

QLDC Council
27 November 2014

Report for Agenda Item: 3

Department:

Legal and Regulatory

3: Litter Infringement Review

Purpose

- 1 To approve a new litter infringement fee structure.

Recommendation

- 2 *That Council:*
 - a. **Approve** the proposed litter infringement fee structure.
 - b. **Authorise** the notification of Council's intention to pass a resolution adopting the litter infringement regime no less than 14 days prior to the Council meeting of 18 December 2014.
 - c. **Note** that officers will present a report to Council at its 18 December 2014 meeting seeking the adoption of the infringement fee regime pursuant to sections 13 and 14 of the Litter Act 1979.

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13/11/2014

Reviewed and Authorised by:



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13/11/2014

Background

- 3 The Chief Executive's work plan requires the implementation of the Enforcement Strategy. Littering has been identified as a primary area of focus and the strategy states that the Council's objective is to 'provide a litter free district that our community is proud of for all to enjoy'.

- 4 The Litter Act 1979 (“the Act”) gives Council the power to establish infringement offences with associated infringement fees by resolution, provided that the Council has given a minimum of 14 days public notice of its intention to do so.
- 5 On 26 August 2005, Council adopted the current infringement fee structure of an infringement fee of \$100 for each of the following Litter Act offences:
 - a) Depositing any litter in or on any public place;
 - b) Depositing any litter in or on any private land without the consent of its occupier;
 - c) Having deposited any litter (whether inadvertently or otherwise) in or on any public place, leaves the litter there; and
 - d) Having deposited any litter (whether inadvertently or otherwise) in or on any private land without the consent of its occupier, leaves the litter there.
- 6 To facilitate the implementation of the Enforcement Strategy, it is proposed to review the infringement fee structure to provide a graduated infringement fee structure to reflect the severity of the various offences and to provide an increased penalty for repeat offenders.

Comment

Infringements

- 7 Section 14 of the Act provides Council with the ability to create offences for littering on public places or private land. The Act sets a maximum fee of \$400 for infringement offences.
- 8 Litter is defined by the Act as “any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature”.
- 9 Littering is seen in many forms across the district from discarded cigarette butts to trailer loads being dumped illegally. One specific issue relates to blue bags being left on Council land throughout the day in the Central Business District.
- 10 The implementation of increased infringement fees up to \$400 (Attachment A), rather than a flat infringement fee of \$100, provides further incentive for would-be offenders to self-comply and not to litter.
- 11 Any infringement fees issued and not paid would be recovered by the Ministry of Justice, as in the case of other infringements.

Litter Control Officers

- 12 Infringements would be enforced by Litter Control Officers (“LCO”) appointed under Section 5 of the Act. Council currently has 12 appointed LCO’s and is in the process of considering other appointments to include the Parks and

Reserves team, Horticulture team, Town Custodians and the Regulatory Contractors.

- 13 The increased cross-skilling of departments and contractors provides an increased ability to respond to littering issues in a more effective way. Officers will be provided with in-house training regarding littering levels and issuing infringements to provide consistency and to enable them to issue fines instantly as necessary.

Financial Implications

- 14 There are minimal cost implications (approximately \$600 in total) regarding the public notification of the proposed offences and infringement fees, in addition to printing infringement books for warranted officers. It is anticipated that these costs will be met through existing budgets.

Local Government Act 2002 Purpose Provisions

- 15 The ability to issue infringements for littering achieves the purpose of the Local Government Act 2002 as it enables the efficient and effective conduct of Council's regulatory activities regarding littering and the implementation of the Enforcement Strategy.

Council Policies

- 16 The following Council Policies were considered:
- Council's Policy on Significance - The decision is not significant under the Council's Significance Policy.
 - Enforcement Strategy and Prosecution Policy – The decision will provide a greater ability to achieve the desired strategic outcomes in association with the strategy.

Consultation

- 17 The Litter Act 1979 requires Council to give at least 14 days public notice of its intention to create offences and set infringement fees.

Publicity

- 18 The Council may not pass a resolution to enforce the infringement offences identified unless it has given at least 14 days public notice of its intention to do so.
- 19 The ability to issue infringements is currently in place; however, this proposal amends the fee structure. If Council approve the proposed fees, it is intended to place a public notice (Attachment B) in the following publications 14 days prior to the 18 December Council meeting:
- Otago Daily Times
 - Lakes Weekly Bulletin
 - Upper Clutha Messenger

Attachments

- A Infringement Offences and Fee Structure
- B Public Notice

Attachment A - Infringement Offences and Fee Structure

Infringement Offence	Infringement Description	Infringement Fee
Deposits any litter in or on any public place or on any private land without the consent of its occupier.	Deposits litter of less than 1 litre	\$100
	Deposits litter of 1 litre to less than 30 litres	\$200
	Deposits litter of 30 litres to 60 litres	\$300
	Deposits litter of more than 60 litres; or Deposits garden waste; or Deposits building materials.	\$400
Having deposited any litter (whether inadvertently or otherwise) in or on any public place or on any private land without the consent of its occupier, and leaves the litter there.	Deposits litter of less than 1 litre	\$100
	Deposits litter of 1 litre to less than 30 litres	\$200
	Deposits litter of 30 litres to 60 litres	\$300
	Deposits litter of more than 60 litres; or Deposits garden waste; or Deposits building materials.	\$400

Attachment B – Public Notice

Public Notice

Newspaper

Under Section 13(2A) of the Litter Act 1979, notice is hereby given that on XXX date, Council will implement a new litter infringement offence and fee structure. This will see fines increase from the present rate of \$100 per offence to between \$100 and \$400. The full schedule is available on the Council's website www.qldc.govt.nz

Snippets (Lakes Weekly Bulletin and Upper Clutha Messenger)

Are you a tosser? Council's latest initiative to deal with people littering starts soon so check out what it could cost you at www.qldc.govt.nz as we try to keep our district looking great.