



Environment Enforcement Policy

Castle Point Borough Council - Environment Enforcement Policy

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1.0 Introduction

Castle Point Borough Council ('the Council') is committed to maintaining a clean, safe, and sustainable environment for residents, businesses, and visitors. This policy sets out the approach to tackling environmental crimes, including fly-tipping, littering, graffiti, dog fouling, abandoned vehicles, and other offences that negatively impact our streets, parks, and open spaces.

Examples of environmental crime and the impact is described below:

- Abandoned Vehicles – these take up valuable parking spaces, can leak fuel and other vehicle liquids, can be broken into or vandalised, and may become unroadworthy
- Dog Fouling – Leaves a foul smell, gets onto clothing, can be dangerous to public health.
- Dogs on Leads – Canvey Island Foreshore – dogs being let off leads can cause concerns to other foreshore users particularly at busy times as dog owners do not have as much control over their dogs.
- Fly Posting / illegal advertisement – makes the street scene look untidy, smaller fly posters can degrade and become litter, can be a distraction to drivers and other highway / footpath users.
- Fly Tipping – looks unsightly, is an illegal way of saving money, can block vital watercourses and highways, can be harmful to the environment, people, and animals.
- Graffiti – can be obscene and offensive in nature, can distract highway and footpath users, can be difficult to remove.
- Incorrectly Presented Household Waste – can cause litter, shows residents are not recycling, looks unsightly, and attraction for vermin.
- Littering – makes the street scene look unsightly, shows a lack of responsibility, can get into and block surface water drains.
- Repairing Vehicles / selling Vehicles on the Highway – can take up valuable parking spaces, can leave vehicle fluids on the highway or footpath service, can be anti – social.

The Clean Neighbourhoods and Environment Act 2005 (CNEA) introduced powers to local authorities to help tackle local environmental quality problems. The CNEA sets out the effective powers and tools to tackle environmental crime as described in the points above. This Policy sets out how the Council will use these powers alongside existing powers to ensure an effective, consistent, and transparent approach to enforcement and education.

Environmental Crime offences threshold is to a criminal standard of proof which is beyond a reasonable doubt is the legal burden of proof required to affirm a conviction in a criminal

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case. In a criminal case, the prosecution bears the burden of proving that the defendant is guilty beyond all reasonable doubt. When criminal standard of proof cannot be met, the Council can use powers under the Anti-Social Behaviour Crime and Policing Act 2014. This legislation is a civil legislation where the standard of proof is on the balance of probabilities, with all the above offences the Council will always use the primary legislation first.

2.0 Purpose

The aim of this policy is to improve the local environmental quality by reducing environmental crime across the Borough. To meet this the policy has the following objectives:

2.1 Education

- Have the correct information on our website that is easily accessible and clear in its content.
- Place enforcement signage in known environmental crime hot spots.
- Ensure residents and visitors are educated in a positive manner when face to face interaction is undertaken.
- Work proactively with voluntary groups and schools to promote a cleaner environment.
- Undertake promotional campaigns nationally and locally.

2.2 Prevention

- Place litter and dog waste bins in areas where there is high footfall, particularly where takeaways, fast food outlets and widely used dog walking areas are involved.
- Continued use of CCTV in known hot spot areas
- Publicising successful prosecutions
- Patrols and monitoring of known hot spot areas.
- To work in partnership with community, businesses and other law enforcing agencies.

2.3 Enforcement

Enforcement action will be taken proportionately, consistently and in line with relevant legislation and statutory guidance. Officers will be authorised, trained and equipped to take appropriate action, which may include issuing Fixed Penalty Notices (FPNs), formal warnings, statutory notices, or prosecutions in more serious or persistent cases.

We will adopt an intelligence-led approach to target resources effectively, prioritising areas with repeated offences or where complaints have been received from the public. Where appropriate, enforcement will be accompanied by advice to encourage behaviour change.

We will also:

- Ensure enforcement is fair, transparent and supports the Council's wider objectives.
- Respond to reports of environmental crime promptly and professionally.
- Work with internal departments and external partners to share intelligence and coordinate enforcement activity.
- Regularly review enforcement outcomes to improve effectiveness and accountability

By using the Education, Prevention and Enforcement processes and tools correctly we can work towards a cleaner Borough.

3.0 Scope

This policy applies to all public spaces, highways, parks, open spaces, and land managed by the Council. This covers all forms of environmental crime, such as littering, fly-tipping, dog fouling, graffiti, and waste-related offences. The policy sets out the Council's approach to education, prevention, and enforcement to maintain a clean, safe, and sustainable environment.

3.01 Abandoned Vehicles

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. 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 Notice (FPN).

3.02 Dog Fouling

The introduction of a Public Space Protection Order (PSPO) on 25th August 2017 introduced Orders relating to dog fouling for 3 years, the Order, will need to be renewed every 3 years. The land to where the PSPO applies is all open land to which the public are entitled or permitted to have access (with or without payment) within the boundary of CPBC.

It is an offence for any person in charge of a dog (which defecates at any time on any land within the Borough of Castle Point covered by this Order) not to remove the faeces from the land forthwith. A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of Section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

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) 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.

3.03 Dogs on Leads

The introduction of a Public Space Protection Order (PSPO) on the 1st April 2020 relating to dog on lead on Canvey Island Foreshore from the 1st of April to 30th September and the Order, has to be renewed every 3 years.

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It is an offence for any person in charge of a dog or dogs does not to have the dog or dogs on a lead and not to be in control of the lead or leads. A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of Section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

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) 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.

The Order will not apply to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or to a person who has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift , carry or otherwise move everyday objects, in respect of a dog trained by Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281) or Canine Partners for Independence (registered charity number 803680) and upon which they rely for assistance.

3.04 Fly-posting / Illegal Advertising

Fly-posting is where advertisements are displayed without the consent of the owner or occupier of the premises or land. Fly-posting can vary from a few posters about a local event to a mass advertising campaign for a national business or event. Whatever form it takes, the effect of many posters in a particular area can seriously undermine local environmental quality, which gives the impression that an area is uncared for and neglected. If action is not taken to address flyposting, it can proliferate and create a situation where an area declines. It is thought that where an area looks as if no one is in control, it will attract other forms of anti-social behaviour.

There are two situations where a fly-posting offence can be committed. These are:

Any person who displays an advertisement in contravention of the regulations shall be guilty of an offence (section 224(3) Town and Country Planning Act 1990). In this case this matter would be investigated by the planning department at Castle Point Borough Council.

A person who, without authority or reasonable excuse, permits or otherwise inscribes or affixes any picture, letter, sign, or other mark upon the surface of the highway or upon any tree, structure or works on the highway (section 132(1) Highways Act 1980). In this case the Environment team will report this to Essex County Council as the Highways authority.

3.05 Graffiti

Castle Point Borough Council does not consent to any painting, writing, soiling, marking or other defacement on its property including footways without its prior express permission being obtained. Where graffiti is found on council owned properties or street furniture the graffiti will be removed. In addition, the Anti-Social Behaviour Act 2003 confers power on the Council to secure the removal of graffiti from private property.

Enforcement action can be taken, even where the owner does not object to it remaining on their property. In these circumstances the council reserves the right to take formal action

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against the owner to secure removal and if the owner does nothing, then the council may enter the land, clear, or otherwise remedy the graffiti and recover the costs from the owner.

Subject to funding, the council may provide a free first-time graffiti removal service to owners/occupiers of properties. This removal work takes place in agreement with the owner and in some more difficult cases the owner of the property may be required to contribute to the cost of removal and or the cost of anti-graffiti coatings. Where graffiti is visible from the public areas, is considered accessible and deemed to be offensive removal will take place within 24 hours where possible and 72 hours for other types of graffiti.

3.06 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 Environmental Protection Act 1990 increased the penalty for a person found guilty of a fly-tipping offence to up to £50,000 in a Magistrates Court, or an unlimited fine and or 5-year imprisonment in a Crown Court.

The Unauthorised Deposit of Waste Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 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 notice.

3.07 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 108 of the Environment Act 1995 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.

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Section 34 EPA makes 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 an Unlimited amount in court.

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.

3.08 Littering

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 in court.

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.

3.09 Nuisance Vehicles

The CNEA 2005 make it an offence to leave 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 conducting a business of selling motor vehicles.

The CNEA 2005 also makes it an offence to conduct restricted works (repair, maintenance, servicing, improvement, or dismantling) on a motor vehicle on a road. This only applies to persons who are during a business of carrying out restricted works or for gain or reward.

Authorised officers will only be able to take enforcement action on nuisance vehicles on a road. A person found guilty of a nuisance vehicle offence can be fined up to £2,500.

3.10 Incorrectly Presented Household Waste

Section 46 of the Environmental Protection Act 1990 gives Castle Point Borough Council the legal power to specify how household waste should be presented for collection. This includes requirements about:

- The number and type of bins or containers to be used (e.g. wheelie bins, boxes, bags),
- The materials or types of waste that should be placed in each container (e.g. general waste, recyclables, food waste),
- Where and when containers should be placed out for collection and returned after collection.

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If a resident fails to comply with these requirements, the local authority can issue a Section 46 Notice setting out what must be done. Continued non-compliance can result in enforcement action, including fixed penalty notices or prosecution. The aim is to ensure efficient waste collection and encourage proper recycling and waste management practices.

4.0 Authorised Officers

The Council is required to have officers authorised to conduct enforcement actions.

Authorised officers will be either:

- i) An employee of the Council who is authorised in writing by the Council for the purpose of giving notices under the relevant legislation.
- ii) 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; or
- iii) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices. It is essential that officers are correctly authorised, so as not to be challenged in court or not to issue Fixed Penalty Notices illegally.

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.

Enforcement can only be undertaken by officers authorised in accordance with the Council's Scheme of Delegation as set out in Castle Point Borough Council Constitution.

5.0 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 (18 or over), 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 several 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.

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

6.0 Fixed Penalty Notices and Community Protection Notice

6.1 Fixed Penalty Notices

Several offences listed in this policy can be dealt with using fixed penalty notices. See Appendix 1.

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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.

The Council sees the issues covered by FPNs under the Environmental Protection Act 1990, Anti-Social Behaviour Act 2003, Anti-social Behaviour, Crime and Policing Act 2014 and Clean Neighbourhoods & 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 Borough's environment.

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.

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.

6.1.1 Request for personal details by an Authorised Officer

Authorised officers have 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.

6.1.2 Evidence

Evidence is the key to the enforcement procedure. The recording and storage of this evidence must be conducted 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 a pocket 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

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(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. 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 conducted before any questions are put to him regarding the offence. Trained officers will only undertake PACE interviews.

No juvenile (a person aged under 18) 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.

6.1.3 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 proceedings will be instigated.

6.2 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 on the Council website by following the information on the back of the Fixed Penalty Notice.

6.2.1 Right 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 like those listed below for contesting its issue, they may appeal in writing to the Assistant Director of Environment.

- When the person accused was not the person that committed the offence – false particulars.

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- 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 18,
- If further evidence is if 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.

6.3 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.

6.4 Community Protection Notice

The Community Protection Notice can be used to deal with ongoing problems or nuisances which are having a detrimental effect on the community's quality of life by targeting those responsible. The Community Protection Notice is particularly suited to environmental issues such as graffiti, rubbish, and fly tipping. Castle Point Borough Council will always use the primary legislation when investigating Environmental offences.

A Community Protection Notice can be issued to an individual, business or organisations if the Council is satisfied, on reasonable grounds, that the conduct of an individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality.
- is persistent or continuing in nature; and
- is unreasonable.

The Community Protection Notice can be handed directly to the person in question, or it can be posted. In circumstances where the owner or occupier cannot be determined, the issuing officer can post the Community Protection Notice on the premises and it is considered as having been served at that point. In such a scenario, the issuing officer would need to demonstrate that reasonable enquiries had been undertaken to ascertain the identity of the owner or occupier, for instance, checking with the Land Registry.

6.4.1 Penalty on breach

Failure to comply with a Community Protection Notice is an offence. Where an individual, business or organisation fails to comply with the terms of a Community Protection Notice, a Fixed penalty notice is available for the Council.

6.4.2 Remedial orders.

On conviction for an offence of failing to comply with a Community Protection Notice, the Council may ask the court to impose a remedial order and/or a forfeiture order. This could be for several reasons, for instance:

- the matter may be deemed so serious that a court order is warranted.
- works may be required to an area that requires the owner's or occupier's consent and this is not forthcoming; or

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- the issuing authority may believe that forfeiture or seizure of one or more items is required as a result of the behaviour.

A remedial order may require the defendant:

- to carry out specified work (this could set out the original Community Protection Notice requirements); or
- to allow work to be carried out by, or on behalf of the Council. Where works are required indoors, the defendant's permission is still required.

6.4.3 Forfeiture orders

Following conviction for an offence under section 48, the court may also order the forfeiture of any item that was used in the commission of the offence. Where items are forfeited, they can be destroyed or disposed of appropriately.

6.4.4 Seizure

In some circumstances, the court may issue a warrant authorising the seizure of items that have been used in the commission of the offence of failing to comply with a Community Protection Notice. In these circumstances, an enforcement officer may use reasonable force, if necessary, to seize the item or items.

Failure to comply with any of the requirements in the court order constitutes contempt of court and could lead to a custodial sentence. If an individual is convicted of an offence under section 48, they may receive up to a level 4 fine (up to £20,000 in the case of a business or organisation).

6.4.5 Appeals

Anyone issued with a Community Protection Notice can appeal it. Appeals are heard in a magistrates' court and the Notice should provide details of the process, how an individual can appeal and the period to appeal (within 21 days of the person being issued with the notice). The legislation makes clear, an appeal can be made on the following grounds: The test was not met if:

- the behaviour did not take place.
- the behaviour has not had a detrimental effect on the quality of life of those in the locality.
- the behaviour was not persistent or continuing.
- the behaviour is not unreasonable.
- the individual cannot reasonably be expected to control or affect the behaviour.

Other reasons:

- any of the requirements are unreasonable.
- there is a material defect or error with the Community Protection Notice
- the Notice was issued to the wrong person.

The person issued with the Community Protection Notice must appeal within 21 days of issue. Where an appeal is made, any requirement included under section 43(3)(b) or (c), namely a requirement to do specified things or take reasonable steps to achieve specified results, is suspended until the outcome of the appeal. However, requirements stopping the individual or body from doing specified things under section 43(3)(a) continue to have effect. In addition, where remedial action is taken by a council under section 47 or 49 the individual

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can appeal on the grounds that the cost of the work being undertaken on their behalf is excessive.

Appendix 1

Description of offence	Act	Statutory range for fixed penalty	Minimum discounted penalty	Default amount for penalty	Set or proposed fixed penalty / Community protection amount
(1) Littering	S.87/88 Environmental Protection Act 1990	£65 – £500	£50	£100	£500 reducing to £200 if paid within 10 days
(2) Breach of a Community Protection Notice	S.68 of the Anti-Social Behaviour Crime and Policing Act 2014	Up to £100	No statutory minimum	n/a	£100 reducing to £60 if paid within 10 days
(3) Failure to produce waste documents (Business)	S. 34(5) and Regulations made under it/34(6)/34A – Environmental Protection Act 1990	£300	£180	£300	£300 reducing to £200 if paid within 10 days
(4) Failure to produce authority to transport waste	S.5/5B – Control of Pollution (Amendment) Act 1989	Up to £300	No statutory minimum	n/a	£300 reducing to £200 if paid within 10 days
(5) Failure to comply with a waste receptacles notice	S.46/47/47ZA/47ZB – Environmental Protection Act 1990	£75-£110	£60	£100	£100 reducing to £60 if paid within 10 days
(6) Failure to comply with a Public Space Protection Order	Antisocial Behaviour, Crime and Policing Act 2014	Up £100	No statutory minimum	n/a	£100
(7) Abandoned Vehicle	S.2 Refuse Disposal (Amenity) Act 1978, amended by Clean Neighbourhoods and Environment Act 2005	£200	£120	£200	£200
(8) Nuisance Parking	S.3,6 9 Clean Neighbourhoods and Environment Act 2005	£100	£60	£100	£100

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Description of offence	Act	Statutory range for fixed penalty	Minimum discounted penalty	Default amount for penalty	Set or proposed fixed penalty / Community protection amount
(9) Flyposting and Graffiti	S.43 Anti-social Behaviour Act 2003	£65-500	£50	£100	£500 reducing to £200 if paid within 10 days
(10) Fly Tipping	S.33 Environmental Protection Act 1990	£150-£1000	£120	£200	£1000 reducing to £600 if paid with 10 days
(11) Household waste duty of care	s.34ZA Environmental Protection Act 1990	£150-£600	£120	£200	£600 reducing to £400 if paid within 10 days
(12) Breach of a Community Protection Notice	s52 Anti-social Behaviour, Crime and Policing Act 2014,	Up to £100	No statutory minimum	n/a	£100