

Environmental Crime Enforcement Policy

Probus Parish Council

PROBUS PARISH COUNCIL

1. Introduction

1.1 Environmental Enforcement is a “Clean & Green” corporate priority and, in particular, Probus Parish Council takes a “zero tolerance” approach to dealing with offences relating to:

- i. Littering
- ii. Dog Fouling

1.2 Where the above offences are witnessed, Probus Parish Council Enforcement Officers will, as a first resort, issue fixed penalty notices (FPNs) for the above offences in accordance with relevant legislation. These notices provide a quick, visible and effective way of dealing with low-level straightforward environmental crimes, and an alternative to prosecution.

1.3 A fixed penalty is not a fine. Payment of the penalty by the recipient discharges their liability to conviction for the offence for which the FPN was issued. It does not constitute an admission of guilt, but removes the possibility of the creation of a record of criminal conviction.

1.4. This policy document outlines the Authority’s approach to issuing fixed penalty notices in relation to the above Environmental Offences that are enforced by the Parish Council. It also outlines the Authority’s appeals and prosecution policies in relation to the above offences and how cases of obstruction will be dealt with.

1.5. Civil Parking Enforcement is not dealt with in this document.

2.0 Grounds For Issuing A FPN

2.1. A FPN may only be issued where an officer has reason to believe a person has committed an offence.

2.2. Normally offences resulting in a FPN will be witnessed directly by the officer.

3.0 The Offender

3.1. A FPN should be issued only where there is sufficient evidence as to his/her identity and place of residence.

3.2. Where a suspect is not cooperative, consideration may be given to an alternative disposal (e.g. prosecution and/or police involvement). FPNs must be issued to and received by the suspect. If an alleged offender refuses to give a correct name and address, and identity can be established through other means, i.e. by the police, the offence should normally be pursued by prosecution, rather than the FPN procedure. From April 2006 it has been a specific offence for a person to whom an officer proposes to issue a litter FPN, to fail to provide the officer with their name and address, or to give false details (see Section 9).

3.3. A FPN will not be appropriate:

1. Where a suspect appears to be unable to understand what is being offered to them (for example, where the suspect is deaf). Where such circumstances arise every effort should be made to solicit/impart the required information.
2. Where the suspect’s behaviour suggest they have learning disabilities or mental disorder. Under such circumstances the officer should question whether issuing a FPN and prosecution is in the public interest.
3. Where the suspect is a non-resident foreign national (i.e. not British or Northern Irish), as the FPN will not be enforceable.
4. Where no satisfactory address exists for enforcement purposes. This may be where the officer has reason to believe that the suspect is homeless or sleeping rough.

5. Where an offender is threatening, abusive or violent to the officer. Where an alleged offender becomes aggressive or violent, the officer should ensure their own safety and seek help from the police. The offender would be dealt with by way of prosecution, either by the police or the authority. (The officer should refer to the guidance on dealing with violent and aggressive people).

3.4. A FPN may not be appropriate where it is known that the suspect has a previous conviction or a caution for the offence, or has been issued with a number of FPNs, particularly if they have not paid. The officer should inform the offender that he will be reported with a view to prosecution.

4.0. Issuing The FPN

4.1. The Enforcement Officer will approach the alleged offender, identify him/herself and tell the person, in simple terms that they have been seen committing an offence. The Enforcement Officer will ensure that he/she carries identification and proof of authorisation, The Officer will be smartly dressed and in a uniform provided by, and identifiable to, the Authority. He or she will communicate in a respectful, even-handed manner.

4.2. The Offender will be spoken with to obtain their name, address and date of birth. These details will be verified as far as practicable, and the FPN will then be issued. Documentary evidence of identity and place of residence will be requested, but not demanded, and will be preferable to non-physical checks such as the electoral register. Failure to identify a suspect prior to issue could invalidate enforcement. Police assistance will be sought where necessary. The officer must record the suspect's forename, surname, address, post-code and date of birth on the FPN. These are required for processing purposes.

4.3. When the FPN is issued, the officer should explain that it provides an opportunity to avoid liability to prosecution, and will draw the person's attention to the relevant points about making payment and prosecution in the event of non-payment.

4.4. If the person either refuses to accept the FPN or, having accepted such a notice, does not pay before the end of suspended enforcement period (14 days), the matter may result in prosecution. To ensure the credibility of a FPN scheme, all cases involving non-payment will be dealt with by Cornwall Council.

5.0 Appeals

5.1 No formal right of appeal, but written appeals will be considered to Cornwall Council.

6.0 Issuing Fixed Penalty Notices To Young Persons Aged under 18 Policy

6.1 Fixed penalty notices will not be issued to young persons for littering and dog control offences. However, young persons that offend will be verbally warned in an even-handed and educative manner. Where appropriate, enforcement officers will engage with local schools, colleges and other similar establishments, where offences are committed by young people associated with such establishments, in an attempt to further promote the Authority's Clean & Green priorities and relevant behaviour change.

7.0 Fixed Penalty Information

Alleged Offence Committed	Description of offence	Act	Full amount of penalty	Maximum penalty on conviction
Littering	Depositing Litter	Section 87/88 - Environmental Protection Act 1990	£150	£2500
Dog Fouling	Failure to comply with a Public Spaces Protection Order	Anti-social Behaviour, Crime and Policing Act 2014	£100	£1,000

Payment Facilities

Payment may be made in person at your nearest Cornwall Council One Stop Shop, over the telephone by dialling 0300 1234 212 quoting the code next to the relevant offence. The green copy of the notice must be attached with the payment. To find your nearest One Stop Shop: call 0300 1234 212 or visit www.cornwall.gov.uk Cheques made payable to CORNWALL COUNCIL may be posted to: Neighbourhoods & Public Protection, Cornwall Council, 2nd Floor, Dolcoath Avenue, Camborne, TR14 8SX. Post dated cheques will not be accepted

8.0 Responsibilities.

Responsibilities of:

Cornwall Council will be responsible for providing:

- The authorisation ID card and the FPN ticket book
- Follow up and receive payment for any FPN notices issued
- Once payment is received by CC they will pay the Parish Council 50% of the FPN amount.

The Parish Council will be responsible for:

- Issuing the correct uniform
- Providing a Bodycam and SD card
- Providing a PC identification card
- Receiving the FPN tickets to forward to Cornwall Council and carry out any administration.
- Putting policies in place for 'Procedures', 'Safe Guarding' and 'Lone working'
- Store confidential information following their GDPR regulations
- Ongoing training/ refresher course for Enforcement Officer.

The Enforcement Officer will be responsible for:

- Carry out his enforcement duties in-line with Cornwall Council's and the Parish Council's procedures
- Wear the correct uniform and carry identification cards provided by CC and the PC and a mobile phone at all times
- Wear a body cam at all times and turn on before approaching an offender
- Complete and keep efficient records and notes in relation to each FPN notice or conversation/warning issued
- Forward copies of any FPN's and warnings on the date of issue to the Parish Clerk to forward to CC ASAP.
- Do not put their self in any danger
- Read and sign a copy of the PC Polices and Procedures.

This document to be read in conjunction with Enforcement Procedure document.