

Website

Question. Why are Pembrokeshire County Council starting to take enforcement action?

Answer. *Pembrokeshire County Council know, from listening to their residents how important it is for their local area to be clean, free from litter and dog fouling and a pleasant environment in which to live. Despite all Pembrokeshire County Council's efforts to keep the area clean and litter-free some individuals continue to drop litter, fail to clean up after their dog or carry out other anti-social behaviour. As a consequence the authority are introducing proactive enforcement to support it in keeping the local environment clean.*

Question. What is this costing the Council?

Answer. *There will be no direct cost to the Council. It will be self-financing.*

Question. Is this a money making initiative for the Council?

Answer. *This is not a way for the Council to generate additional income. The scheme aims to be cost neutral. Should any additional money be made it will be put into other environmental initiatives which are deemed appropriate. The priority is to try and stop those people who do not behave responsibly.*

Question. Are the enforcement officers Pembrokeshire County Council employees?

Answers. *No. The company, District Enforcement, provide experienced and professional enforcement officers who work under the direction of Community Services on behalf of the Council.*

Question. Where do District Environmental Crime Officers powers and authority come from?

Answer. *They are delegated from the Pembrokeshire County Council with clearly defined parameters of authority. The officers will enforce all legislation in accordance with the law and in line with the enforcement policy of the local authority.*

Question. Are all District Environmental Crime Officers vetted?

Answer. *Yes. All the officers are screened and vetted by DBS in compliance with British Standard 7858:2012.*

Question. Who designates what legislation District Environmental Crime Officers enforce?

Answer. *This is set out in a contract with Pembrokeshire County council and was signed off by both parties prior to any patrol deployment.*

Question. Are District Officers remunerated against the number of Fixed Penalty Notices (FPN) they issue?

Answer. *No. All of the Officers are paid an hourly rate and do not receive bonuses.*

Question. What could I get fined for?

Answer. *Uniformed Environmental Enforcement Officers from District Enforcement will issue fixed penalty notices for the following:*

Dog Fouling – failing to pick up after the dog you are walking or not disposing of the dog waste in the correct way. Saying that you didn't see the dog fouling or that you forgot your bags is not a valid excuse.

Littering – dropping or throwing any kind of litter. For example dropping chewing gum, fast food, fast food packaging and sweet wrappers is littering as is throwing a cigarette end on the ground or down the drain. The throwing of litter out of a car is also an offence. Your car registration details will be taken and the driver of the car at the time of the incident will be held liable. If you drop litter it's a crime. There are no requirements that signs are in place informing you that it is an offence to drop litter.

Graffiti and fly posting – Graffiti is any writing or drawings scratched, scribbled, sprayed or painted illicitly on a wall or other surface in a public space whilst fly posting is the putting up of advertising posters in unauthorised places.

Anti-social behaviour – acting in a manner that has caused or is likely to cause harassment, alarm or distress to one or more people.

Question. Who has the final say in whether an individual is prosecuted?

Answer. The decision always lies with Pembrokeshire County Council.

Question. How can the public have confidence that District's Environmental Crime Officers always act responsibly?

Answer. The Environmental Crime Officers are specialists in their field. They receive intensive introductory training and ongoing professional development to maintain the high standards required by Pembrokeshire County Council. There is Body Worn Camera footage of every interaction between the Officers and members of the public. Any complaints against the Officers can be made to District Enforcement and are handled in line with established procedures

Question. Can I complain about the enforcement officer's behaviour?

Answer. Yes. Any complaints against the officers can be made to District Enforcement and will be dealt with in line with established procedures. You should be aware that making a complaint is treated separately to the issue of the FPN and as an offence is alleged you remain liable to prosecution unless you choose to pay the FPN within the time specified.

Question. What are fixed penalty notices?

Answer. Since the Clean Neighbourhoods and Environment Act 2005 became law, new measures have been introduced, enabling local authorities to issue a FPN to anyone they have reason to believe committed an environmental crime that damages the street scene. A FPN gives an alleged offender the opportunity of discharging their liability from being prosecuted by paying the FPN. If an offender is prosecuted the maximum fine for littering can be up to a maximum of £2,500 and may be faced with a conviction.

Question. How much is a Fixed Penalty Notice?

Answer. The following amounts will apply:

£150 fixed penalty notice for littering and early payment £75

£150 fixed penalty notice for dog fouling and early payment £75

£150 fixed penalty notice for fly posting/graffiti and early payment £75

£150 fixed penalty notice for anti-social behaviour and early payment £75

Question. Can I appeal a Fixed Penalty Notice?

Answer. *There are no formal grounds of appeal against a Fixed Penalty Notice. This is because a Fixed Penalty Notice is an invitation for you to effectively 'buy off' your liability to prosecution. This means that while this is not an admission of guilt, you agree that an offence has been committed and that by paying the sum of money specified no further action will be undertaken by the council. This method of dealing with offences not only saves the time involved for everyone (including the offender) in prosecuting cases at court, but the cost associated with a Fixed Penalty Notice is likely to be substantially lower than any fine imposed by the courts. For example, the maximum fine which can be imposed by the courts for littering is £2,500.*

Question. But I don't agree that I committed the offence for which I have received a Fixed Penalty Notice?

Answer. *If you do not agree that you committed the offence for which you received the Fixed Penalty Notice then the matter will be dealt with through formal prosecution via the courts. It will then be up to the court, on receiving evidence, to determine whether or not an offence was committed and therefore whether or not any penalty should be imposed. Effectively this means that the formal court route becomes the mechanism for those wishing to appeal a Fixed Penalty Notice. It should be noted that the financial penalty imposed by the courts can be significantly more than that which is imposed through a Fixed Penalty Notice.*

Question. I don't see why I should pay if there are no signs about littering or dog fouling in the area?

Answer. *The local authority is not required to place signs in every street, road, highway, park or open space to tell people not to litter or to inform them that litter patrols are operating in the area. Litter legislation has been in force for many years and littering in many parts of the UK is at such levels that councils across the country are now actively issuing FPNs in order to drive the message home to those who spoil our environment by carelessly discarding their rubbish.*

Question. I didn't know that this was an offence, has the Council informed the public?

Answer. *Pembrokeshire County Council has run a number of campaigns over recent years targeting littering and dog fouling. The current campaign began in August 2018 with the issuing of a press release: <https://www.pembrokeshire.gov.uk/newsroom/fixed-penalties-for-litter-bugs> followed by written communication to city, town and community councils, a banner on the website and further press release at the point of launching the initiative. Regular press releases will continue to be issued as the scheme progresses. All press releases have been and will also continue to be released through social media.*

Question. If I pick up the litter after an officer has approached me, do I still receive an FPN?

Answer. *It is important to realise that the littering offence relates to the dropping of litter and walking away once you have dropped it. So, whether or not you volunteer to pick up your litter afterwards you have committed an offence will be issued with an FPN.*

Question. What happens if I refuse to pay the fixed penalty?

Answer. *You will be prosecuted for the offence.*

Question. Why should I pay a Fixed Penalty Notice when there were no litter or dog bins nearby at the time?

Answer. *As with signage it is not feasible for the council to put litter bins in every street, road and highway in the County, though of course every effort is made to place bins where they are most needed and where there are the greatest levels of pedestrian footfall, such as in town centres, major shopping areas and Parks and open spaces. Dog waste, once bagged can be placed in any of Pembrokeshire County Council's litter bins. Where bins are not available then it is up to everyone to act responsibly and make arrangements to either take their litter home or carry it until a litter bin is available.*

Question. I received a Fixed Penalty Notice for dropping a cigarette butt, surely that can't be considered littering?

Answer. *Wrong. Litter includes not only cigarette butts but also chewing gum. In many ways these items are more of a nuisance and more expensive to clean up than other items of rubbish.*

Question. But cigarette stubs aren't really waste as they can't be placed in litter bins because they will catch fire?

Answer. *Smokers are responsible for ensuring that they completely extinguish their cigarettes before placing them in the bin. Cigarette waste is the same as any other waste in terms of litter laws and you can be issued with a Fixed Penalty Notice for not disposing of cigarette stubs properly. Obviously, care should be taken to avoid any risk of fire and in particular cigarette ends should be completely extinguished before the stub is thrown into the bin. There is also no reason why smokers (who are well aware that their habit means that they will be faced with disposing of their cigarette waste) cannot carry portable 'butt bins' with them or create their own by placing some soil or sand in a small tin.*

Question. I was given a fixed penalty notice for dropping an apple core, surely that can't be considered littering?

Answer. *Litter includes apple cores, banana skins and other food waste that is discarded is littering.*

Question. But food waste is biodegradable so how can it be classed as litter.

Answer. *Whilst food waste may be biodegradable it does not biodegrade immediately and not only looks unsightly but can attract vermin, birds etc.*

Question. But I wasn't given a warning, surely that is not fair?

Answer. *On top of the campaign work Pembrokeshire County Council has undertaken through press releases, social media and the website, organisations like Keep Wales Tidy and Keep Britain Tidy do an excellent job in helping to get the anti-littering message across. Of course all the publicity in the world is of no use whatsoever if the message is being ignored. So Pembrokeshire County Council are taking their enforcement duties seriously and are backing up what is a serious and important message with real action. This is the aim of the enforcement patrols which seek to target those who choose to ignore the littering laws which the vast majority abide by.*

Question. I have limited funds and I will not be able to pay within the 14 days what can I do?

Answer. *You can write into District Enforcement to explain your circumstances, this will be reviewed and you may be granted a time extension to pay the Fixed Penalty Notice. All the correspondence details will be on the FPN issued and all correspondence sent by District Enforcement.*

Question. Can I pay the fine by instalments?

Answer. *Payments are not accepted by instalments but you may be granted an extension.*

Question. Where do the Enforcement Officers patrol?

Answer. *The Officers will patrol any area of land that is open to public access and will include areas such as town centres and environmental hotspots.*

Remember

- *There will be no warnings, you will be issued with a Fixed Penalty Notice for dropping litter, cigarette ends or chewing up. Also for not cleaning up after your dog.*
- *You are still littering if you drop litter near or around your place of work, this may include rear entrances to shops and restaurants, offices, depots, hospitals and health centres. This also includes local authority buildings.*
- *That you can use bins without ashtrays, extinguish the cigarette first, then place it in the bin.*
- *No bin doesn't mean no FPN – not having a bin to hand is not an excuse for littering.*
- *Placing a cigarette end down a drain is still an offence which will result in a Fixed Penalty Notice.*
- *Placing rubbish in a stream is an offence and will result in a Fixed Penalty Notice*
- *The offence is complete once the item is deposited and the person walks away.*
- *Failing to give your name and address is an offence under the Environment Protection Act 1990 Section 88 (8B)*