

FOI Response Document

**FOI10547**

Thank you for your request under the Freedom of Information Act 2000 about **Section 46 Notices**received on **24/08/2017**

**Since the serving of a Section 46 Notice of the Environmental Protection Act 1990 on 13 February 2017 (coming into force 14 February 2017) in the Cathays ward, I would be grateful if you could confirm:**

* **How many properties were served with a Section 46 Notice and what was the cost of serving the Notices ?**
* **Can you provide a breakdown of the number of fines issued and served in each street, terrace, place and road in the Cathays area, split between residential and non-residential since 14 February 2017 to date;**
* **And of those fines issued and served how many were Fixed Penalty Notices issued to addresses in Cathays, split between residential and non-residential;**
* **Of those fines, including Fixed Penalty Notices, issued and served in Cathays how many have been served on addresses both residential and non- residential that have been reported as persistent offenders?**
* **How many fines, including Fixed Penalty Notices have been issued and served on addresses in Column Road and Blackweir Terrace?**
* **Of those fines, including Fixed Penalty Notices, issued and served on addresses in Column Road and Blackweir Terrace how many have been issued and served more than once to the same address?**
* **How much revenue has the Council accrued from the collection of fines since 14 February to date and what will the revenue be utilised for?**
* **What is the total value of unpaid and outstanding fines to date?**
* **What is the CounciLs policy to pursue unpaid fines?**
* **For those persistent offenders what plans do the council have to ensure future and ongoing compliance with the Section 46 Notice?**

We have considered your request and enclose the following information:

1)410 Section 46 notices were served from 14th February 2017 in the Cathays area. In terms of cost, there is a central budget for education and enforcement activities which includes resources allocated to this ward. Whilst there are teams who are mainly dedicated to this ward, they undertake a range of activities, including the provision of education and the monitoring of waste presentation as well as the issuing of notices and fixed penalties. As such, it is not possible to provide an exact breakdown of the costs of issuing notices.

The City of Cardiff Council does not hold this information therefore under Section 17 of the Freedom of Information Act 2000 this acts as a refusal notice.

2 - 4) The City of Cardiff Council does not hold this information therefore under Section 17 of the Freedom of Information Act 2000 this acts as a refusal notice.

Under Section 16 of the Freedom of Information Act 2000 we have a duty to advise and assist our customers.

Unfortunately, we do not hold data in this format, moving forward we are looking at mobile technology improvements and in future hopefully we will be able to record data this way.

5) The amount of fixed penalty notices issued on Colum Road is £1500, and the amount issued on Blackweir Terrace is £200, this is for breach of the initial Section 46 agreement.

6) The City of Cardiff Council does not hold this information therefore under Section 17 of the Freedom of Information Act 2000 this acts as a refusal notice.

Under Section 16 of the Freedom of Information Act 2000 we have a duty to advise and assist our customers.

Unfortunately, we do not hold data in this format, moving forward we are looking at mobile technology improvements and in future hopefully we will be able to record data this way.

7) The revenue accrued by the Council from the collection of fines since 14th February to date is £12800. The revenue is utilised for generating back into the department for staff/equipment/resources for education material.

8) From the section 46’s issued, the value of unpaid and outstanding fines is £3700, with £100 pending.

February: Paid Fines - £4100 / Unpaid - £100

March: Paid Fines - £5000 / Unpaid - £0

April: Paid Fines - £3400 / Unpaid -£0

May: Paid Fines - £200 /  Unpaid - £0

June: Paid Fines - £100 / Unpaid - £0

July: Paid Fines - £0 / Unpaid - £0

August: Paid Fines - £300 / Unpaid - £100

September: Paid Fines - £0 / Unpaid – £0

9)   When it comes to unpaid fines, the councils policy is to offer the fixed penalty to discharge liability, when the fine remains unpaid it progresses to our legal team, where the case will be heard at magistrates court.

10) For persistent offenders, they will remain on a section 46, they can be fined up to 3 times for incorrect presentation of waste, then after that it goes straight to the magistrates court each time.

If you have any queries or concerns, please do not hesitate to contact us.

Please remember to quote the reference number above in any future communications.