

## **Appendix I: Draft delegated decision report for amending Fixed Penalty Notice amounts (Partnerships Scrutiny Committee consultation)**



<b>Decision taken by:</b>	Councillor Barry Mellor, Lead Member for Environment and Transport
<b>Date of decision:</b>	ASAP post consultation with Partnership Scrutiny
<b>Decision:</b>	Review of the range of Fixed Penalty Notices issued by, or on behalf of the Council to aid the enforcement of environmental Crime

### **1. What is the report about?**

This report details amendments to Fixed Penalty Notice charges for a range of environmental offences and the justification for the proposed changes.

The report also outlines the inclusion of new (2019) powers to issue fixed penalty notices for Householder Duty of Care offences, in order to help officers to resolve domestic fly tip investigations more effectively.

### **2. What is the reason for making this report?**

- 2.1. There is an urgent need to review the Fixed Penalty Notice charges within Highways and Environmental Services to help mitigate a number of financial and resource risks identified within the function of Environmental Enforcement (**Appendix I** refers).
- 2.2. The decision to authorise council officers to offer Fixed Penalty Notices for breaches of Householder Duty of Care offences can be taken by the Head of Highways, Facilities and Environmental Services. However, it was deemed appropriate to enable the Lead Member for Environmental Crime to consider the decision, due to the impact on local residents. Enforcement Officers within Waste and Recycling Services already have the powers to prosecute offenders under the legislation. This ability to offer Fixed Penalty Notices will ensure compliance with the statutory guidance set out in the Regulators' Code, as it will enable officers to consider proportionality to a greater degree. This will make sure that only more deliberate or serious offences are prosecuted through the courts.

### **3. What are the Recommendations?**

- 3.1 That the Lead member endorses that the Interim Head of Highways and Environmental Services adopts new powers and provides authorisation to designated officers within the council to issue Fixed Penalty Notices for

Householder Duty of Care offences (Under Section 34 (2A) of the Environmental Protection Act, 1990).

3.2 That the amended Fixed Penalty charges set out in **Appendix I** to be adopted by the Council 1st January 2023 (Part 2 item).

#### **4. Report details**

##### **4.1 Householder Duty of Care**

In 2019, the powers to issue a fixed penalty to householders who fail to take reasonable steps to ensure that their waste is disposed of legally was given to Local Authorities. The Council investigates offences on a regular basis where residents have passed their waste onto another individual for disposal and the waste has been found illegally dumped in the North Wales region.

##### **4.1.1. Application of the Legislation**

If a householder fails to take reasonable steps to ensure their waste is taken away by an authorised person and their waste is subsequently found fly tipped, they have breached their Householder Duty of Care and could be prosecuted, being liable on conviction to a fine of up to £5000.

Investigations can be complex and time consuming, requiring significant staffing resources from enforcement officers in the Waste Service and legal teams. There are no guarantees that this effort leads to a successful prosecution and often the cost of taking a case before a court is not fully recovered through the award of court costs. The ability to offer a fixed penalty in these circumstances provides the offender with a less costly option and will free up considerable officer time.

##### **4.1.2 Fixed Penalty Fine Level**

The default fine level set by the Government is £300. It is proposed to offer an early payment discount of £150. This is because officers have considered the economic circumstances of previous offenders and their ability to pay the fixed penalty and balanced this against the need to deter non-compliant behaviours. It is also recognised that in most cases the householder can also be the victim, as they may have given their waste to a contractor who has misled them. It is proposed that the Fly tipping fine level is amended from £250 to £400 to reflect the increased severity of this deliberate offence.

There is a lower likelihood that further legal action will be required through non-payment of fines if they are more affordable. The early payment option for householder duty of care offences provides a more affordable route. This charge level is still considered to be a powerful deterrent for low level offences. However, in adherence to DEFRA guidance it is important to note that the prosecution route will be followed by the Council if the Householder knowingly gave their waste to an unauthorised person, or was aware the waste would not be disposed of legally. Repeat offenders and non-payment would also evoke the prosecution route.

If the officer believes that the householder was misled by a rogue trader, and evidence supplied by the householder leads to identification and/or prosecution of said rogue trader, then the officer will prioritise bringing the fly tipper to justice, as opposed to the householder, issuing a formal warning to the householder for the breach.

#### 4.1.3 Raising Public Awareness of Householder Duty of Care compliance requirements

Certain responsibilities defined under householder duty of care is not widely recognised by the general public, and some householders may unknowingly commit an offence if they contract tradespeople or waste removal services who subsequently dump waste passed to them by the householder. There are a number of checks residents can take to ensure a waste carrier is legitimate. These include:

- Ask the waste carrier to provide their full name, address and phone number.
- Ask to see their Waste Carrier License, which would be issued by the Environment Agency or Natural Resources Wales. If they are unable to produce it, they may not be legal.
- Check for registered waste carriers on the Natural Resources Wales website
- Ask for a headed receipt – a genuine company will supply one as a matter of course.
- Ask where they take your waste - a genuine company will be able to show you transfer notes from the waste recycling centre they use.
- Get quotes from different waste carriers – if one or two are substantially cheaper, ask why. If the price quoted seems too good to be true, it probably is.
- Take a note of the registration number of the vehicle that removes their waste.

The Council will continue to promote these responsibilities through Social Media, the Council website, Leaflets at Builders Merchants and DIY stores, County Voice, press releases and direct mail. An example of communications material prepared to promote responsible behaviours to residents in detailed in **Appendix III**.

#### 4.2 Review of Fixed Penalty Notice Charges

##### 4.2.1. It has become necessary to review the Fixed Penalty Notice charges due to:

- Changes in law, increasing the maximum fine levels for littering to £150 (Under the Clean Neighbourhoods Environment Act, 2005);
- The level of complaints and representations received by the Council from individuals issued with £100 fixed penalty notices for dog control offences (other than dog fouling);
- Consideration of wider adoption of early payment options, to reduce the administration burden from pursuing late/none payers, and reduce the number of case files that would subsequently require prosecution in the Magistrate's court.
- Financial viability of the existing Environmental Enforcement Service contract where outsourced patrol resource is funded through income generated from enforcement activities carried out by them. Wage rises to address the cost of living crisis, fuel costs, and the need to carry out a higher percentage of engagement and

education work have resulted in the financial health of the contractual arrangement being adversely affected. An increase in FPN amounts for littering will help offset these costs and ensure the Council can continue deliver patrols through a cost neutral arrangement.

4.2.2. **Appendix II** details the current and proposed FPN charges across all environmental offences enforced by HFES. the key changes proposed are:

- Encourage early payment of specified FPNs through variable fine levels, to reduce the level of “appeals” the Council receive, which is currently taking up valuable management and officer time across several departments. Introducing lower payments for early discharge will reduce the number of case files requiring prosecution, meaning less case files would need to be presented in court. Offering discounted payments also provides a lower cost option for offenders.
- Reduce complaints from the public about FPN levels by amending fine levels for the least serious offences (e.g. Dogs being exercised in exclusion zones or off lead in areas where close control is required) by introducing an early payment discount of £50. This will also help to reduce the level of “hostility” frequently displayed by offenders towards the issuing officers when the level of the FPN for these type of offences is made known to the offender.
- Increasing fine levels in some cases for deliberate breaches of law, alongside a discounted payment option to reduce the penalty for those discharging their liabilities early. Littering will be increased by £25 to £100. Officers deem dog fouling offences to be more harmful than littering and offenders are also more difficult to catch but the maximum FPN level for fouling is capped at £100. Therefore, due the disproportionate amount of time taken to identify dog fouling offenders, no early payment option is proposed, in order to optimise the financial deterrent. Increasing charges for littering offences will mitigate a key risk of operating an outsourced Environment Enforcement services arrangement for officer patrols as it will ensure future financial viability of said arrangement so that the Council may continue to commission such services through a cost neutral concession based contract.

4.2.2. Process for amending Penalty Charges

Once approval is sought through the delegated decision process, new FPN levels will be implemented from the 1<sup>st</sup> January 2023. It is not necessary to amend the PSPO to introduce an early payment discount on selected offences, but the changes will be published on the Council website and on the Fixed Penalty Notices themselves.

The fine recovery levels, income levels and prosecution levels will be closely monitored to ensure that the anticipated benefits of changes to FPN levels are realised.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1. The proposed changes to the range of FPN charges will enable the service to operate more efficiently. Introducing early payment options for less harmful offences will lead to a swifter conclusion of many cases, reducing the administration burden on both Waste and Legal Services.

- 5.2. The powers to issue FPNs for householder duty of care offences will also lead to more offenders being punished for their actions serving as a deterrent for low level environmental crime, reducing the pollution of our environment.

**6. What will it cost and how will it affect other services?**

The proposal would lead to less legal officer time being required for low level fly tipping offences and less harmful Public Space Protection Order offences. There are no cost implications. The changes will help the council to continue to provide cost neutral environmental enforcement patrols.

**7. What are the main conclusions of the Well-being Impact Assessment?**

The outcome of the WBIA 1094 is overall positive. The full assessment can be viewed here in the link below and will be updated once the consultation process has concluded. A summary is appended to this report (**Appendix IV** refers).

<http://wellbeingad.denbighshire.gov.uk/Assessments/PrintSummary/en/1094>

**8. What consultations have been carried out with Scrutiny and others?**

Members of the Partnerships Scrutiny Committee (insert date) have been requested to examine and endorse the proposed changes to the FPN charges.

**9. Chief Finance Officer Statement**

There are no direct financial implications of awarding the contract as it is cost neutral and managed via a service level agreement. As outlined in the report any additional staffing changes desired will be managed within the overall service budget.

**10. What risks are there and is there anything we can do to reduce them?**

Risk implications are low.

The amendments to the FPN amounts seek to mitigate key risks associated with the management of the outsource environmental enforcement contract (**Appendix I** refers). Current there is a significant (RED) risk that a cost neutral outsourced arrangement will be unviable. Amending the FPN amounts reduces this to a low (GREEN) risk.

**11. Power to make the Decision**

- 11.1. the Council have the power to issue an FPN when an individual appears to have failed to comply with their duty of care under section 34(2A) of the Environmental Protection Act 1990
- 11.2. Under the Denbighshire Council scheme of delegation, the Head of Service has the authorisation to adopt the new powers and authorise officers within the Council, or working on behalf of the council to use said powers.
- 11.3. In Wales, the Council has the power to set FPN charge levels within specific ranges outlined in **Appendix II**.



## Appendix I: Environmental Enforcement Services Risk Register

Category/ Reference number	Risk Description... There is a risk that	Cause	Consequence	Date Identified	Owner	Likelihood /5	Impact /5	Risk Score /25	Current Mitigation	Review Date	Further Planned Action	Residual Likelihood/5	Residual Impact/5	Residual Risk Score/25
Financial Risk														
FR1	The council cannot afford to provide environmental enforcement patrols or to provide creates a significant budget pressure.	The service provider fails to generate enough income to cover costs of supplying services	The council fail to retain/ secure a private sector partner, forcing the patrol functions back in-house	Sep-22	CM	5	3	15	Increase scope of contract to include additional areas of enforcement where FPNs can be issued - two pilots to run October 22 to May 2023	May-23	Proposal to review FPN levels Autumn 2022	2	3	6
FR2	Payment rates fall, affecting financial viability of contract	Contractor fails to secure income from FPNs issued	Payment rates fall/ prosecutions not followed up	Sep-22	DE	2	3	6	Payment rates monitored monthly by Partnership	On going	current high rate of 85% / PI introduced and monitored around no. prosecution files presented on time / presented to acceptable standards	1	3	3
FR3	Contract Management and funding for signage and campaigns creates a budget pressure	Expectation of public/members increase / external funding sources cease	demand on existing resources/budget provision is inadequate	Sep-22	HoS	5	2	10	Use of Caru Cymru budget for comms / Management by Waste Manager (creating pressures elsewhere within service)	Dec-22	To be addressed through internal savings/budget pressure process/ award of SPF funding	1	2	2
Legal Risks														
LR1	Failure to secure successful prosecutions or adequate compensation for non/payment and "walk offs" creates budget pressure in Legal Services	Lack of awareness of magistrates/ quality of evidence	Legal process undermined, encouraging less compliance to FPN payments or court costs incurred	Jun-22	CM/LS	2	3	6	Quality check carried out by DE on all prosecutions files / All prosecution files and evidence checked by DCC Enforcement manager before passing to legal	ongoing	Work with DE to provide more detailed witness statements	1	3	3
LR2	Risk of successful challenge by alternative suppliers as a result of approving Contract Extension/scope	Competitiveness of private sector	Forced to abandon contractual arrangement or compensate a successful challenger	Jun-22	HoS/LS	1	4	4	Variation Procedure correctly followed, outlining justification for the changes. Demonstrable through open pool approach that the DE contract has not been profitable during core contract term.	n/a	Continue to monitor "health" of contractual arrangement during contract period	1	4	3

Political/Reputational Risks														
PR1	Public / political pressure to cease enforcement activity	Sustained negative media sourced through personal accounts/claims from public	Loss of confidence in outsourced arrangement results in termination of contract/ Increase in complaints and representations	Sep-22	CM	3	3	9	Regular contract meetings held to identify and manage representations and complaints. Body Cameras work but patrol officers to negate false claims of ill treatment. DCC carry out careful reviews of evidence upon receipt of official complaints.	On going	Positive news /social media stories; Improved signage planned for promenades/ review of standard operating procedures	2	3	6
Operational Risks														
OR1	Failure to recruit and retain adequate numbers of Patrol Officers	Current Workforce Market/ public aggression deters new recruits	DE unable to field adequate patrols to meet contract specification, leading to contractual default and lack of enforcement presence.	Jun-22	DE	3	3	9	DE are a UK wide company, able to utilise mobile officers in the event of staff sickness or shortages.	on going	DE are reviewing contracts with staff to make their employment offer more attractive. Planned positive news stories and enhanced education work will help gain wider public acceptance; Review of FPNs (proposal to provide lower early payment options for some PSPO offences should curtail aggressive behaviours from those issued with dog exclusion zone/dogs off lead FPNs.	2	3	6

### Key

Likelihood Risk Ratings	
Highest Risk/ Very Likely	5
Likely	4
Equally Possible	3
Possible but unlikely	2
Lowest Risk highly unlikely	1



<b>Impact Scores</b>	
Likely to Lead to Contract Termination	5
Significantly alters contract cost or risk profile	4
Impacts are problematic but manageable	3
Lower order impacts	2
Impacts are negligible	1

**Risk Scores**

- Scores between 1-8
- Scores between 9-15
- Scores between 15-25

CM = Contract Manager  
DE = District Enforcement (Service Provider)  
LS = DCC Legal Services  
HoS = Head of HFES

## Appendix II: Fixed Penalty Notice amounts

### Appendix II(a): Fixed Penalty amounts available in Wales

(Source: <https://gov.wales/sites/default/files/publications/2020-01/guidance-on-the-use-of-fixed-penalty-notice-for-environmental-offences.pdf> )

Offence	Default penalty	Minimum full penalty	Maximum full penalty	Minimum discounted penalty
Littering	£75	£75	£150	£50
Dog fouling	£75	£75	£150	£50
Graffiti	£75	£75	£150	£50
Fly-posting	£75	£75	£150	£50
Fly-tipping	£200	£150	£400	£120
Household waste duty of care	£300	£300	£300	£150
Abandoning a vehicle	£200	£200	£200	£120
Nuisance parking	£100	£100	£100	£60
Failure to comply with a Community Protection Notice	–	–	£100	Set by Authority
Failure to comply with Public Spaces Protection Order	–	–	£100	Set by Authority
Unauthorised distribution of literature on designated land	£75	£75	£150	£50
Failure to produce a waste transfer note	£300	£300	£300	£180
Failure to furnish documentation (waste carrier's licence)	£300	£300	£300	£180
Domestic waste receptacle offences	£100	£100	£150	£60

Please note that the ability to enforce dog fouling under the Clean Neighbourhoods and Environment Act 2005 has been repealed and offences must be enforced through a Public Space Protection Order.

Appendix II (b): Proposed Fixed Penalty amounts (Denbighshire Council from January 2023)

Offence	Current Penalty	Current discounted Penalty for early payment	Penalty from January 2023	Discounted penalty for early payment from January 2023	Legislation for charges January 2023	Comments
Littering	£75	none	£100	£85	s.6(1) Clean neighbourhoods & Environment Act 2005	Amended Increased penalty to ensure DCC can continue to deliver cost neutral enforcement patrols.
Dog Fouling	£100	none	£100	none	s.68(1) Antisocial Behaviour Crime and Policing Act 2014	No change - Set at maximum penalty permitted under current laws.
Graffiti	£75	none	£150	£75	s.43 Anti-Social Behaviour Act 2003	Amended Early payment discount high due to likelihood of young age of offender
Fly posting	£75	none	£150	None	s.43 Anti-Social Behaviour Act 2003	Amended Fine level at max as offence usually associated with businesses and multiple sites. Community event posting/lost pets/people posting exempt from prosecution
Fly Tipping	£250	none	£400	£300	s.33ZA Environmental Protection Act 1990	Amended Fine level higher to reflect deliberate / preconceived act
Household waste duty of care	n/a	n/a	£300	£150	34(2A) Environmental Protection Act 1990	New Level set deliberately less than fly tipping FPN
Abandoning a vehicle	£200	none	£200	none	s.2A(1) Refuse Disposal Amenity Act 1978	No change No early payment due to warnings received prior to FPN being issued
Failure to comply with a Public Space Protection Order (Control of dogs)  <i>Failure to carry means</i>	£100	none	£100	none	s.68(1) Antisocial Behaviour Crime and Policing Act 2014	No change

<i>to pick up fouling</i>						
Failure to comply with a Public Space Protection Order (Control of dogs) <i>Failure to put dog on lead upon request of authorised officer</i>	£100	none	£100	none	s.68(1) Antisocial Behaviour Crime and Policing Act 2014	No change
Failure to comply with a Public Space Protection Order (Control of dogs)  <i>Dogs in exclusion zones (designated dog free areas including beaches, play areas, marked sports pitches, Multi-Use games areas, skate parks, cemeteries) Dogs off lead in an area where leads are required</i>	£100	none	£100	£50	s.68(1) Antisocial Behaviour Crime and Policing Act 2014	Amended in consideration of level of harm compared to other offences and complaints/representations
Failure to comply with a Public Space Protection Order (Control of dogs)  <i>Dogs off lead in an area where leads are required</i>	£100	none	£100	£50	s.68(1) Antisocial Behaviour Crime and Policing Act 2014	Amended in consideration of level of harm compared to other offences and complaints/representation
Failure to produce a waste transfer note	£300	£180	£300	none	s.34A(2) Environmental protection Act 1990	Amended Incentive to pay FPN intrinsic within process as business will want to protect reputation (Successful prosecutions

						will be in the public domain)
Failure to furnish documentation (Waste Carrier's licence)	£300	none	£300	none	s.58 (2) Control of Pollution (Amended) Act 1989	No change
Domestic waste receptacle offences)	£100	none	£100	none	s.47ZA(2) Environmental Protection Act	No change No discount due to extensive 3 step warning process in place.

## Appendix III: Examples of DCC communication material to promote householder duty of care

### Appendix III (a)

Information issued 2019/20 Waste Collection Calendars delivered to all households



### Sut i osgoi gweithredu'n groes i'r gyfraith...

CYMORTH  
DEFNYDDIOL

Wyddoch chi fod dyletswydd gyfreithiol arnoch i sicrhau bod unrhyw sbwriel cartref a gynhyrchir ar elch eiddo yn cael ei gyflwyno i berson awdurdodedig? Dyma 3 cam syml i atal gwastraff rhag mynd i'r dwylo anghywir...

- 1 Rhaid i chi sicrhau bod unrhyw un rydych yn cyflwyno elch sbwriel eich cartref lldynt yn gludwr gwastraff cofrestredig.** Mae hyn yn cynnwys crefftwyr sy'n cynnal gwaith ar eich tŷ. Ewch i gronfa ddata personau awdurdodedig yn [naturalresources.wales/permits-and-permissions?lang=cy](https://naturalresources.wales/permits-and-permissions?lang=cy)
- 2 Cael derbynneb ddyddiedig am y gwasanaeth a ddarperir sy'n dangos disgrifiad a swm y gwastraff y maent yn ei gymryd ac i ble y mae'r gwastraff yn mynd.**
- 3 Gwnewch yn siŵr bod modd olrhain y cwmni rydych yn ei ddefnyddio.** Cadwch fanylion cyswllt a rhif cofrestru'r cerbyd a rhif cyfeirnod y cludwr gwastraff sydd ar eu trwydded cludwyr a gofynnwch ble maen nhw'n ei gymryd.



**Gallwch gael eich erlyn neu ddirwyo os caiff eich gwastraff ei waredu'n anghyfreithlon gan rywun arall.**  
Dewiswch eich contractwyr yn ofalus - os yw'n rhy rhâd i fod yn wir - mae'n debyg ei fod!



## How to avoid falling foul of Facebook Fly tippers...

HELPFUL  
TIPS

Did you know you have a legal duty to make sure any household rubbish produced on your property is given to an authorised person? Here are 3 simple steps to prevent waste ending up in the wrong hands...

- 1 You must check that anybody you give your household rubbish to is a registered waste carrier.** This includes tradespeople who carry out work on your house. Visit the database of authorised persons at [naturalresources.wales/permits-and-permissions](http://naturalresources.wales/permits-and-permissions)
- 2 Get a dated receipt for the service** provided that shows a description and amount of the waste they are taking and where they are taking it.
- 3 Make sure the firm you use is traceable.** Save their contact details and vehicle registration number and the waste carrier's reference number on their carriers licence and ask where they are taking it.



**You can be prosecuted or fined if your waste is dumped illegally by someone else.**

Choose your contractors carefully - If it's too cheap to be true - it probably is!

**Cyngor**  
**sir ddinbych**  
**denbighshire**  
County Council 

# Ydych chi am glirio a chael gwared ar eitemau mawr di-angen o'ch cartref?

Os oes gennych chi eitemau ac offer mawr yn eich cartref nad ydych chi eu heisiau mwych, gallwch drefnu casgliad gwastraff swmpus o'r cartref.

## Gallwn gasglu'r eitemau canlynol:

- ✓ Gwelyau a soffas
- ✓ Matresi
- ✓ Byrddau a chadeiriau
- ✓ Wardrobau
- ✓ Poptai a pheiriannau golchi llestri
- ✓ Oergelloedd, rhewgelloedd a pheiriannau golchi a sychu dillad
- ✓ Carpedi ac isgarpedi



## Mae'r gost yn rhad:

• £16 am un eitem,	• £32 am bedair eitem,	I drefnu casgliad neu i gael mwy o wybodaeth, cysylltwch â ni.
• £22 am ddwy eitem,	• £37 am bump eitem, neu	
• £27 am dair eitem,	• £42 am chwe eitem.	

Costau yn ddilys hyd at 31 Mawrth 2023

Mae gennych 'Ddyletswydd i Ofalu' yn ôl y gyfraith i gael gwared ar eich gwastraff eich hunan mewn modd cyfrifol. Os caiff eich gwastraff ei ddarganfod wedi ei ddympio heb ganiatâd, yr enw ar hyn yw 'tipio anghyfreithlon'.

Mae hyn yn erbyn y gyfraith a gallech orfod talu dirwy cosb benodedig o £400. Os bydd contractwr y gwnaethoch eu cyflogi i gael gwared ar eich gwastraff yn tipio'n anghyfreithlon, gallech orfod talu dirwy cosb benodedig o £300. I osgoi dirwy:

1. gwiriwch gyda Cyfoeth Naturiol Cymru bod unrhyw contractwr rydych chi'n ei ddefnyddio yn gludwr gwastraff cofrestredig,
2. gwnewch nodyn o ble maen nhw'n honni y maen nhw'n cludo eich gwastraff,
3. gwnewch nodyn o rif cofrestru eu cerbyd a'u manylion cysylltu, a
4. gofynnwch am dderbynneb neu dystiolaeth o'ch taliad bob tro.

**DIRWY**

Ewch i [www.sirddinbych.gov.uk/ailgylchu](http://www.sirddinbych.gov.uk/ailgylchu) i ddarganfod mwy.

 **Sir Ddinbych yn ailgylchu**  
**Denbighshire recycles**

For office use only: BW/09/22



# Looking to clear out your unwanted large household items?

If you have large household items and appliances you no longer want, you may book a bulky household waste collection.

## We're able to collect the following items:

- ✓ Beds and sofas
- ✓ Mattresses
- ✓ Tables and chairs
- ✓ Wardrobes
- ✓ Cookers and dishwashers
- ✓ Fridge freezers, washing machines and tumble dryers
- ✓ Carpet and carpet underlay



## It costs just:

- **£16** for one item,
- **£22** for two items,
- **£27** for three items,
- **£32** for four items,
- **£37** for five items, or
- **£42** for six items.

Costs valid until 31 March 2023

To book a collection or find out more, contact us.

You have a legal 'Duty of Care' to dispose of your own waste responsibly. If your waste is found to be dumped without permission, this is known as 'fly-tipping'. It is illegal and you could have to pay a £400 fixed penalty fine. If a contractor you've hired to remove your waste fly-tips, you could have to pay a £300 fixed penalty fine. To avoid a fine:

1. check with Natural Resources Wales that any contractor you're using is a registered waste carrier,
2. make a note of where they claim they're taking your waste,
3. make a note of their vehicle registration and contact details, and
4. always ask for a receipt or proof of payment.

**FINE**

Visit [www.denbighshire.gov.uk/recycling](http://www.denbighshire.gov.uk/recycling) to find out more.

 **Sir Ddinbych yn ailgylchu**  
**Denbighshire recycles**

## Appendix IV: Wellbeing Impact Assessment

Review of Fixed Penalty amounts for Environmental Crimes (1094)



# Review of Fixed Penalty Amounts for Environmental Crimes: Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

**Assessment Number:** 1094

**Brief description:** A range of amendments are proposed to the fixed penalty fine amounts for environmental crimes, including littering, fly tipping, Dog Control Order offences and the introduction of a new fixed penalty charge option for tackling contraventions of householder Duty of Care.

**Date Completed:** 28/09/2022 15:50:46 Version: 1

**Completed by:** Johnathon Brittain-Hughes, Senior Environmental Crime Officer

**Responsible Service:** Highways and Environmental Services

**Localities affected by the proposal:** Whole County,

**Who will be affected by the proposal?** Businesses and individuals living or visiting Denbighshire that are caught in the act of contravening environmental laws. The service provider for the supply of environmental enforcement services; Council and Service provider enforcement officers who issue fixed penalty notices.

**Was this impact assessment completed as a group?** No

## Summary and Conclusion

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

### Score for the sustainability of the approach

**3 out of 4 stars**

**Actual score : 26 / 36.**

### Summary for each Sustainable Development principle

#### Long term

Benefits to be realised include: Reduction in complaints and representations received from offenders; Modest Increased revenue from FPNs to ensure the Council can continue to deliver cost neutral patrol services through partnership working Introduction of early payment discounts to encourage discharge of the offence in the most efficient way, reducing administrative burden to officer and the amount of prosecutions required in the Magistrate's Court.

#### Prevention

The environmental laws (and enforcement of said laws through the use of fixed penalty notices) in scope of the review primarily focus on encouraging compliance with how individuals manage their waste responsibly to prevent the waste from escaping into the environment, and in some cases, ensuring it is recycled. This review has increased FPN levels across a range of enforcement laws to act as a deterrent to those who deliberately cause environmental harm.

#### Integration

The proposal will ensure that the Waste Service can continue to deliver Environmental Enforcement Services in an effective and efficient manner. The service will be able to be more proactive as income generated from FPNs issued by Council officers will be reinvested in surveillance equipment and behaviour change initiatives. Reducing littering, dog fouling and dumping of waste leads to better environmental quality - well known to improve the well-being residents.

## Collaboration

Council officers have developed the proposals with support and intelligence provided by the Environmental Enforcement Services Provider. The proposals will be reviewed by the Partnerships Scrutiny Committee and subject to a Lead Member delegated decision report process. Proposals have been set within the ranges advised by Welsh Government.

## Involvement

Representations from offenders have been taken into account when setting new FPN levels. An early payment discount has been introduced for some fixed penalties to assist the offender in discharging their liabilities including: Engagement with Elected Members and our partners is achieved through approval process. The delegated decision process will ensure our proposal is published and feedback from elected members and the public will be considered before the proposal is adopted.

## Summary of impact

<b>Well-being Goals</b>	<b>Overall Impact</b>
<a href="#">A prosperous Denbighshire</a>	Positive
<a href="#">A resilient Denbighshire</a>	Positive
<a href="#">A healthier Denbighshire</a>	Positive
<a href="#">A more equal Denbighshire</a>	Neutral
<a href="#">A Denbighshire of cohesive communities</a>	Positive
<a href="#">A Denbighshire of vibrant culture and thriving Welsh language</a>	Neutral
<b>Well-being Goals</b>	<b>Overall Impact</b>
<a href="#">A globally responsible Denbighshire</a>	Positive

## **Main conclusions**

Overall the amendments proposed to the Fixed Penalty amounts relating to a range of Environmental crimes has a positive impact on Well-being Goals. Deterrents for the most harmful offences have been increased, with new Powers to help raise awareness of penalties of using rogue waste operators also being introduced. The changes help the council to continue to offer, and in the longer term enhance patrols and work more proactively in tackling environmental crimes and antisocial behaviours. It is important that the impact of these changes is monitored to measure the extent that intended benefits are realised, and where possible optimised in the future service provision. This proposal has not been subject to public consultation, but elected member / individual views provided through the publicised delegated decision process will be considered before the proposal is adopted (scheduled for adoption by January 2023).

# **The likely impact on Denbighshire, Wales and the world.**

## **A prosperous Denbighshire**

### **Overall Impact**

Positive

### **Justification for impact**

The proposed amendments to the FPN amounts seek to enable the continuation, and possible expansion of environmental enforcement activities across the county to protect our local environment from environmental crimes.

### **Further actions required**

the impacts of the changes will be reviewed before the retendering of a new environmental enforcement services contract and lessons learned used to inform the future tender specification, which may enable the function to be expanded so the service is as effective as possible in preventing environmental harm.

### **Positive impacts identified:**

#### **A low carbon society**

The amendments proposed help the "financial and delivery health" of the external patrol service and enable more foot patrols vs van patrol time  
Enforcement of compliance to the Council's waste collection services will optimise recycling and reduce the amount of waste being sent for incineration, keeping valuable resources in circulation in the economy for longer.

#### **Quality communications, infrastructure and**

**transport** neutral

#### **Economic development**

The changes to FPN amounts strengthen the deterrent and the potential for environmental harm that is known to have a detrimental effect on private sector investment and the tourist industry. Many tourists visiting the coast in DCC have been issued with FPNs for contraventions of the dog control area and this impacts on their desire to return. Introducing a discount for early payment helps reduce the negativity felt by these individuals and has the potential to reduce the likelihood that they will not return.

## **Quality skills for the long term**

It is hoped that the amendments made to the FPN amounts, alongside the variation to the outsourced Environmental Enforcement Services contract will diversify the role of patrol officers and reduce the degree and frequency of confrontation the face from offenders - in turn this will help retain officers and widen their skill sets, ensuring high quality interactions with the public and businesses.

## **Quality jobs for the long term**

No additional jobs will be created from this proposal, although ensuring the financial viability of the patrol service protects a minimum of 4 full time posts within the Denbighshire Area.

## **Childcare**

neutral

## **Negative impacts**

**identified: A low**

**carbon society** none

## **Quality communications, infrastructure and**

**transport** neutral

## **Economic**

**development** none

## **Quality skills for the long term**

none

## **Quality jobs for the long**

**term** none

## **Childcare**

neutral

## **A resilient Denbighshire**

### **Overall Impact**

Positive

### **Justification for impact**

Overall there is a positive impact as the FPN amounts proposed seek to further deter environmental crime which can pollute our local area.

### **Further actions required**

We intend to carry out enhanced campaign/enforcement work to reduce littering , fly tipping and other waste offences. the FPN fee structure will ensure viability of the partnership between the Council and the Service Provider so that services optimise awareness of laws and the impact of offences on the local environment. In time, the service seeks to increase public support and widen its partnership for our enforcement activities and encourage the public and businesses to work with us to deter irresponsible behaviours that impact on our communities.

### **Positive impacts identified:**

#### **Biodiversity and the natural environment**

Increasing penalties for littering and fly tipping offences seeks to deter irresponsible behaviours which pollute land and water ecosystems

#### **Biodiversity in the built environment**

Increasing penalties for littering and fly tipping offences seeks to deter irresponsible behaviours which pollute land and water ecosystems

#### **Reducing waste, reusing and recycling**

The proposal continues to apply the highest possible FPN level (£100) on householders who repeatedly fail to recycle, or contaminate their recycling bins. Note householders receive a minimum of three warnings and offer of support before an FPN is issued which is usually very effective at encouraging pro-environmental behaviours.



## **Reduced energy/fuel consumption**

There will be a small reduction in vehicle miles travelled as the proposal requires patrol officers to carry out more foot patrols/public engagement

## **People's awareness of the environment and biodiversity**

The proposal of the new FPN structure seeks to increase resources to carry out proactive engagement and educational work, by ensuring that the cost of such additional services and campaigns can be funded through any surplus FPN income generated

## **Flood risk management**

neutral

## **Negative impacts identified:**

### **Biodiversity and the natural**

**environment** none

### **Biodiversity in the built**

**environment** none

## **Reducing waste, reusing and recycling**

none

## **Reduced energy/fuel**

**consumption** none

## **People's awareness of the environment and**

**biodiversity** none

## **Flood risk management**

neutral

## **A healthier Denbighshire**

### **Overall Impact**

Positive

### **Justification for impact**

Overall there is a positive impact. Whilst we do have a very small number of people claiming that their mental health is effected by being issued a Fixed Penalty Notice, claims are difficult to substantiate and are unlikely to outweigh the overall benefits of ensuring DCC carry out environmental enforcement patrols and investigations. The Service receives far more requests for enforcement action/patrols, than it does complaints from those issued with a fixed penalty notice. On balance the positive impact is far greater the benefits help a far larger proportion of the community.

### **Further actions required**

The Council and Service Provider review representations made by the public around affordability. It is possible to extend payment periods for a limited period to give offenders extra time to pay their FPN in full. However, if at the end of this time payment in full is not received the offender faces prosecution in the Magistrate's court - here the Magistrate will take the financial means of the offender into account and is better placed to request evidence from the offender to justify a payment arrangement over a longer period.

### **Positive impacts identified:**

#### **A social and physical environment that encourage and support health and well-being**

It is well documented that cleaner, greener localities promote positive mental health. This proposal seeks to reduce pollution and visual impacts caused from poorly managed waste.by ensuring the future provision of enforcement patrols and increasing the financial penalty for waste related offences)

#### **Access to good quality, healthy**

**food** neutral

#### **People's emotional and mental well-being**

It is well documented that cleaner, greener localities promote positive mental health. This proposal seeks to reduce pollution and visual impacts caused from poorly managed waste. by ensuring the future provision of enforcement patrols and increasing the financial penalty for waste related offences)

### **Access to healthcare**

neutral

### **Participation in leisure opportunities**

The enforcement (through patrols and issuing FPNs) of exclusion of dogs from skate parks, marked sports pitches, play areas and selected beach zones enhances safety of such provision.

### **Negative impacts identified:**

### **A social and physical environment that encourage and support health and well-being**

The service receives occasional representation from offenders who claim being issued with a fixed penalty is causing them distress, due to their claimed inability to pay discharge the penalty notice within the given timeframes (or at all).

### **Access to good quality, healthy food**

neutral

### **People's emotional and mental well-being**

The service receives occasional representation from offenders who claim being issued with a fixed penalty is causing them distress, due to their claimed inability to pay discharge the penalty notice within the given timeframes (or at all).

### **Access to healthcare**

neutral

### **Participation in leisure**

**opportunities** neutral

## **A more equal Denbighshire**

### **Overall Impact**

Neutral

### **Justification for impact**

Whilst there are some benefits, especially the quality of environment in disadvantaged areas, it is recognised that a higher proportion of offenders living in deprived areas may not have the means to pay the increased fixed penalty amounts for littering, or take advantage of the early payment discounts that reduce the financial burden to them.

### **Further actions required**

The Council will continue to work with the Service provider to ensure that patrols are well balanced across all demographics and localities, and target deprived areas with campaigns to raise awareness and provide advice, tools and initiatives (funded through community benefits/social value pledges of major contractors) This could include free dog poo bags, portable ashtrays, free bulky waste events etc... In time it is hoped that this behaviour change will result in better compliance in deprived areas.

### **Positive impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation** neutral

### **People who suffer discrimination or**

**disadvantage** neutral

### **People affected by socio-economic disadvantage and unequal outcomes**

More early payment discounts provide an opportunity for a fixed penalty to be discharged at a lower cost. However, it is recognised that the ability to raise funds with the shorter timescales could be problematic for those on low income.

## **Areas affected by socio-economic disadvantage**

Environmental crimes occur to a greater degree in deprived areas. Fly tipping and littering in particular, disproportionately affects Denbighshire's most deprived wards. Strengthening and safeguarding our enforcement resources and deterrents is likely to reduce irresponsible behaviours, leading to better local environmental quality.

### **Negative impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation** neutral

### **People who suffer discrimination or**

**disadvantage** neutral

### **People affected by socio-economic disadvantage and unequal outcomes**

Patrol plans are targeted where environmental crime rates have been reported (hot spots) and these tend to be in areas of deprivation. This means officers are more likely to issue FPNs to low income individuals.

### **Areas affected by socio-economic**

**disadvantage** none

## **A Denbighshire of cohesive communities**

### **Overall Impact**

Positive

### **Justification for impact**

Overall there is a positive impact as the FPN amounts proposed seek to further deter environmental crime which can in turn lead to other more harmful criminal behaviours (broken windows effect).

### **Further actions required**

The proposal ensures continued provision of environmental enforcement patrols and investigations. This secures the longevity of a Partnership approach which the Service aims to build upon with other enforcement agencies and community outreach providers.

### **Positive impacts identified:**

#### **Safe communities and individuals**

the proposal seeks to reduce environmental crime which helps secure safer communities. In addition, continued provision of patrol officers help to reassure communities and offer an enhanced feeling of safety.

#### **Community participation and resilience**

This proposal strengthens the ability of the Service Provider and Council enforcement officers to work proactively with communities and to encourage/act on intelligence provided by them.

#### **The attractiveness of the area**

It is well documented that cleaner, greener localities promote positive mental health. This proposal seeks to reduce pollution and visual impacts caused from poorly managed waste.by ensuring the future provision of enforcement patrols and increasing the financial penalty for waste related offences)

#### **Connected communities**

neutral

#### **Rural resilience**

neutral

#### **Negative impacts**

**identified: Safe**

**communities and**

**individuals** none

**Community participation and**

**resilience** neutral

**The attractiveness of the**

**area** none

**Connected communities**

neutral

**Rural resilience**

neutral

**A Denbighshire of vibrant culture and thriving Welsh language**

**Overall Impact**

Neutral

**Justification for impact**

The changes to the FPN amounts for environmental crimes do not have an impact on Welsh culture or language. Existing arrangements will remain to ensure offenders can be issued a Fixed Penalty in Welsh or English and they are given the option of how they would like to receive the penalty charge notice. Officers are able to contact a Welsh Speaker to assist them with the issuing the FPN via the Council's contact centre, if they need translation support.

**Further actions required**

The Service Provider advertises for new posts locally and proactively seeks to recruit Welsh speakers.

## **Positive impacts identified:**

### **People using Welsh**

neutral -please note the existing arrangements for issuing of FPNs offers the function of issuing the FPN in Welsh or English and all documentation issued in pursuance of the penalty discharge is bilingual. Offenders are offered this at the time of issue.

### **Promoting the Welsh language**

neutral - all campaign/ communication materials continue to be bilingual. Welsh speakers are actively sought for recruitment via the outsourced Environmental Enforcement Services Contract.

### **Culture and heritage**

neutral

## **Negative impacts identified:**

### **People using Welsh**

neutral

### **Promoting the Welsh language**

neutral

### **Culture and heritage**

neutral

## **A globally responsible Denbighshire**

### **Overall Impact**

Positive

### **Justification for impact**

Overall the impact is positive and the proposal safeguards the provision of patrols so we can continue to protect our environment and encourage pro-environmental behaviours.



## **Further actions required**

The Council aim to extend engagement and education activities to encourage social norming of complaint behaviours especially with young people and are currently seeking funding to support this (Shared Prosperity Fund proposal has been completed).

## **Positive impacts identified:**

### **Local, national, international supply chains**

neutral - Outsourced arrangements for patrol officers are advertised on Sell to Wales and attract interest from the industry UK wide.

### **Human rights**

Neutral

### **Broader service provision in the local area or the region**

The Service Provider who issue FPNs for environmental offences also carry out smoke free enforcement across Denbighshire including hospital sites. This proposal safeguards the ability of the Council to continue providing such patrols.

### **Reducing climate change**

Overall there is a positive impact as the FPN amounts proposed seek to further deter environmental crime which can have a detrimental effect on important ecosystems. Furthermore, encouraging householders and businesses to comply with waste legislation will promote better resource management, enhancing recycling subsequently reducing UK reliance on raw materials sourced globally through deforestation, drilling and mining which all contribute significantly to climate change.

## **Negative impacts identified:**

### **Local, national, international supply**

**chains** none

### **Human rights**

Neutral

**Broader service provision in the local area or the**

**region** none

**Reducing climate**

**change** none



## **Review of Fixed Penalty Amounts for Environmental Crimes: Well-being Impact Assessment Report**

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

**Assessment Number:** 1094

**Brief description:** A range of amendments are proposed to the fixed penalty fine amounts for environmental crimes, including littering, fly tipping, Dog Control Order offences and the introduction of a new fixed penalty charge option for tackling contraventions of householder Duty of Care.

**Date Completed:** 28/09/2022 15:50:46 Version: 1

**Completed by:** Johnathon Brittain-Hughes, Senior Environmental Crime Officer

**Responsible Service:** Highways and Environmental Services

**Localities affected by the proposal:** Whole County,

**Who will be affected by the proposal?** Businesses and individuals living or visiting Denbighshire that are caught in the act of contravening environmental laws. The service provider for the supply of environmental enforcement services; Council and Service provider enforcement officers who issue fixed penalty notices.

**Was this impact assessment completed as a group?** No

## **Summary and Conclusion**

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

### **Score for the sustainability of the approach**

**3 out of 4 stars**

**Actual score : 26 / 36.**

### **Summary for each Sustainable Development principle**

#### **Long term**

Benefits to be realised include: Reduction in complaints and representations received from offenders; Modest increased revenue from FPNs to ensure the Council can continue to deliver cost neutral patrol services through partnership working Introduction of early payment discounts to encourage discharge of the offence in the most efficient way, reducing administrative burden to officer and the amount of prosecutions required in the Magistrate's Court.

#### **Prevention**

The environmental laws (and enforcement of said laws through the use of fixed penalty notices) in scope of the review primarily focus on encouraging compliance with how individuals manage their waste responsibly to prevent the waste from escaping into the environment, and in some cases, ensuring it is recycled. This review has increased FPN levels across a range of enforcement laws to act as a deterrent to those who deliberately cause environmental harm.

#### **Integration**

The proposal will ensure that the Waste Service can continue to deliver Environmental Enforcement Services in an effective and efficient manner. The service will be able to be more proactive as income generated from FPNs issued by Council officers will be reinvested in surveillance equipment and behaviour change initiatives. Reducing littering, dog fouling and dumping of waste leads to

## Review of Fixed Penalty Amounts for Environmental Crimes

better environmental quality - well known to improve the well-being residents.

### Collaboration

Council officers have developed the proposals with support and intelligence provided by the Environmental Enforcement Services Provider. The proposals will be reviewed by the Partnerships Scrutiny Committee and subject to a Lead Member delegated decision report process. Proposals have been set within the ranges advised by Welsh Government.

### Involvement

Representations from offenders have been taken into account when setting new FPN levels. An early payment discount has been introduced for some fixed penalties to assist the offender in discharging their liabilities including: Engagement with Elected Members and our partners is achieved through approval process. The delegated decision process will ensure our proposal is published and feedback from elected members and the public will be considered before the proposal is adopted.

### Summary of impact

Well-being Goals	Overall Impact
<a href="#">A prosperous Denbighshire</a>	Positive
<a href="#">A resilient Denbighshire</a>	Positive
<a href="#">A healthier Denbighshire</a>	Positive
<a href="#">A more equal Denbighshire</a>	Neutral
<a href="#">A Denbighshire of cohesive communities</a>	Positive
<a href="#">A Denbighshire of vibrant culture and thriving Welsh language</a>	Neutral

## Review of Fixed Penalty Amounts for Environmental Crimes

<b>Well-being Goals</b>	<b>Overall Impact</b>
<a href="#">A globally responsible Denbighshire</a>	Positive

### **Main conclusions**

Overall the amendments proposed to the Fixed Penalty amounts relating to a range of Environmental crimes has a positive impact on Well-being Goals. Deterrents for the most harmful offences have been increased, with new Powers to help raise awareness of penalties of using rouge waste operators also being introduced. The changes help the council to continue to offer, and in the longer term enhance patrols and work more proactively in tackling environmental crimes and antisocial behaviours. It is important that the impact of these changes is monitored to measure the extent that intended benefits are realised, and where possible optimised in the future service provision. This proposal has not been subject to public consultation, but elected member / individual views provided through the publicised delegated decision process will be considered before the proposal is adopted (scheduled for adoption by January 2023).

## **The likely impact on Denbighshire, Wales and the world.**

### **A prosperous Denbighshire**

#### **Overall Impact**

Positive

#### **Justification for impact**

The proposed amendments to the FPN amounts seek to enable the continuation, and possible expansion of environmental enforcement activities across the county to protect our local environment from environmental crimes.

#### **Further actions required**

the impacts of the changes will be reviewed before the retendering of a new environmental enforcement services contract and lessons learned used to inform the future tender specification, which may enable the function to be expanded so the service is as effective as possible in preventing environmental harm.

#### **Positive impacts identified:**

##### **A low carbon society**

The amendments proposed help the "financial and delivery health" of the external patrol service and enable more foot patrols vs van patrol time

Enforcement of compliance to the Council's waste collection services will optimise recycling and reduce the amount of waste being sent for incineration, keeping valuable resources in circulation in the economy for longer.

##### **Quality communications, infrastructure and transport**

neutral

##### **Economic development**

The changes to FPN amounts strengthen the deterrent and the potential for environmental harm that

## Review of Fixed Penalty Amounts for Environmental Crimes

is known to have a detrimental effect on private sector investment and the tourist industry. Many tourists visiting the coast in DCC have been issued with FPNs for contraventions of the dog control area and this impacts on their desire to return. Introducing a discount for early payment helps reduce the negativity felt by these individuals and has the potential to reduce the likelihood that they will not return.

### **Quality skills for the long term**

It is hoped that the amendments made to the FPN amounts, alongside the variation to the outsourced Environmental Enforcement Services contract will diversify the role of patrol officers and reduce the degree and frequency of confrontation the face from offenders - in turn this will help retain officers and widen their skill sets, ensuring high quality interactions with the public and businesses.

### **Quality jobs for the long term**

No additional jobs will be created from this proposal, although ensuring the financial viability of the patrol service protects a minimum of 4 full time posts within the Denbighshire Area.

### **Childcare**

neutral

### **Negative impacts identified:**

#### **A low carbon society**

none

#### **Quality communications, infrastructure and transport**

neutral

#### **Economic development**

none

### **Quality skills for the long term**



none

**Quality jobs for the long term**

none

**Childcare**

neutral

**A resilient Denbighshire**

**Overall Impact**

Positive

**Justification for impact**

Overall there is a positive impact as the FPN amounts proposed seek to further deter environmental crime which can pollute our local area.

**Further actions required**

We intend to carry out enhanced campaign/enforcement work to reduce littering , fly tipping and other waste offences. the FPN fee structure will ensure viability of the partnership between the Council and the Service Provider so that services optimise awareness of laws and the impact of offences on the local environment. In time, the service seeks to increase public support and widen its partnership for our enforcement activities and encourage the public and businesses to work with us to deter irresponsible behaviours that impact on our communities.

**Positive impacts identified:**

**Biodiversity and the natural environment**

Increasing penalties for littering and fly tipping offences seeks to deter irresponsible behaviours which pollute land and water ecosystems

**Biodiversity in the built environment**

Increasing penalties for littering and fly tipping offences seeks to deter irresponsible behaviours which pollute land and water ecosystems

**Reducing waste, reusing and recycling**

The proposal continues to apply the highest possible FPN level (£100) on householders who repeatedly fail to recycle, or contaminate their recycling bins. Note householders receive a minimum of three warnings and offer of support before an FPN is issued which is usually very effective at encouraging pro-environmental behaviours.

**Reduced energy/fuel consumption**

There will be a small reduction in vehicle miles travelled as the proposal requires patrol officers to carry out more foot patrols/public engagement

**People's awareness of the environment and biodiversity**

The proposal of the new FPN structure seeks to increase resources to carry out proactive engagement and educational work, by ensuring that the cost of such additional services and campaigns can be funded through any surplus FPN income generated

**Flood risk management**

neutral

**Negative impacts identified:**

**Biodiversity and the natural environment**

none

**Biodiversity in the built environment**

none

**Reducing waste, reusing and recycling**

none

**Reduced energy/fuel consumption**

none

**People's awareness of the environment and biodiversity**

none

**Flood risk management**

neutral

**A healthier Denbighshire**

**Overall Impact**

Positive

**Justification for impact**

Overall there is a positive impact. Whilst we do have a very small number of people claiming that their mental health is effected by being issued a Fixed Penalty Notice, claims are difficult to substantiate and are unlikely to outweigh the overall benefits of ensuring DCC carry out environmental enforcement patrols and investigations. The Service receives far more requests for enforcement action/patrols , than it does complaints from those issued with a fixed penalty notice. On balance the positive impact is far greater the benefits help a far larger proportion of the community.

**Further actions required**

The Council and Service Provider review representations made by the public around affordability. It is possible to extend payment periods for a limited period to give offenders extra time to pay their FPN in full. However, if at the end of this time payment in full is not received the offender faces prosecution in the Magistrate's court - here the Magistrate will take the financial means of the offender into account and is better placed to request evidence from the offender to justify a payment arrangement over a longer period.

**Positive impacts identified:**

**A social and physical environment that encourage and support health and well-being**

It is well documented that cleaner, greener localities promote positive mental health health. This proposal seeks to reduce pollution and visual impacts caused from poorly managed waste.by ensuring the future provision of enforcement patrols and increasing the financial penalty for waste related offences)

**Access to good quality, healthy food**

neutral

**People's emotional and mental well-being**

It is well documented that cleaner, greener localities promote positive mental health health. This proposal seeks to reduce pollution and visual impacts caused from poorly managed waste.by ensuring the future provision of enforcement patrols and increasing the financial penalty for waste related offences)

**Access to healthcare**

neutral

**Participation in leisure opportunities**

The enforcement (through patrols and issuing FPNs) of exclusion of dogs from skate parks, marked sports pitches , play areas and selected beach zones enhances safety of such provision.

**Negative impacts identified:**

**A social and physical environment that encourage and support health and well-being**

The service receives occasional representation from offenders who claim being issued with a fixed penalty is causing them distress, due to their claimed inability to pay discharge the penalty notice within the given timeframes (or at all).

**Access to good quality, healthy food**

neutral

### **People's emotional and mental well-being**

The service receives occasional representation from offenders who claim being issued with a fixed penalty is causing them distress, due to their claimed inability to pay discharge the penalty notice within the given timeframes (or at all).

### **Access to healthcare**

neutral

### **Participation in leisure opportunities**

neutral

### **A more equal Denbighshire**

### **Overall Impact**

Neutral

### **Justification for impact**

Whilst there are some benefits , especially the quality of environment in disadvantaged areas, it is recognised that a higher proportion of offenders living in deprived areas may not have the means to pay the increased fixed penalty amounts for littering, or take advantage of the early payment discounts that reduce the financial burden to them.

### **Further actions required**

The Council will continue to work with the Service provider to ensure that patrols are well balanced across all demographics and localities, and target deprived areas with campaigns to raise awareness and provide advice, tools and initiatives (funded through community benefits/social value pledges of major contractors) This could include free dog poo bags, portable ashtrays, free bulky waste events etc... In time it is hoped that this behaviour change will result in better compliance in deprived areas.

**Positive impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation**

neutral

**People who suffer discrimination or disadvantage**

neutral

**People affected by socio-economic disadvantage and unequal outcomes**

More early payment discounts provide an opportunity for a fixed penalty to be discharged at a lower cost. However, it is recognised that the ability to raise funds with the shorter timescales could be problematic for those on low income.

**Areas affected by socio-economic disadvantage**

Environmental crimes occur to a greater degree in deprived areas. Fly tipping and littering in particular, disproportionately affects Denbighshire's most deprived wards. Strengthening and safeguarding our enforcement resources and deterrents is likely to reduce irresponsible behaviours, leading to better local environmental quality.

**Negative impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation**

neutral

**People who suffer discrimination or disadvantage**

neutral

**People affected by socio-economic disadvantage and unequal outcomes**

## Review of Fixed Penalty Amounts for Environmental Crimes

Patrol plans are targeted where environmental crime rates have been reported (hot spots) and these tend to be in areas of deprivation. This means officers are more likely to issue FPNs to low income individuals.

### **Areas affected by socio-economic disadvantage**

none

### **A Denbighshire of cohesive communities**

#### **Overall Impact**

Positive

#### **Justification for impact**

Overall there is a positive impact as the FPN amounts proposed seek to further deter environmental crime which can in turn lead to other more harmful criminal behaviours (broken windows effect).

#### **Further actions required**

The proposal ensures continued provision of environmental enforcement patrols and investigations. This secures the longevity of a Partnership approach which the Service aims to build upon with other enforcement agencies and community outreach providers.

#### **Positive impacts identified:**

##### **Safe communities and individuals**

the proposal seeks to reduce environmental crime which helps secure safer communities. In addition continued provision of patrol officers help to reassure communities and offer an enhanced feeling of safety.

##### **Community participation and resilience**

This proposal strengthens the ability of the Service Provider and Council enforcement officers to work proactively with communities and to encourage/act on intelligence provided by them.

**The attractiveness of the area**

It is well documented that cleaner, greener localities promote positive mental health health. This proposal seeks to reduce pollution and visual impacts caused from poorly managed waste.by ensuring the future provision of enforcement patrols and increasing the financial penalty for waste related offences)

**Connected communities**

neutral

**Rural resilience**

neutral

**Negative impacts identified:**

**Safe communities and individuals**

none

**Community participation and resilience**

neutral

**The attractiveness of the area**

none

**Connected communities**

neutral

**Rural resilience**

neutral



## **A Denbighshire of vibrant culture and thriving Welsh language**

### **Overall Impact**

Neutral

### **Justification for impact**

The changes to the FPN amounts for environmental crimes do not have an impact on Welsh culture or language. Existing arrangements will remain to ensure offenders can be issued a Fixed Penalty in Welsh or English and they are given the option of how they would like to receive the penalty charge notice. Officers are able to contact a Welsh Speaker to assist them with the issuing the FPN via the Council's contact centre, if they need translation support.

### **Further actions required**

The Service Provider advertises for new posts locally and proactively seeks to recruit Welsh speakers.

### **Positive impacts identified:**

#### **People using Welsh**

neutral -please note the existing arrangements for issuing of FPNs offers the function of issuing the FPN in Welsh or English and all documentation issued in pursuance of the penalty discharge is bilingual. Offenders are offered this at the time of issue.

#### **Promoting the Welsh language**

neutral - all campaign/ communication materials continue to be bilingual. Welsh speakers are actively sought for recruitment via the outsourced Environmental Enforcement Services Contract.

#### **Culture and heritage**

neutral

### **Negative impacts identified:**

**People using Welsh**

neutral

**Promoting the Welsh language**

neutral

**Culture and heritage**

neutral

**A globally responsible Denbighshire**

**Overall Impact**

Positive

**Justification for impact**

Overall the impact is positive and the proposal safeguards the provision of patrols so we can continue to protect our environment and encourage pro-environmental behaviours.

**Further actions required**

The Council aim to extend engagement and education activities to encourage social norming of complaint behaviours especially with young people and are currently seeking funding to support this (Shared Prosperity Fund proposal has been completed).

**Positive impacts identified:**

**Local, national, international supply chains**

neutral - Outsourced arrangements for patrol officers are advertised on Sell to Wales and attract interest from the industry UK wide.

**Human rights**

Neutral

**Broader service provision in the local area or the region**

The Service Provider who issue FPNs for environmental offences also carry out smoke free enforcement across Denbighshire including hospital sites. This proposal safeguards the ability of the Council to continue providing such patrols.

**Reducing climate change**

Overall there is a positive impact as the FPN amounts proposed seek to further deter environmental crime which can have a detrimental effect on important ecosystems. Furthermore, encouraging householders and businesses to comply with waste legislation will promote better resource management, enhancing recycling subsequently reducing UK reliance on raw materials sourced globally through deforestation ,drilling and mining which all contribute significantly to climate change.

**Negative impacts identified:**

**Local, national, international supply chains**

none

**Human rights**

Neutral

**Broader service provision in the local area or the region**

none

**Reducing climate change**

none