

Street Scene Enforcement Policy



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1 Introduction

- 1.1 Enforcement plays a pivotal role in preserving a clean and safe environment by offering a graduated approach that involves the provision of information and advice to individuals and businesses regarding statutory duties. Enforcement ensures that those individuals and/or businesses that spoil the environment are held accountable for their actions.
- 1.2 The Clean Neighbourhoods and Environment Act 2005 (CNEA) introduced powers to local authorities to help tackle local environmental quality problems. The CNEA set up effective powers and tools to tackle environmental crime such as litter, graffiti, fly-tipping, fly-posting, dog fouling etc. This Policy sets out how the Council will use these powers alongside existing powers to ensure an effective, consistent and transparent approach to enforcement.

2 Policy Aims

- 2.1 Our enforcement approach allows, and in some cases will, extend beyond public land onto adjacent, private land when necessary. The aim of this policy is to improve the local environmental quality by reducing environmental crime across the district. To meet this aim the policy has the following objectives:
 - Promote and inform of best practice on waste management, litter control, dog control, highway obstructions and other environmental quality issues of concern to local residents;
 - Raise awareness among residents, businesses and visitors about their relevant duties and responsibilities in terms of waste management (duty of care), litter control, dog control, highway obstructions and other quality issues and what constitutes an offence;
 - Undertake any enforcement action as necessary, in a reasonable, equitable and proportionate manner;
- 2.2 These objectives reflect the Enforcement Concordat, which is a set of enforcement principles adopted by Central and Local Government. This was formally adopted by the Council on 12 July 2001. The Concordat states that good enforcement practice should set clear standards to be carried out in an open, helpful manner, and have a proportionate and consistent approach together with a clear complaints process.
- 2.3 This Enforcement Policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code 2014.

3 Scope and Core Offences

Local priorities for the maintenance of a clean, green and safe district are:

- Fly-tipping of waste on public and private land;

- Adequate arrangements for the storage and disposal of commercial waste and ensuring that they are not deposited on streets outside of collection times;
- Litter in high street and town centre areas;
- Irresponsible dog ownership;
- Fly-posting;
- Graffiti on public, in footpath areas and private land;
- Abandoned and untaxed vehicles;
- Wheeled bins, boxes and bags used for the storage of domestic waste (recycling, non-recycling and compostable material) presented or deposited on streets out of collection times.

The Council has the power to take enforcement action against persons that commit a variety of environmental crimes. The following are considered to be the Core Offences:

3.1 Fly-Tipping

The Environmental Protection Act, 1990 (EPA) makes it an offence to deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence. The CNEA removes the defence of an offender acting under his employer's instructions.

The powers to deal with fly-tipping incidents are shared between local authorities and the Environment Agency. The National Fly-tipping Protocol (agreed between the Environment Agency and Local Government Association) gives guidance on which authority should take the lead in dealing with fly-tips dependant on their size, composition and location.

Both the Council and the Environment Agency may serve a notice under the EPA requiring the occupier of land to remove material fly-tipped and/or reduce the consequences of the deposit of the fly-tipped material. Occupiers of land can establish a statutory defence such as they did not knowingly permit the material to be fly-tipped on their land. The Council or the Environment Agency can also remove fly-tipped material and recover their investigation and clean up costs, of doing so, from convicted fly-tippers.

The CNEA increased the penalty for a person found guilty of a fly-tipping offence to up to £50,000, or a term not exceeding 5 year imprisonment for both hazardous and non-hazardous waste offences.

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 allows for, in lieu of prosecution for a fly-tipping offence, the Council to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £400.

3.2 Failure to Produce Waste Transportation Documents

Section 34 of the EPA sets out the waste duty of care, which applies to anyone who is the holder of controlled waste. Waste must be passed on to an authorised person and the

producer must retain a waste transfer note that sets out certain details of the waste. These waste transfer notes must be kept for two years. Section 53 of the CNEA extends the powers to investigate illegal waste disposal or duty of care offences to authorised council officers.

There is no need for householders to have waste transfer documentation for waste that is collected by the Council. If, however, householders employ a contractor to remove waste from their property (such as garden or building waste) they have a duty to take reasonable measures to ensure that their waste is passed on to an authorised person. The duty emphasises the responsibility that residents must not support illegal waste transfer and fly-tipping, whether knowingly or unknowingly.

Amendments to Section 34, by the CNEA, make it an offence when a person has failed to carry out their duty to provide the necessary authority for transporting waste. A householder, business or waste carrier found guilty of failing to provide the necessary authority for transporting waste can be fined up to £5,000.

If a person is not able to furnish the relevant waste transportation documents, the Council will allow that person 14 days within which to produce the documentation. If the documentation is not produced within 14 days and in lieu of prosecution for failing to produce the necessary authorisation for transporting waste, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £300.

3.3 Dropping Litter

The EPA created the offence of leaving litter in the open air, a place to which the public are entitled or permitted to have access without payment, including any covered place open to the air on at least one side.

The CNEA extends the scope of that offence to include anywhere in the open air (including rivers and lakes) regardless of ownership, except in locations where the public does not have access or the owner of the land has given permission for the dropping of litter or a legal authorisation exists to do so.

If found guilty of a litter offence, the offender can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

In lieu of prosecution for a litter offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £80.

3.4 Abandoning a Vehicle

Under the Refuse Disposal (Amenity) Act 1978, a person commits an offence if he/she, without lawful authority, abandons on any land in the open air, or on any land forming part of a highway, a motor vehicle or anything that has formed part of a motor vehicle. The CNEA allows local authorities to issue Fixed Penalty Notices to persons alleged to have committed such an offence.

There is no legal definition of an abandoned vehicle. Authorised officers must use their discretion when forming decisions on abandonment using guidance issued by DEFRA. Authorised officers will normally only be able to arrange for the removal of a vehicle from a

highway or public land. Abandoned vehicles on private land can be removed at the request of the occupier, but the cost of doing so will be recharged to the occupier.

If found guilty of abandoning a vehicle on a highway or on land in the open air, a person can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

In lieu of prosecution for an abandoned vehicle offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £200.

3.5 Nuisance Vehicles

The CNEA introduces an offence of leaving two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale, or to cause two or more motor vehicles to be so left. This only applies to persons who are carrying out a business of selling motor vehicles.

The CNEA also makes it an offence to carry out restricted works (repair, maintenance, servicing, improvement or dismantling) on a motor vehicle on a road. This only applies to persons who are in the course of a business of carrying out restricted works or for gain or reward.

Authorised officers are able to take enforcement action, including the removal of a vehicle, for nuisance vehicles on a road.

A person found guilty of a nuisance vehicle offence can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

In lieu of prosecution for a nuisance vehicle offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100.

3.6 Nuisance Vehicles in Designated Areas

The introduction of a Public Space Protection Order (PSPO) in November 2017 introduced an Order relating to the:-

- (1) Congregation of motor vehicles and motorcycles in designated areas causing noise, public nuisance and danger to others.

The Order requires no persons to enter a designated area, as listed in Schedule 4 of the order, in motor vehicles and motor cycles between the hours of 10pm and 6am for the purpose of engaging in vehicle displaying and racing. No persons shall attend or gather in the designated area for the purpose of watching motor vehicle and motorcycles for displaying or racing. No person shall congregate and loiter in groups and engage in behaviour that is likely to cause harassment alarm or distress between the hours of 10pm and 6am.

The Council has formally adopted the Orders identified above.

If anyone fails to meet the requirements of the PSPO or to comply with a request from a police officer, police community support officer (PCSO) or authorised council officer, they could be issued with a Fixed Penalty Notice (FPN) of up to £100 or prosecuted. However,

these measures are designed to deal with extremes of anti-social behaviour and authorised officers will take a proportionate and common sense approach in their application.

3.7 Dogs

The introduction of a Public Space Protection Order (PSPO) in November 2017 introduced Orders relating to:-

- (1) **Dog fouling** - you must clear up after your dog on any land in the District;
- (2) **Dogs on leads in specified areas** - you must keep your dog on a lead at all times in specified sites;
- (3) **Dog exclusion in specified areas** - it is an offence to allow a dog onto Rochford District Council owned land which have been designated to exclude dogs:-
 - All fenced children's playgrounds and areas which are designated and marked for children's play
 - All fenced games areas e.g. tennis, ball courts, skate parks
 - Marked playing pitches - when in use for playing sports
- (4) **Failing to produce a receptacle for picking up dog faeces** - you must produce a means to pick up your dog's waste when asked to do so by an authorised officer.

The Council has formally adopted the Orders identified above.

If anyone fails to meet the requirements of the PSPO or to comply with a request from a police officer, police community support officer (PCSO) or authorised council officer, they could be issued with a Fixed Penalty Notice (FPN) of up to £100 or prosecuted. However, these measures are designed to deal with extremes of anti-social behaviour and authorised officers will take a proportionate and common sense approach in their application.

3.8 Fly-Posting and Graffiti

Under the Section 224(3) of the Town and Country Planning Act 1990 (TCPA), it is an offence to display an advertisement in contravention of the regulations made under the act. These regulations relate to the permission for the display of the material, and the nature and size of the material to be displayed. Under the TCPA the Council can take action against those responsible for fly-posting and remove illegal posters and placards and recover the cost incurred in doing so from those who have displayed them, or caused them to be displayed.

It is appropriate for a distinction to be drawn between, for example, a poster advertising a local community or charitable event and a poster advertising a commercial activity.

The CNEA has amended the defence for a landowner charged with a fly-posting offence so it is now necessary to prove that the advertisement was displayed without his knowledge or that he took all reasonable steps to prevent the display or to secure its removal.

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The Anti-social Behaviour Act 2003 (ASBA) allows the Council to serve Fixed Penalty Notices on persons who commit ‘minor’ graffiti or fly-posting offences.

The ASBA, as amended by the CNEA, allows the Council to serve a Defacement Removal Notice on owners, occupiers and operators of street surfaces of buildings and street furniture whose property is defaced with detrimental fly-posting or offensive or detrimental graffiti.

In lieu of prosecution for a fly-posting or graffiti offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £80.

3.9 Waste Receptacles

Under the EPA 1990, the Council can specify what materials can and cannot be placed in certain kinds of waste receptacles and the location where residents must put their waste receptacles to facilitate waste collection. If the location is outside of the boundary of a property, the Council can also specify between what times the receptacles must be put out and taken back in.

The Council can issue a Waste Receptacles Notice to a person who fails to comply with these specified requirements and a person found guilty of failing to comply with a notice can be fined up to £1,000. The CNEA introduces the use of fixed penalties for failure to comply with a Waste Receptacles Notice.

All waste receptacles must be left for collection within the boundary of the property near to a public highway (unless otherwise agreed in writing) and, where waste containers have to be left on the highway, containers should be presented by 7am on the day of collection.

In lieu of prosecution for failure to comply with a Waste Receptacles Notice, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100.

3.10 Powers to Prevent Littering

Community Protection Notices (CPN)

The Council can act against a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community’s quality of life of those in the locality, is of a persistent or continuing nature; and is unreasonable.

The CPN would deal with litter on private land and would apply to the occupier of the land e.g. a front garden.

A community protection notice is a notice that imposes any of the following requirements on the individual or body issued with it -

- (a) a requirement to stop doing specified things;
- (b) a requirement to do specified things;
- (c) a requirement to take reasonable steps to achieve specified results.

The only requirements that may be imposed are ones that are reasonable to impose.

The Council will initially issue a Notice setting out the requirements that should be complied with. Failure to comply may result in a Community Protection Notice to be issued without further warning.

In lieu of prosecution for failure to comply with the Notice, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty of £100.

3.11 Other Offences

Some offences may occur that do not form part of the Core Offence list, but are still of a nature that could lead to the issuing of a Fixed Penalty Notice, caution or prosecution.

4 Authorised Officers

4.1 The statutes enforced by the Council require that enforcement officers are properly authorised. Authorised Officers will be either:

- (1) an employee of the Council who is authorised in writing by the Council for the purpose of giving notices under the relevant legislation;
- (2) any person who, in pursuance of arrangements made with the Council, has the function of giving such notices and is authorised in writing by the Council to perform that function;
- (3) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices.

4.2 Authorised Officers will be trained on how to gather evidence that will be in accordance with judicial requirements and on conflict avoidance techniques when dealing with alleged offenders.

4.3 Enforcement can only be undertaken by officers authorised in accordance with the Council's Scheme of Delegation as set out in Rochford District Council Constitution.

5 Enforcement Action

The Council recognises the importance of making sure that all enforcement decisions are consistent, proportionate, clearly explained and relate to common standards to guarantee the public is adequately protected. The enforcement will be performed and must give the same care and attention no matter what their age, religion, sex, disability (subject to statutory exemptions), sexuality or ethnic background. This approach will help to ensure that everyone is treated fairly.

The law allows for different types of enforcement action dependent on the nature and severity of the offence and the quality of the evidence available. However, where the offence committed is punishable by the issuing of a Fixed Penalty Notice, the authorised officer has no discretionary powers and is obliged to issue the Fixed Penalty Notice in relation to the offence. Details of the various enforcement options are given below.

5.1 Oral and written warnings

As an alternative to more formal enforcement action, such warnings may be given. Records of warnings are retained and may be taken into account if the same person commits further offences.

5.2 Formal caution

Formal cautions, as an alternative to prosecution, may be given and will be administered in accordance with the statutory provisions and guidance that apply and involve the offender admitting guilt. They may be taken into account by the court should the offender be prosecuted for a further offence. These would only be offered where it is not in the public interest to initiate court proceedings.

5.3 Fixed Penalty Notice (FPN)

A fixed penalty notice will be issued to persons who are alleged to have committed an offence where it is considered that a caution is not appropriate.

It is essential for the issuing of a fixed penalty notice that the Authorised Officer collects adequate evidence to support any legal proceedings if the notice is returned unpaid.

Authorised Officers can offer FPNs for certain environmental crime offences (listed in Appendix 1). FPNs are used as an alternative to prosecution and the alleged offender being taken to court.

5.4 Serving a Statutory Notice

Some offences require the serving of a formal notice on individuals, businesses or other organisations requiring them to carry out special legal requirements. Offences of this type include (but are not limited to) street litter control, wilful obstruction of the highway and abandoned vehicles.

The notice will explain what is wrong, what is required to put things right and what the consequences are if the notice is not complied with.

5.5 Seizure

Certain circumstances including wilful obstruction of the highway can lead to seizure of the obstructing item(s) as well as prosecution. The item(s) are stored and as part of a prosecution of a Forfeiture Order can be requested from the Magistrates' Court.

5.6 Prosecutions

In certain cases prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect. Prosecution will likely follow when:

- A fixed penalty notice issued to an alleged offender is returned unpaid after the 14 day payment period;
- Three fixed penalty notices have been issued to a person;

- An offence is of a size or a nature where a Fixed Penalty Notice is considered to be insufficient.

Where the circumstances warrant it and the alternative actions mentioned in the strategy are considered inappropriate for the offence, then prosecution may result. Consideration will be given to the facts leading up to the matter. The Council will also assess whether there is public interest in proceeding with the matter while taking into account the Enforcement Concordat and Crown Prosecuting Guidelines.

Where an offence has been committed, the normal course of action would be to utilise one of the above mentioned methods of enforcement. For instance FPNs can be issued without first offering a warning to the alleged offender. However, an Authorised Officer may use his discretion and issue a verbal or written warning where common sense would dictate such an approach as being more sensible, after considering all the relevant circumstances. However, it is envisaged that such warnings will be the exception rather than the norm, as individuals and businesses are expected to accept responsibility for their own actions and to comply fully with the law. Formal cautions may also be issued in appropriate circumstances.

6 Issuing Fixed Penalty Notices and taking other actions

It is essential that the evidence and information collected by the Authorised Officer is of an adequate standard to support any resultant legal action.

6.1 Request for personal details by an Authorised Officer

Authorised officer has the power to require the name and address of a person who they believe has committed an offence. These personal details can then be used to issue enforcement action against the alleged offender.

To avoid instigating enforcement action using false details, the Authorised Officer will use all reasonable methods to confirm the details supplied by an alleged offender. The initial method of confirmation will be through the Electoral Services Officer, where personal details can be checked against the electoral roll (but this will not include juveniles). Upon confirmation of the alleged offender's personal details, the appropriate enforcement action can be taken.

Failing to provide personal details or giving false name and address to an Authorised Officer is an offence, and carries a fine of £1,000 upon conviction. If a person fails to provide an authorised officer with personal details, the officer will take all reasonable steps to obtain information on that person.

6.2 Evidence

Evidence is the key to the enforcement procedure. The recording and storage of this evidence must be carried out in a concise and consistent manner to ensure its admissibility in Court. Evidence collected by an Authorised Officer will come in various forms, from various sources and, dependant on its quality, could be used in a variety of enforcement actions.

Evidence that is obtained by an Authorised Officer 'in the field' will be recorded contemporaneously in ink in a notebook. All entries must be clear and precise.

Evidence may also be in the form of:-

(1) Addressed documents

Evidence gathered in relation to an offence, can come in the form of an addressed document, which may relate to the person believed to have committed the offence (e.g.. when household waste is found to be fly tipped, an Authorised Officer will search the waste for any documentation which may relate to the person responsible).

(2) Witness statement from an Authorised Officer

When enforcement action is taken against an alleged offender, where an Authorised Officer has witnessed the offence occurring, that officer will have to produce a witness statement.

(3) Witness statement from other persons

Evidence received from members of the public can be used to issue official cautions or Fixed Penalty Notices. In order for the evidence to be of value the witness must be willing to attend court to give evidence, if that becomes necessary. Any statement made by a witness must be signed and dated by the witness and witnessed by the Authorised Officer at the time of taking of the statement. Statements will be recorded on forms prepared to comply with evidential procedures.

(4) Interview of alleged offenders

The Police and Criminal Evidence Act (PACE) Codes of Practice require any person interviewed regarding his involvement or suspected involvement in an offence must be under caution, otherwise the evidence will be inadmissible in court. This caution must be carried out before any questions are put to him regarding the offence. PACE interviews will only be undertaken by trained officers.

No juvenile (a person aged under 17) or mentally impaired person should be interviewed without an appropriate adult being present.

(5) Interviewing by letter

As a last resort it may be necessary to try to interview the suspect by way of correspondence. In this way it will be possible to write to the suspect under caution asking them relevant questions and giving them a time by which to reply.

6.3 Persistent Offenders

A person may be issued with up to three Fixed Penalty Notices in total. If found to have infringed the law on a fourth separate occasion no further penalty notices will be served upon that person and court proceeding will be instigated.

6.4 Juveniles (person aged under 17)

When a juvenile is alleged to have committed an offence the name, address, age and date of birth of the suspected offender should be obtained, together with the name and address of his or her parent or legal guardian. Once the age of the offender has been ascertained, the correct course of action can then be followed.

For offenders aged 16 or 17 years old, a Fixed Penalty Notice can be issued using the same procedure as for adults.

For offenders between 10 and 15 years old, a fixed penalty should not normally be issued. If on enquiry it is found that a Fixed Penalty Notice is suitable, then the notice should be issued to the offender with an appropriate adult being present.

7 Implementation

Fixed Penalty Notices (FPNs)

- 7.1 A number of offences listed in this strategy can be dealt with through the use of fixed penalty notices. See Appendix 1.
- 7.2 FPNs may be used when an Authorised Officer believes that an offence has been committed. The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. It is essential, therefore, that FPNs are only issued where there is adequate evidence to support a prosecution if a notice is not paid, and that unpaid notices are followed up. The use of FPNs will improve the effectiveness and efficiency of the enforcement process, resulting in officers being able to focus more detailed attention on more complex and involved cases.
- 7.3 The Council sees the issues covered by FPNs under the Environmental Protection Act 1990, Anti Social Behaviour Act 2003 and Clean Neighbourhoods and Environment Act 2005 as important to individuals' quality of life and so wants to send out a strong message, through their usage, to those who deface the District's environment.
- 7.4 FPNs are only issued where there is adequate evidence to support a prosecution if a notice is not paid. Unpaid notices will be followed up and considered for prosecution.
- 7.5 The use of FPNs is one of the powers the Council shall use to meet the strategy's aim in an effective and efficient manner. The Council will retain any funds accrued from the serving of FPNs. These funds will be used to help offset the costs of the enforcement function, by helping fund, for example, operations and publicity.

8 Payment of Fixed Penalties

When a Fixed Penalty Notice has been issued, the alleged offender has 14 days within which to make the full payment amount. Payment of the fixed penalty notice can be made in one of three ways:

8.1 Discounts

Rochford District Council provides discounts for early payment of FPNs. These discounts apply if payment is received within a specified number of days after issue. Details of the reduced rates appear on the individual fixed penalty notices.

8.2 Rights of Appeal

There is no right of appeal against a fixed penalty notice covered by the policy as it only deals in criminal offences. A person served with a fixed penalty notice who believes they did not commit the offence has the right for their case to be heard in court.

However in cases where the alleged offender believes that a fixed penalty notice has been wrongly issued and that there are grounds similar to those listed below for contesting its issue, they may appeal in writing to the Assistant Director of Environmental Services.

8.3 Possible grounds

- When the person accused was not the person that committed the offence – false particulars
- Where the person issued with the fixed penalty notice brings forward evidence that could undermine any later prosecution.
- Where a fixed penalty has been wrongly issued.
- Where the person issued the fixed penalty notice is under the age of ten,
- If further evidence is provided that shows the person is in some way vulnerable and enforcement is not in the public interest.
- It is for some other reason not considered to be in the public interest,

Following consideration of an appeal of this nature a response will be given in writing.

9 Non-payment of Fixed Penalties

Fixed Penalty Notices give the offender the opportunity to avoid prosecution by payment of the penalty. If a Fixed Penalty Notice remains unpaid for a period of 14 days after the payment deadline has passed, a file will be put together and court proceedings will be issued. All unpaid penalties will be followed up by prosecutions through the courts

9.1 Human Rights Act

The European Convention on Human Rights is incorporated into domestic law by virtue of the Human Rights Act 1998. Environmental Services recognises that the Act requires public authorities to operate in a way that is compatible with those rights, subject to occasions when interference is justified.

It is noted that the rights likely to be most affected by this strategy are those under Article 1 (right to peaceful enjoyment of property and possession), Article 6 (the right to a fair trial) and

Article 8 (respect of privacy and family life). The Council at all times seeks to strike a fair balance between needs to protect the rights of residents, businesses, and the public interest.

10 Complaints

Any complaint will be investigated and the relevant officer will send a written response within 15 working days.

The contact details are:
Assistant Director Environmental Services
Rochford District Council
Council Offices
South Street
Rochford
Essex
SS4 1BW

Telephone: 01702 546366
Email: streetscene@rochford.gov.uk

If the member of the public is not satisfied with the response, they have the right to refer the complaint to a higher level through the Council's Complaints Procedure. For a copy of the Council's Complaints Procedure or need help or advice about making a complaint contact:

By Post: Assistant Director Environmental Services.
Rochford District Council
Council Offices
South Street
Rochford
Essex
SS4 1BW.

By email: customer.services@rochford.gov.uk

By Phone: 01702-546366

11 Appendix 1

Tick	Description of offence	Act	Full amount of penalty	Maximum penalty on conviction
	Depositing litter	Section 87/88 – Environmental Protection Act 1990	£80	£2,500
	Failure to comply with a Community Protection Notice	Section 43 of the Anti-Social Behaviour Crime and Policing Act 2014	£100	£2,500
	Failure to produce waste documents	Section 34(5) and Regulations made under it/34(6)/34A – Environmental Protection Act 1990	£300	£5,000 (or on indictment, an unlimited fine)
	Failure to produce authority to transport waste	Section 5/5B – Control of Pollution (Amendment) Act 1989	£300	£5,000
	Unauthorised distribution of free printed matter	Schedule 3A, paras. 1(1) and 7 – Environmental Protection Act 1990	£80	£2,500
	Failure to comply with a waste receptacles notice	Section 46/47/47ZA/47ZB – Environmental Protection Act 1990	£100	£1,000
	Failure to comply with a Public Space Protection Order	Antisocial Behaviour, Crime and Policing Act 2014	£100	£1,000
	Abandoned Vehicle	S.2 Refuse Disposal (Amenity) Act 1978, amended by Clean Neighbourhoods and Environment Act 2005	£200	£2,500
	Nuisance Parking	S.3-9 Clean Neighbourhoods and Environment Act 2005	£100	£2,500
	Fly-posting and Graffiti	S.43 Anti-social Behaviour Act 2003	£75	£2,500
	Fly-tipping	Neighbourhoods and Environment Act 2005; The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016	£400	£50,000