



Litter Infringements Policy 2009

1.0 Purpose of the Policy

The purpose of this policy is to provide guidance to Council Officers on issuing infringement notices under the Litter Act 1979. The Policy has been developed in conjunction with the Hastings District Council Litter Reduction Strategy 2009 and contributes towards environmental wellbeing in accordance with Council's "Safe and Secure Communities" LTCCP outcome.

2.0 References

Litter Act 1979, in particular Sections 13, 14 and 14A.

3.0 Background

The Litter Act 1979 provides for the issuing of infringement notices up to a maximum of \$400.00 for any offence as specified under section 15(1) of the Act. Under this section *"Every person commits an offence... who deposits any litter or, having deposited any litter, leaves it -*

- (a) in or on a public place; or*
- (b) in or on private land without the consent of the occupier."*

The definition of litter includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter, or any thing of a like nature.

Section 14 of the Litter Act provides for the issuing of infringement notices *"Where a Litter Control Officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has just been committed by that person..."*.

An infringement notice may be served—

- By delivering it personally to the person who appears to have committed the infringement offence; or*
- By sending it by [post] addressed to him at his last known place of residence or business.*

For the purposes of the Summary Proceedings Act 1957, an infringement notice sent to a person by post shall be deemed to have been served on the person when it was so posted.

Every infringement notice shall be in such form as the Governor-General may from time to time by Order in Council prescribe, and shall contain the following particulars:

- Such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and
- The amount of the infringement fee for the offence; and
- The address at which the infringement fee may be paid; and
- The time within which the infringement fee may be paid; and

- A summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
- A statement of the right of the person served with the notice to request a hearing; and
- A statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a hearing; and
- Such other particulars as are prescribed.

Council shall keep a record of every infringement notice issued pursuant to this section and of every payment made in respect of that notice for a period of at least 12 months from the date of issue or, as the case may be, of payment.

4.0 Officers Authorised to Issue Infringements

Any officer who is warranted under Section 5.0 of the Litter Act 1979 such as the Group Manager Planning and Regulatory Services, Community Safety Manager, Team Leader Environmental Health, Environmental Health Officers, Environment Enhancement Officer, Waste Minimisation Officer, Team Leader Parking and Parking Enforcement Officers, are authorised to issue infringement notices.

Any officer that does not meet the above criteria must obtain authorisation to issue an infringement notice from one of the following: Group Manager Planning and Regulatory Services, Community Safety Manager, Team Leader Environmental Health or the Team Leader Parking.

5.0 Types of littering offences

Under Section 13(3) of the Litter Act every resolution to adopt infringement notices shall specify the nature of the infringement offence or offences and the fee payable in respect of any such offence. For the purposes of this resolution the following types of littering offences and associated infringement fees are specified:

Table one: Graduated scale of litter fines in the Hastings District

| Fines for disposal of waste in the Hastings District in a public place or on private land without the occupier's consent*: | |
|--|--|
| Fine | Descriptors for typical offences** |
| \$100 | Depositing litter of less than 1 litre by volume <i>Examples: a takeaway container or contents of a car ash tray.</i> |
| \$200 | Depositing litter from 1 to 20 litres by volume*** <i>Examples: roadside dumping of a 1.5 litre plastic container, a single disposable nappy, or placing household rubbish bags or accumulated car waste in public litter bins</i> |
| \$300 | Depositing litter from 20 to 120 litres by volume**** Depositing waste in a public green space <i>Examples: roadside dumping of small volumes of household or green waste, or of any pest plant material, or depositing any waste in a park.</i> |

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| \$400 | Depositing litter of more than 120 litres by volume Depositing dangerous litter***** <i>Examples: dumping commercial waste, multiple disposable nappies, car parts or glass, e-waste or animal remains</i> |
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* Council reserves the right to prosecute offenders in respect of any breaches of the Litter Act 1979.

** Where an offence fits more than one descriptor, the higher fine shall apply. For repeat offending for the same offence within 12 months, the next higher fine level shall apply, if available.

*** 20 litres is the approximate maximum capacity of two standard supermarket bags.

**** 120 litres is the approximate maximum capacity of a standard 'wheelie bin'.

*****“Dangerous Litter” is litter of such a nature as is likely to endanger any person or to cause physical injury or disease or infection to any person coming into contact with it (being in particular any bottle whether broken or not, glass, article containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature).

Where there is a dispute about the volume of deposited rubbish, the Litter Control Officer reserves the right to make the final determination on the fine level.

6.0 Infringement notices and prosecutions

The Litter Act provides two main tools for dealing with litter offenders. These are:

- (i) the issuing of either infringement notices or
- (ii) taking a prosecution before the Court.

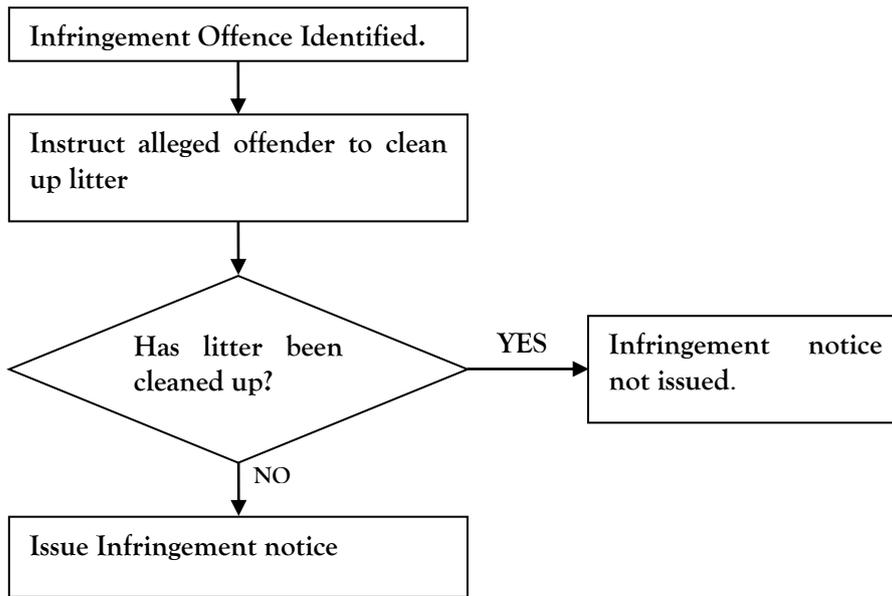
The decision on whether to issue an infringement notice for littering or refer to the District Court will be determined on a case by case basis, based on the severity and malicious intent of the alleged offence.

7.0 When to Issue Infringements

Litter Control Officers are to use their professional judgement and discretion whether or not to issue an Infringement notice. Litter infringement notices should not be issued when an alleged offender cleans up litter when requested to do so by the Litter Control Officer. Infringements notices can only be issued where a littering offence has been observed by a Litter Control Officer or the officer has reasonable cause to believe an offence is or has just been committed. It is expected that in most cases, an infringement would only be issued where an officer has observed the offence.

When a Litter Control Officer intends to issue an Infringement notice the fine shall be in accordance with the fees specified in table one “Graduated scale of litter fines in the Hastings District” located in section 5.0 of this policy.

8.0 Process to follow



9.0 Threat of Injury to Officer

If the Officer is threatened by the recipient of the Notice and believes the threat to be hazardous to their health and well being, the Officer is to leave the site as quickly and calmly as possible. These matters shall be brought to the attention of the Officer's Team Leader and the Community Safety Manager. Following this discussion it will then be decided whether to inform the NZ Police as a formal complaint.

If these threats are deemed to be serious enough any Officers returning to the site shall do so accompanied by a Police Officer.