

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 16th June 2009
Report of: Strategic Director Places
Title: Amendment to the Local Environmental Quality Strategy

1.0 Purpose of Report

- 1.1 This report refers to the Local Environmental Quality Strategy (LEQS) adopted by Cabinet on the 23rd March 2009.
- 1.2 The LEQS provides guidance to Community Wardens and Environmental Enforcement Officers on the Council's approach to enforcement and in particular, the issuing of Fixed Penalty Notices (**FPN's**).

2.0 Decision Required

That, subject to the Borough Solicitor being satisfied with the legality of the arrangements for the issue of such notices, Cabinet amends the LEQS as outlined in Section 7.0 to allow the issue of FPNs to persons over the age of 10.

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The value of FPN's for each offence is set out in the LEQS and these are unchanged.

5.0 Legal Implications

- 5.1 There is a risk of legal challenge if robust and consistent procedures are not in place and officers are not given clear guidance as to how they should carry out their duties.

6.0 Risk Assessment

- 6.1 There are risks of complaints to the Council and the Local Government Ombudsman of an inconsistent and ineffective approach to enforcement particularly with regard to juvenile offenders. This proposed amendment will address these risks.

7.0 Background and Options

7.1 Section 4.16 of the existing LEQS states that;

“In law, an FPN can be issued to anyone over the age of 10. However, this Council has taken the decision that they should not be served on persons under the age of 16. There is no upper limit.”

7.2 Enforcement action covers a range of interventions that seek to achieve legislative compliance. It will include education, awareness-raising and advisory visits as well as more formal action such as the issue of Fixed Penalty Notices, written warnings and ultimately prosecutions.

7.3 Authorised officers of the Council and its' partners can issue FPN's for various environmental offences, in particular, littering, defacement (graffiti) and dog fouling. Last year the Community Wardens in the Congleton area issued 22 FPN's for littering to young people under the age of 16 and a letter was also sent to their parents advising them of the offence. All 22 FPN's were paid.

7.4 A significant number of people that are committing this type of anti-social behaviour are young people between the ages of 10 and 16.

7.5 The Community Wardens are currently dealing with a number of littering issues across the Borough with a focus on the areas around our schools. The Wardens have visited schools and worked with pupils to explain the impact of littering and other 'enviro-crimes' on their communities as a whole. The next phase would normally be to escalate our interventions towards issuing FPN's and this will prove difficult to carry out if the current restriction remains in place.

8.0 Overview of Year One and Term One Issues

None

9.0 Reasons for Recommendation

9.1 To ensure the Council's approach to environmental enforcement is both effective and consistent.

For further information:

Portfolio Holder: Councillor Brian Silvester

Officer: Tony Potts

Tel No: 01270 529869

Email: Tony.Potts@cheshireeast.gov.uk

Background Documents:

Documents are available for inspection at:

*Westfield's
Middlewich Rd, Sandbach, CW11 1HZ*