

# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – ESS04 21/22

Decision				
1	<b>Title of decision:</b> Review of Fixed Penalty Notice Amount for Environmental Offences			
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor Mrs Maddi Bridgeman, Cabinet Member for Environment and Street Scene			
3	<b>Report author and contact details:</b> Nicola Horne – <a href="mailto:Nicola.horne@plymouth.gov.uk">Nicola.horne@plymouth.gov.uk</a>			
4	<b>Decision to be taken:</b> Increase Fixed Penalty Notice amounts for all environmental offences to the current maximum statutory level permitted as detailed in Appendix I.			
5	<p><b>Reasons for decision:</b></p> <p>Various environmental offences can be dealt with by the issuing of Fixed Penalty Notices (FPN) and the amount of the FPN can be set between a minimum and maximum level. Following recent legislative changes, a number of such FPN's have been amended and added, which have not been specified in other decisions and are therefore still set at the default amount.</p> <p>The Council is committed to ensuring our streets and open spaces are clean and tidy, and to this end, officers issue FPN's for environmental offences such as littering, fly tipping and waste offences. The use of FPN's is sensible in offering offenders the opportunity to discharge their liability for prosecution for low level offences, thereby avoiding court action and potential criminal convictions. Due to legislative changes, this document seeks to streamline previous decisions and to set all FPN's at the current maximum permitted amount to act as a deterrent to committing environmental offences.</p>			
6	<b>Alternative options considered and rejected:</b> Environmental offence FPN's could have been set at the default amount, however this would be less likely to act as a deterrent. The council continues to take a strong stance on environmental enforcement.			
7	<b>Financial implications and risks:</b> The amount recovered in FPN's can be retained by the local authority and legislation dictates that this must be used on enforcement activities. It is anticipated that this will help support the cost of enforcement, and reduce extended costs of taking cases through the court process. Based on FPN levels in 2019/20, it is likely to generate approx. £0.100m additional income, however the additional costs of resourcing investigations and taking enforcement action will need to be paid for from any additional income.			
8	<b>Is the decision a Key Decision?</b>	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>

	(please contact <b>Democratic Support</b> for further advice)		x	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
			x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	<b>If yes, date of publication of the notice in the <u>Forward Plan of Key Decisions</u></b>			
<b>9</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	This is linked to the Corporate Plan in delivering a key priority of a clean and tidy city. The cost of enforcement and keeping streets clean of waste exceeds any income generated from Fixed Penalty Notices.		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	There is not anticipated to be any adverse environmental impact.		
<b>Urgent decisions</b>				
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	x	<b>(If no, go to section 13a)</b>
<b>12a</b>	<b>Reason for urgency:</b>			
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			
<b>Consultation</b>				
<b>13a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>		
		<b>No</b>	x	<b>(If no go to section 14)</b>
<b>13b</b>	<b>Which other Cabinet member's</b>			

	portfolio is affected by the decision?		
<b>13c</b>	Date Cabinet member consulted		
<b>14</b>	Has any Cabinet member declared a conflict of interest in relation to the decision?	<b>Yes</b>	If yes, please discuss with the Monitoring Officer
		<b>No</b>	
<b>15</b>	Which Corporate Management Team member has been consulted?	<b>Name</b>	Dr Ruth Harrell
		<b>Job title</b>	Director of Public Health
		<b>Date consulted</b>	14/09/21
<b>Sign-off</b>			
<b>16</b>	Sign off codes from the relevant departments consulted:	<b>Democratic Support (mandatory)</b>	Ds82 21/22
		<b>Finance (mandatory)</b>	djn.21.22.178
		<b>Legal (mandatory)</b>	37418/ag/4.11.21
		<b>Human Resources (if applicable)</b>	N/A
		<b>Corporate property (if applicable)</b>	N/A
		<b>Procurement (if applicable)</b>	N/A
<b>Appendices</b>			
<b>17</b>	<b>Ref.</b>	<b>Title of appendix</b>	
	A	Briefing report for publication	
	B	Equalities Impact Assessment	
<b>Confidential/exempt information</b>			
<b>18a</b>	Do you need to include any confidential/exempt information?	<b>Yes</b>	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)
		<b>No</b>	
		<b>Exemption Paragraph Number</b>	

		1	2	3	4	5	6	7
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
<b>Cabinet Member Signature</b>								
<b>20</b>	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
<b>Signature</b>				<b>Date of decision</b>		26 November 2021		
<b>Print Name</b>	Councillor Mrs Maddi Bridgeman							