

## EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 19<sup>TH</sup> SEPTEMBER 2001

### AUTHORISATION OF USE OF FIXED PENALTY NOTICES FOR LITTER OFFENCES

#### Report by the Director of Community Services

#### 1. PURPOSE OF REPORT

- 1.1 To invite the Committee to authorise designated Officers of the Council to issue Fixed Penalty Notices in respect of littering offences.

#### 2. BACKGROUND

- 2.1 Despite the best efforts of the Street Cleansing Services, a number of areas of East Ayrshire can be found in a littered and untidy condition at any one time.
- 2.2 In addition to the reactive street sweeping services, the Council actively promotes and encourages anti-litter ventures such as “Just Bin It!”. In the latter event the Council consistently is among the highest in Scotland for the number of initiatives per head of population.
- 2.3 It is clear however that a small section of the community continue to despoil the towns, villages and countryside by the irresponsible dropping and dumping of litter.
- 2.4 In addition to the existing measures, it is felt that consideration be given to authorising certain members of staff to issue Fixed Penalty Notices to individuals identified with dropping litter and dumping.

#### 3. DISCUSSION

- 3.1 It is proposed to issue a Fixed Penalty Notice to anyone where there is evidence that they may have been involved in a fly tipping, dumping or littering offence.
- 3.2 Council staff regularly check over fly tipped and dumped waste for identification prior to its removal. In appropriate circumstances, Fixed Penalty Notices would be issued where there is appropriate evidence.
- 3.3 Council staff could also issue Fixed Penalty Notices to any member of the public seen dropping litter.
- 3.4 Non-payment of Fixed Penalty Notices is a matter which would be the subject of a report to the Procurator Fiscal.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Any monies resulting from the payment of the £25.00 Fixed Penalties are directly payable to the Exchequer.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Environmental Protection Act 1990, Section 87 sets out an offence of dropping litter. Case law includes discarded bags of rubbish as litter for purposes of Section 87.
- 5.2 Section 88 of the Act provides for authorised Officers of the Council to issue Fixed Penalties to any individual considered to have committed an offence under Section 87 of the Act.

#### **6. POLICY IMPLICATIONS**

- 6.1 The Council is committed to reducing the amount of litter and dumping throughout its area.

#### **7. CONCLUSIONS**

- 7.1 It is felt that the facility for authorised Officers of the Council to issue Fixed Penalty Notice would raise public awareness of the detrimental effect which litter has in the environment.

#### **8. RECOMMENDATIONS**

- 8.1 The Committee is invited to:-
- (i) recommend that the Council amend the Scheme of Delegation to allow the Director of Community Services and the Head of Protective Services to authorise Officers (in terms of the Section 88 of the Environmental Protection Act 1990) to issue Fixed Penalty Notices to individuals believed to have committed an offence under Section 87 of the Act).
  - (ii) note the contents of this report.

William Stafford  
**Director of Community Services**

27<sup>th</sup> August 2001

WS/JFC/RRS

#### **LIST OF BACKGROUND PAPERS**

**Nil.**

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**AGENDA**