

Decision Maker: Environment Portfolio Holder

For pre-decision scrutiny by Environment PDS on

Date: 4 October 2011

Decision Type: Non-Urgent Executive Non-Key

Title: **FIXED PENALTY NOTICES FOR VARIOUS HIGHWAY OFFENCES**

Contact Officer: Peter Turvey, Head of Street Environment
Tel: 020 8313 4901 E-mail: peter.turvey@bromley.gov.uk

Chief Officer: Nigel Davies, Director of Environmental Services

Ward: All

1. Reason for report

This report details the proposed introduction of Fixed Penalty Notices (FPNs) in respect of certain highway offences. It will enable a quick and affective enforcement action option to help address these types of offences.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to adopt the legislation and the statutory fine level for the FPNs, as the appropriate enforcement action in dealing with certain highways offences from 1st April 2012.

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
-

Financial

1. Cost of proposal: Estimated cost £1,000
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: Street Regulation (within Street Scene & Green Space)
 4. Total current budget for this head: £518,890
 5. Source of funding: Within existing revenue budget 2011/12
-

Staff

1. Number of staff (current and additional): 1 FTE
 2. If from existing staff resources, number of staff hours: 18
-

Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents and visitors to the Borough
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The London Local Authorities and Transport for London Acts 2003 (the 2003 act), gave boroughs powers to issue Fixed Penalty Notices (FPNs) in respect of certain offences on the highway. The Department for Transport had told London Councils that boroughs could not use these powers until certain conditions were met. These included the need for boroughs to advertise their intention to do so, and for the Secretary of State to approve the form of the notice. After seven years of discussion and lobbying the Department for Transport informed London Councils in November 2010 that boroughs may use the powers of the 2003 act without further impediment.
- 3.2 Up to now the only enforcement option has been prosecution. The 2003 Act provides the facility for an additional enforcement tool to tackle a series of public realm issues in a much more efficient and cost effective manner. The provisions of the 2003 Act enable authorised officers from the London Boroughs to issue FPNs for certain highway offences. The availability of FPNs provides a useful sanction and will normally be quicker than the existing criminal prosecution process. The use of FPNs can run alongside existing sanctions and discretion can be used to prosecute if this seems to be the most effective mechanism given the circumstances.
- 3.3 The fixed penalty level of £100 and the model form of the fixed penalty notice have been agreed by the London Councils' Transport and Environment Committee. The relevant offences are shown in Appendix A.
- 3.4 Payment of the penalty should be made within 28 calendar days following the date of the notice. If the penalty is paid within 14 calendar days following the date of the notice, the penalty level would be reduced from £100 to £50. If the penalty is not paid within the 28-day period, legal proceedings for the offence may be started.
- 3.5 As a way of advertising the introduction of these FPNs it is intended to publish a public notice for two consecutive weeks in a local newspaper and also on the Council's web site. It is proposed to introduce the FPNs for certain highway offences on 1st April 2012.

4. POLICY IMPLICATIONS

- 4.1 One of the key aims of "Building a Better Bromley", is to improve the street scene. It is anticipated that the introduction of the FPN process will assist with the enforcement action taken against certain highway offences which detract from the appearance of the physical environment.

5. FINANCIAL IMPLICATIONS

- 5.1 The introduction of the scheme will have some financial implications, to cover production of the fixed penalty notices and publicity for the scheme. These costs are likely to be in the region of £1,000, which will be met within the existing Streetscene and Greenspace budget.
- 5.2 It is not expected a high number of FPNs will be issued, so any income will be small. However, the level of income will be closely monitored and if income levels rise, Members will be informed.

6. LEGAL IMPLICATIONS

- 6.1 In November 2010 the Department for Transport informed the London Councils' Transport and Environment Committee that London Boroughs were able to introduce FPNs for certain highway offences, in accordance with the requirements of the London Local Authorities and

Transport for London Acts 2003.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	None