



Policy for issuing Fixed Penalty Notices to Juveniles

1.0 Introduction

- 1.1 Tackling environmental crime is important if we are to improve the quality of life for local communities. Left unchecked, such crime can cause blight to local areas and lead to an environment where other crime, disorder, and anti-social behaviour can take hold.
- 1.2 A fixed penalty notice can be issued to anyone over the age of 10. Authorities are recommended to adopt special procedures for issuing notices to young offenders. This ensures that they are acting in accordance with their duty under the Children Act 2004; which requires that authorities have regard to the need to safeguard and uphold the welfare of children.
- 1.3 Young people regrettably commit environmental crime offences and therefore need to be considered in terms of what enforcement approach is appropriate to protect Lichfield District's local environment without unduly and inappropriately jeopardising the interests and needs of local people.
- 1.4 There is no existing enforcement policy designed specifically to address the issues associated with issuing fixed penalty notices to young people and ensure that we make every effort to deal with matters in the same way so that our approach is consistent.
- 1.5 This policy document should be read in conjunction with the Council's main 'Enforcement Policy'.
- 1.6 This policy document sets out the general principles to be followed in relation to the issuing of fixed penalty notices to youths including the introduction of a none financial, none criminal, restorative justice scheme.
- 1.7 A partnership approach will be taken between Lichfield District Council, Staffordshire Young People's Service (SYPS) and Staffordshire Police.

2.0 Issuing Fixed Penalty Notices to Youths

- 2.1 The aim of a fixed penalty notice is to simplify the enforcement process and penalise a contravention of the legislation without the need for costly and lengthy court proceedings.
- 2.2 We see this scheme as a positive way to reduce environmental crime without criminalising juveniles, whilst still ensuring the community can see that justice is being done.
- 2.3 A person below the age of 10 cannot be criminally responsible for their actions and a fixed penalty is therefore not an option.
- 2.4 For the purpose of this policy youths will be split into two distinct groups 10-15 year olds and 16-17 year olds. Different procedures will be in place for each age category.
- 2.5 No caution should be given or interview undertaken without the presence of a 'responsible' adult unless the young person is 17 or over.
- 2.6 A person aged 18 and over is regarded as an adult for the purpose of this policy.
- 2.7 To tackle the issue of environmental crime by young people we are introducing a restorative justice intervention scheme for 10-17 year olds, where there is an alternative option to the fixed penalty notice financial and/or Court action. The young person and parent can now choose to join in a litter-pick facilitated by Lichfield District Council, Staffordshire Young People's Service and Staffordshire Police as an alternative to the fixed penalty notice. However, failure to attend the litter pick or pay the fixed penalty notice will result in prosecution.

3.0 Enforcement and Campaigns

- 3.1 We will carry out school/ city centre/ hotspot targeted campaigns.
- 3.2 A notice period may be given to youths before enforcement action will be taken, for example, during school campaigns.
- 3.3 If required schools will be asked to assist in the identification of their pupils.

4.0 Education

- 4.1 The anti-litter work we are carrying out includes educating young people about the impact of littering and dog fouling as well as taking robust action when offences take place
- 4.2 We will undertake presentations in local secondary schools, to achieve the following objectives:

- How littering effects the local community (anti-social behaviour concerns)
- Why littering and failing to pick up dog faeces is harmful to the environment.
- The negative impact it has on public health
- What positive action the Young People can take to keep their community clean.
- What enforcement action Environmental Health can take.

These presentations will outline that officers and PCSO's can stop youths and take their details in order to issue a fixed penalty notice and that this can occur at anytime an offence is witnessed.

- 4.3 Children in schools will be provided with a letter, see appendix 1, to take home to parents asking for parents help in tackling littering problems. The letter will also outline what enforcement action we can take.

5.0 10 to 15 year olds

- 5.1 For minor offences under the youth justice system, prosecution is usually regarded as a measure of last resort after other interventions have failed. Therefore, it is appropriate for the Council to offer an alternative to payment of fixed penalty notice such as the offender being offered the opportunity to attend a restorative justice litter pick.
- 5.2 On witnessing an offence and challenging an offender who is likely to be a youth, the officer must first obtain the name, address, age and date of birth of the young offender, together with the name and address of his or her parents or legal guardian and which school they attend.
- 5.3 The young offender should also be informed that this information will be shared with their District SYPS - Targeted Youth Support Team for the administration of justice in accordance with the Data Protection Act 1998.
- 5.4 On obtaining the offenders details a letter will be given (see appendix 2), that they can pass onto their parents/ guardians identifying who has stopped them and the reason that they have been stopped.
- 5.5 Juveniles aged 10 to 15 years old will be offered the opportunity to discharge liability for the payment of the fixed penalty notice in the form of a restorative justice litter pick. The restorative justice litter pick will be for up to 3 hours duration facilitated by Lichfield District Council, SYPS – Targeted Youth Support Team, local police and schools.
- 5.6 A fixed penalty notice will be served by 1st class post (see appendix 3), along with a covering letter addressed to the parents or legal guardian. The letter will also include an alternative penalty form (see appendix 4), that the parents and young person can sign to agree to attend the restorative justice litter pick.

- 5.7 A fixed penalty notice should not be issued to any person in this age group where the young person is suffering from a mental handicap or disorder or where the person appears to be mentally distressed or confused, or from any other vulnerability that impairs his or her understanding of what is going on (including substance abuse).
- 5.8 When a fixed penalty notice is issued the offender will be given 14 days to pay the fixed penalty notice or return the completed alternative penalty form.
- 5.9 Non-payment of a fixed penalty notice and failure to complete the litter pick would still result in a young person potentially being taken to the youth court.

6.0 16 and 17 year olds

- 6.1 On witnessing an offence and approaching an offender who is likely to be a youth, the officer must first obtain the name, address, age and date of birth of the young offender, together with the name and address of his or her parents or legal guardian.
- 6.2 The young offender should also be informed that this information will be shared with their District SYPS - Targeted Youth Support Team for the administration of justice in accordance with the Data Protection Act 1998.
- 6.3 Once the age of the offender has been ascertained, a fixed penalty notice and alternative penalty form (see appendix 3 & 4) can be issued to this age group using the same procedure as for adults. If there are any doubts as to whether the offender is 16 or over, the procedures for 10 to 15 year olds should be followed.
- 6.4 A fixed penalty notice should not be issued to any person in this age group where the young person is suffering from a mental handicap or disorder or where the person appears to be mentally distressed or confused, or from any other vulnerability that impairs his or her understanding of what is going on (including substance abuse).

7.0 Litter Pick

- 7.1 The Staffordshire Young People's Service – Targeted Youth Support Team will undertake the site and activity risk assessment for undertaking the litter pick. The Targeted Youth Support Team will send a member of staff to the litter pick to ensure the risk assessment is explained to the young people and their guardians.
- 7.2 Lichfield District Council will attend the litter pick and provide appropriate personal protective equipment in the form of gloves and litter pickers.

7.3 Local sites will be identified for the litter picks to promote a greater sense of local accountability amongst the young people.

7.4 A parent or guardian must attend for the duration of the litter pick to supervise their child.

8.0 Repeat Offenders

8.1 If a juvenile is caught littering a second time, within a two year period, they will be offered the fixed penalty notice or the restorative justice option of the litter pick, but they will also be referred to the Targeted Youth Support Team for an individual assessment and intervention.

8.2 If a juvenile is caught littering on more than two occasions in a two year period advice on how to proceed will be obtained from the Targeted Youth Support team.

9.0 References

Children Act 2004

Environmental Protection Act 1990

Lichfield District Council Community, Housing and Health and Operational Services Enforcement Policy.

DEFRA: Issuing Fixed Penalty Notices to Juveniles

www.defra.gov.uk/environment/quality/local/legislation/cnea/documents/juveniles.pdf

APPENDIX 1- LETTER TO HOME TO PARENTS

Dear Pupil / Parents

New juvenile litter enforcement scheme in Lichfield District.

Not only is litter unsightly and potentially dangerous, it costs a considerable amount of tax payers' money to clean up. This is an unnecessary use of resources which could be used better ways in order to improve the local environment. Nether Stowe High School, Lichfield District Council, Staffordshire Young people's Service and Staffordshire Police are working together to reduce litter across Lichfield District. We want you to help us to reinforce the message that littering is unacceptable and will not be tolerated in Lichfield District.

The anti-litter work we are carrying out includes educating young people about the impact of littering as well as taking robust action when littering takes place. Your son / daughter has been advised that enforcement action will be taking place in the area. This letter is being issued by the school as a reminder that District Council environmental health officers and Police enforcement officers carry out regular litter patrols.

Litter offenders are usually issued with a £80 fixed penalty notice (reduced to £60 if paid within 10 days.)

To tackle the issue of littering by young people we are introducing an intervention scheme where there is an alternative option to the fixed penalty notice financial punishment. The young person and parent can now choose to join in a litter-pick facilitated by the above agencies as an alternative to the fixed penalty notice. However, failure to attend the litter pick or pay the fine will result in prosecution.

We see this scheme as a positive way to reduce environmental crimes such as littering without criminalising juveniles. We hope of course that with the help of our education programme and the proactive approach of the school and parents that enforcement will not be necessary.

Please help us to reduce the amount of litter and encourage your son / daughter to dispose of litter correctly.


Thank you!

Cabinet Member for Housing, Health & Environmental Protection Lichfield District Council	Inspector Neighbourhood Policing Unit Commander Lichfield
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APPENDIX 2- CHILD STOP NOTIFICATION

Your ref
Our ref
Ask for
email

**District Council House, Frog Lane
Lichfield WS13 6ZE**

Switchboard +44 (0) 1543 308000
Fax +44 (0) 1543 308728
Direct Line +44 (0) 1543 308736
 Minicom only +44 (0) 1543 308078

Dear Parent/ Guardian

Environmental Protection Act 1990 Litter Offence

Your child was stopped today by an officer of Lichfield District Council because he/she was observed littering. Your child was asked to confirm his/her address and date of birth.

The Friary School, Lichfield District Council, Staffordshire Young People's Service and Staffordshire Police are working together to reduce litter across Lichfield District. Children at The Friary School were advised that enforcement action would be taking place within the area and a letter regarding this action was distributed by the school.

This correspondence is to notify you that he/she was stopped by an official employed by Lichfield District Council.

You will shortly receive further correspondence regarding the offence.

I thank you in anticipation of your co-operation.

Yours faithfully

Environmental Protection Officer

APPENDIX 3- LETTER WITH FPN AND ALTERNATIVE PENALTY FORM

Your ref
Our ref
Ask for
E-mail

**District Council House, Frog Lane
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The Parents/ Guardians of

DATE

Dear Sir/ Madam

Environmental Protection Act 1990, Section 87 & 88 Fixed Penalty Notice (INSERT TICKET NO.) Throwing Litter at (INSERT LOCATION AND DATE)

With reference to the above, your **son/daughter, NAME**, was witnessed depositing and leaving litter, on **DATE**, at **PLACE**. An officer of the Council witnessed this action, which is an offence under the above Act.

Littering offences are taken very seriously in Lichfield as littering is a criminal offence, which is punishable by a fine of up to £2500. As you are **his/her** guardian, I am advising you of this offence due to **him/her** being a minor.

Your **SON/ DAUGHTER** has two options to discharge liability for this offence:

1. Payment of a Fixed Penalty Notice for £75 to be paid within 14 days, reduced to £60 if paid within 10 days. Please find enclosed a Fixed Penalty Notice, the methods of payment are printed on the reverse of this letter; or
2. The child and parent can now choose to join in a litter pick, facilitated by The Friary School, Lichfield District Council, Staffordshire Young People's Service and Staffordshire Police, as an alternative to payment of the fixed penalty notice. The child and parent will need to undertake litter pick of up to 3 hours on a date to be confirmed. A parent or guardian will need to be present for the entire duration of the litter pick. If you choose for your child to undertake a litter pick you should complete the attached 'Alternative Penalty Form- Litter Pick' and return it within 14 days.

If no payment is received or the 'Alternative Penalty Form- Litter Pick' is not returned within 14 days we will have no option but to institute legal proceedings in relation to this matter. The maximum fine for the litter offence under Section 87 of the Environmental Protection Act 1990 is £2,500.

All correspondence should be sent to Environmental Health, Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6ZE.

Yours sincerely

Environmental Protection Officer

APPENDIX 4- ALTERNATIVE PENALTY FORM- LITTER PICK



Alternative Penalty Form- Litter Pick

I(parent/ guardian's name) and

.....(name of young person) hereby

agree to undertake a litter pick as an alternative to payment of a Fixed Penalty Notice.

I am aware failure to attend a litter pick or pay the fixed penalty notice will result in prosecution.

I also understand that a Parent/ Guardian must be present for the duration of the litter pick.

Parent/ Guardians signature.....

Young persons signature.....

Please return this form to Miss J Whittle, Environmental Health, Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6ZE.

An officer from Environmental Health will contact you in due course to advise you of the details of the next available litter pick.