

Council 29 June 2016: Questions submitted from Members of the Public

Question No.	Question from	Question:	Question to:	Responsible Officer:
1.	Mr Greenhill	Why in places such as St Michael's churchyard are not Public Spaces Protection Orders in existence and displayed, if members of the public are to be issued with notices for littering if they feed birds and squirrels, so that they know what the Council will or will not permit them to do without fear of criminalisation by way of draconian fixed penalty notice action?	Cabinet Member for Environmental and Rural Affairs	Emma Wiggins – Head of Economy and Community Services

Response:

Swale Borough Council will be migrating existing orders into Public Space Protection Orders (PSPOs) over the next two years. Public consultation will be carried out to ensure any new PSPO appropriately addresses issues experienced in the area.

There is existing legislation in place that covers the powers that have been drawn together under the PSPO legislation, for example, littering is currently covered Borough-wide by the Environmental Protection Act 1990. Under this legislation individuals caught littering will be issued with a fixed penalty notice (FPN). When issuing FPNs (or reviewing any representations on their issue) the officer who witnesses an alleged offence will make a common sense decision on whether someone is genuinely feeding birds, or whether they are simply discarding their rubbish. It is also clear that inappropriate disposal of food waste can encourage pests.

As regards the public's awareness, there are already many signs erected around the Borough to advise that littering will result in a fine. One such sign is already outside the churchyard identified in the question. In addition, anti-littering messages are regularly sent out via local press releases, local campaigns, and on social media.