

Mr John Wright
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Our ref: FOI/ E30616

Ask for: Information Governance

Date: 01/05/2018

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Dear Mr Wright,

Freedom of Information Act 2000
Request for Information: Information Provided
Subject: Fixed Penalty Notices

We write with regard to your recent enquiry for information held by the Council under the provisions of the Freedom of Information Act 2000. We trust that the information provided is satisfactory.

For future reference we publish information on our website, including the Freedom of Information Publication Scheme and summary of Freedom of Information requests and responses that may be of help to you in searching for information. Our website is mentioned above.

It is important to note that under the Privacy and Electronic Communications (EC Directive) Regulations 2003 the Council asks not to receive unsolicited marketing communication.

Request

1. Could you provide the statistics (listed 1-9) below for all Fixed Penalty Notices issued for the below offences (listed 10-22)? Could you provide these statistics for the financial years of 2015/16, 2016/17 & 2017/18? Could the stats be provided in an excel table format?

FPN Statistical breakdown

1. FPNs Issued
2. FPNs paid
3. Revenue collected
4. FPNs cancelled
5. FPNs prosecuted
6. Prosecution result (guilty)
7. Prosecution result (not guilty)
8. Complaints received
9. Complaints upheld

FPN Offence categories

10. Littering
11. Dog fouling
12. Smoking in prohibited places
13. Public Space Protection Orders (could you break the stats down into each order)
14. Community Protection Notices (could you break the stats down into each order)
15. Domestic Waste
16. Commercial Waste
17. Duty of Care Notices
18. Fly Tipping
19. Street Trading
20. Free Printed Lit
21. Abandoned Trolleys
22. Alley-Way Dumping

Could you also provide answers to the following questions please.

2. How many full-time officers council/contractor enforce the above-listed offences?
3. How many hours do these hours spend patrolling the borough per year (could you break this down into each offence category numbered 1-9 above)?
4. Can you confirm your council has the powers to enforce the above the legislation. If not, can you confirm which legislation the council has the power to enforce?
5. Can you confirm the name of each council department that has the power to enforce the above legislation?
6. Is the enforcement of the above Fixed Penalty Notices carried out by the council or a contractor?
7. If the answer to the above question is a contractor, could you answer the following questions
 - Name of contractor
 - Is the contract a pilot or procured contract
 - Contract start date
 - Contracts end date
8. If the answer to question 6 is a contractor, what is the total amount of invoices paid to the contractor for 2015/16, 2016/17 and 2017/18 financial years? Broken down into the specified years?

Response

1. You have asked for statistics on all FPNs issued by the Council over the last 3 years, and to have this information further broken down by category. Your request is too

wide to be considered under the FOI Act, and therefore we have exempted it under Section 12. It would require an officer to manually check each FPN and categorise it under each topic you have listed. It would take a significant amount of officer time to compile this. Overall, this particular request will take too long to answer.

Under the Freedom of Information Act the Council has a right to refuse a request for information held if the cost of complying with a request exceeds the appropriate limit. The appropriate limit for local authorities is £450 or 2.5 days or 18 hours. We believe in this case such an exemption applies and has decided to refuse your request for information under section 12(1) of the Act.

12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

2. The Council employs 55 Civil Law Enforcement Officers who fulfil a variety of roles including the issuing of Penalty Notices for offences of Environmental Crime and Anti Social Behaviour.
3. Officers are contracted on a 36 hour week contract. There are 21 wards in the Borough all of which have an LBN Dedicated Ward Officer. In addition, we have an Anti Social Behaviour Investigations Team and officers who manage Fly Tipping and Urgent Response.
4. The officers have powers under Environmental Protection Act 1990, Noise Act 1996, Anti Social Behaviour Act 2003, Anti Social Behaviour and Police Act 2014.
5. All Law Enforcement Officers have delegated powers to issue FPNs, CPNs, CPWs and prosecutions under the above.
6. Enforcement of FPNs are carried out by the LBN Enforcement Officers and not contractors.
7. N/A
8. N/A

If you require any further information or are not happy with our response please do not hesitate to contact a member of our team on (020) 8430 2000 or email us at information.governance@newham.gov.uk.

Yours sincerely,

Information Governance
Newham Council

a place where people choose to
live, work & stay

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