

Adoption of Fixed Penalty Charge for breach of Community Protection Notice

Relevant Portfolio Holder		Councillor Kit Taylor Councillor Peter Whittaker
Portfolio Holder Consulted		Yes
Relevant Assistant Director		Simon Wilkes, Head of Worcestershire Regulatory Services
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Wards Affected		ALL
Ward Councillor(s) consulted		N/A
Relevant Council Priority		Housing & Environment
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. RECOMMENDATIONS

The Cabinet RECOMMEND that:-

- 1) That the Council adopt a Fixed Penalty Notice Charge of £100 for failure to comply with a Community Protection Notice.**

2. BACKGROUND

- 2.1 In June 2024 responsibility for enforcement of Planning Enforcement, Fly-tipping, littering, duty of care of waste offences and dog fouling was passed to Worcestershire Regulatory Services. One of the tools for dealing with some of these issues is service of a Community Protection Notice (CPN) under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 which came into effect in England and Wales on 20 October 2014.
- 2.2 Whilst WRS have a remit to undertake enforcement of Planning Enforcement related matters, Fly-tipping, littering, duty of care of waste offences and dog fouling, CPNs can be used for a wider range of anti-social behaviours by the Police or other Council departments.
- 2.3 CPNs are intended to stop a person or business continuing with conduct which unacceptably affects victims and the community. They

can only be served where there are reasonable grounds to believe the offender's conduct is having a detrimental effect on the quality of life of those in the locality, and it is unreasonable and the behaviour is of a persistent or continuing nature. Before one can be served, the offender must be given a writing warning (Community Protection Warning) stating that a CPN will be issued unless their conduct ceases to have the detrimental effect.

3. OPERATIONAL ISSUES

- 3.1 Failure to comply with a CPN is a summary offence under Section 48. The offence is punishable on conviction in the case of an individual by a fine not exceeding level 4 on the standard scale (currently £2,500) or in the case of a body/business an unlimited fine.
- 3.2 However, in accordance with the Council's enforcement policy, there are alternatives to prosecution which should also be considered for use where appropriate. Simple Cautions for example could also be considered and may be appropriate in the case of a first or a merely technical breach of a CPN. Section 52 of the act provides that an authorised person may issue a Fixed Penalty Notice (FPN) as an alternative to prosecution for breach of a CPN. Payment of the FPN within 14 days from the date of issue has the effect of discharging any liability to convict for the offence but allows for action to be taken for subsequent offences.
- 3.3 A fixed penalty cannot be for more than £100.
- 3.4 There is currently no charge adopted by the Council for any FPN served in the event of failure to comply with a CPN.
- 3.5 Adoption of a charge would allow FPNs to be considered as an alternative method of discharging any liability alongside simple Cautions and prosecution.
- 3.6 Any charge level adopted would apply to all FPNs served following a breach of a CPN served by the Council regardless of the department undertaking the enforcement action. Any charge would be reviewed in line with the usual fees and charges setting process the Council undertakes annually.
- 3.7 This report is being brought forward at this point as Community Protection Warnings and Notices have been served or are currently being prepared for service by WRS on behalf of the Council and there is the strong likelihood that we will benefit from the ability to offer fixed

penalty notices prior to the annual fees and charges paper in February 2026.

- 3.8 There is no recommended change to the reporting mechanisms for reporting on activity associated with CPNs or FPNs through this report. For all Council areas CPN and FPN numbers are reported through the North Worcestershire Community Safety Partnership Scrutiny reports. Any served for waste related issues are also reported to Defra and for subject areas for which such may be served by WRS matters are reported to the WRS Joint Board in accordance with the shared service governance arrangements.
- 3.9 FPN are one of several tools that may be used where a CPN has been breached. For significant breaches it may be appropriate to seek a prosecution or move to seizure of equipment if applicable, rather than offer a FPN. Similarly should a FPN not be paid, or breaches continue following payment of a FPN, enforcement action can still be taken if appropriate.

4. FINANCIAL IMPLICATIONS

- 4.1 None. Any penalties are payable to the Council and would be collected in line with those from other forms of FPN served by Worcestershire Regulatory Services (WRS).
- 4.2 Any FPN charges should be approved and published by the local authority.

5. LEGAL IMPLICATIONS

- 5.1 The addition of an FPN option for offences under the Anti-social Behaviour, Crime and Policing Act 2014 is in line with the Council's and WRS' enforcement policy. WRS have robust procedures in place to ensure CPNs and FPNs are only used where appropriate and the evidential test has been met.

6. OTHER - IMPLICATIONS

Local Government Reorganisation

- 6.1 None.

Relevant Council Priority

- 6.2 CPNs are used to enforce action against a variety of anti-social behaviours which would otherwise have an impact on the community,

including the ability of residents to feel safe in their homes. CPNs can be used for waste related matters which are a priority for the Council and their ability to maintain a clean environment. They meet the Council's specific corporate commitment to '*keep Bromsgrove safe and contribute to improved quality of life and well-being. A key objective in the plan is "increased environmental enforcement"*'.

Climate Change Implications

6.3 None.

Equalities and Diversity Implications

6.4 None.

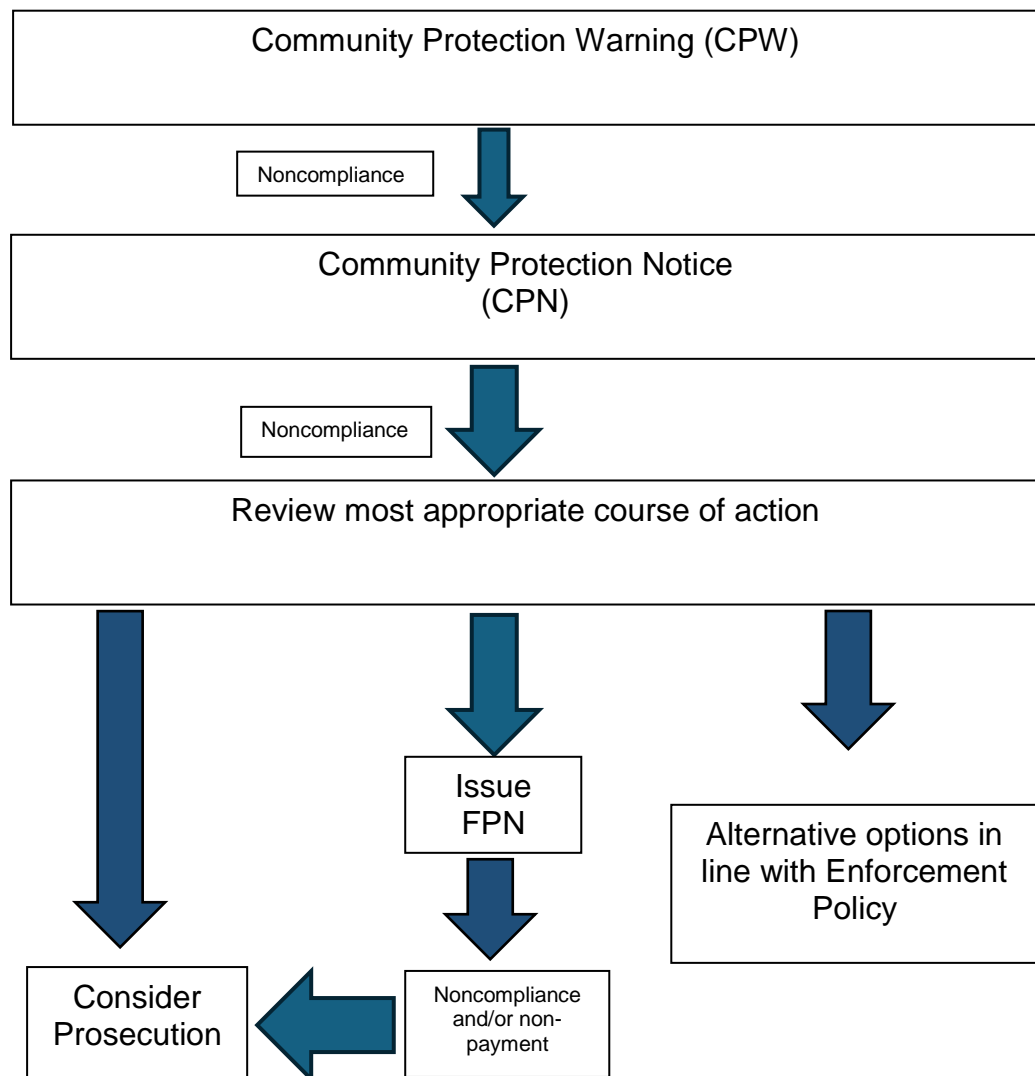
7. RISK MANAGEMENT

7.1 None.

8. BACKGROUND PAPERS

8.1 Appendix 1: Indicative legal process flow

Appendix 1 - Indicative legal process flow



BROMSGROVE DISTRICT COUNCIL

Cabinet
2025

10th September

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Kit Taylor PFH WRS Peter Whittaker PFH Env Serv	Consulted 11/08/2025
Lead Director / Assistant Director	Simon Wilkes	Consulted 01/08/25
Financial Services	Debra Goodall	Consulted 01/08/25
Legal Services	Nicola Cummings, Principal Solicitor - Governance	06/08/25
Policy Team (if equalities implications apply)	Rebecca Green	Consulted 01/08/25
	Bev Houghton, Community Safety Manager	12/08/25
Climate Change Team (if climate change implications apply)	Matt Eccles	Consulted 01/08/25