called "Dog Watch" to assist with the enforcement of dog fouling within the borough. The further use of the campaign and introduction of higher fines, we believe, will further deter those current offenders who form a small irresponsible minority of dog-owners in the borough.

2.1.3 Since the introduction of "Dog Watch" the issuing of fixed penalty fines for fouling has increased:

Year	No. of FPN's Issued
2012/13	3
2013/14	8
2014/15	12
2015 /to date	10

2.2 Dog Exclusion (Maidstone) Order 2013 (gated play areas). Increase fine from £75 to £80

- 2.2.1 There is currently a Dog Control Order in place that excludes dogs from gated play areas within the borough, however the current fine is £75 and we are proposing to raise the fine to £80 to be in line with the fouling offences.
- 2.2.2 The reason why the Dog Control Order was introduced was that a minority of dog owners were using gated play areas to exercise their dogs. This was considered a safety risk for children as not only are there risks of children being knocked over but also these dogs defecate and urinate in areas that are for the use of children. Since the introduction we have only had one report of a dog using a children's play area and this was due to the sign being removed.
- 2.2.3 New signs and added media coverage of a new fine level will continue to deter such irresponsible dog owners from using children's play parks.

2.3 Litter Enforcement. Increase fine from £75 to £80

- 2.3.1 A private company (Kingdom) has been contracted to enforce on litter offences within the Maidstone Borough. This arrangement has been in place since 2011 and has dramatically decreased the amount of litter on the streets. It has also changed people's behaviour with regards to using bins within the borough.
- 2.3.2 Since the introduction of the private litter enforcement company the following fixed penalty fines have been issued:

Year	No. of FPN's
2010/11	3297
2011/12	4425
2012/13	4147
2013/14	2923
2014/15	2607
2015/to date	971

- 2.3.3 The increase to £80 is the maximum permissible level but is also in line with our neighbouring MKIP partners (Swale and Tunbridge Wells) as they also set their littering FPN charge at £80.
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3. AVAILABLE OPTIONS

- 3.1 This report is for information only for the committee and no decision is required.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This report is for information only for the committee and no decision is required.
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5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The Policy and Resources Committee will determine the increases at their meeting in December 2015. If the proposed increases are agreed then these will be implemented from 1st April 2016.
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6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all; this slight rise in FPN charge levels will maintain the improvement in behaviours and levels of litter on our borough's streets.	Head of Environment and Street Scene
Risk Management	The management of fixed penalty fines will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.	Head of Environment and Street Scene
Financial	It is anticipated that implementation will be resourced from within existing budgets.	Head of Finance & Resources
Staffing	Authorised officers will continue to need to have appropriate skills and/or completed appropriate training in order to be able to issue fixed penalties and deal with prosecutions.	Head of HR Shared Service
Legal	It is anticipated that implementation will be resourced from within existing	Head of Legal Partnership

	budgets and, especially given the declining amount of FPNs issued, there will be no additional impact on MKLS.	
Equality Impact Needs Assessment	Incidents of littering, dog fouling and dog exclusions will continue to be dealt with in line with our equalities framework.	Policy & Information Manager
Environmental/Sustainable Development	None	
Community Safety	The increase in fine levels will contribute to making Maidstone a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Environment and Street Scene
Human Rights Act	The council must ensure it complies with its duties under the Equality Act 2010.	Head of Environment and Street Scene
Procurement	Appropriate procurement methods will be used to procure publicity and signage.	Head of Finance & resources
Asset Management	None	

7. BACKGROUND PAPERS