

## **EAST AYRSHIRE COUNCIL**

### **EAST AYRSHIRE COMMUNITY SAFETY FORUM – 1 DECEMBER 2005**

#### **LIAISON WITH PROCURATOR FISCAL SERVICE**

##### **Report by Executive Director of Neighbourhood Services**

### **1. PURPOSE**

- 1.1. To advise the Forum of the outcome of a meeting with the Procurator Fiscal's Service.

### **2. BACKGROUND**

- 2.1. At the meeting of the Forum on 21 September 2005, the outgoing Procurator Fiscal intimated his intention to see closer links between his Service and those of the Council.

During the ensuing discussion it was agreed that he meet with the Chair of the East Ayrshire Community Safety Forum to explore areas of common interest.

- 2.2. Councillor O'Neill chaired a meeting with a representative of Kilmarnock and Ayr Fiscals' Service on 14 October 2005. Representatives of the Cleansing, Environmental Health and Community Safety Service together with Strathclyde Police and the Head of Protective Services also attended the meeting.

### **3. DISCUSSION**

- 3.1. The meeting was held two days after a joint initiative by the Council and Police Officers to carry out lunchtime patrols around a number of secondary schools in East Ayrshire. During these patrols, a number of pupils were observed to commit litter offences and as a result Council staff issued Fixed Penalty Notices.
- 3.2. After discussion, it was agreed the preferred route would be for Council Officers to use their statutory powers to issue Fixed Penalty Notices for littering, fly tipping and dog fouling accompanied (where required) by Police Officers.
- 3.3. Both representatives from the Fiscal Service indicated their intention to pursue non-payment of any Fixed Penalty fines issued by Council staff.
- 3.4. The outcome of the meeting confirmed the positive approach indicated by Kenny Donnelly at the last meeting of the Forum.
- 3.5. Both Fiscals welcomed the opportunity to continue to attend future meetings of the Community Safety Forum.

**4. FINANCIAL IMPLICATIONS**

4.1. Nil.

**5. LEGAL IMPLICATIONS**

5.1. A number of staff within the Cleansing and Environmental Health Service are authorised to issue Fixed Penalty Notices for prescribed offences.

**6. POLICY IMPLICATIONS**

6.1. The use of statutory enforcement powers to control environmental offences is consistent with a number of strategies within the Council Plan.

**7. CONCLUSIONS**

7.1. Following an offer made at the last meeting of the Forum, Councillor O'Neill met with representatives of the two Fiscal Services in Ayrshire on 14 October 2005. Inspector McArthur from Strathclyde Police Community Service also attended the meeting.

7.2. The contribution by the Fiscal Service and the Police was very positive and the Council's approach was agreed with an undertaking from the Fiscal Service to pursue non-payment of Fixed Penalty Notices.

**8. RECOMMENDATIONS**

8.1. The Community Safety Forum is invited to note the Report.

William Stafford  
Executive Director of Neighbourhood Services  
18 October 2005

**LIST OF BACKGROUND PAPERS**

Nil

Implementation Officer – John F Crawford