South Northamptonshire Council

Animal Welfare Policy

1. Introduction

1.1 This policy sets out the general principles that South Northamptonshire Council will follow in relation to the enforcement of animal welfare related legislation.

1.2 The policy describes the types of animal welfare matters that are likely to occur in our district and how we can deal with them.

2. What are Animal Welfare related matters?

2.1 Animal Welfare related matters included within the scope of this policy are:

- Control of stray dogs
- Identification of dogs
- Dog Control Orders
- Animal related nuisance complaints

2.2 The main concern of the Council is the prevention of such matters as dog fouling, straying dogs and irresponsible animal ownership in order to prevent a negative impact on the environment and on our communities. Together with, and sometimes associated with anti social behaviour, such crimes can ruin our public spaces, can affect public health and can be expensive to clean up.

2.3 Where animal welfare matters are associated with poor animal welfare the Council’s officers will work in consultation, liaison or where relevant partnership with animal charities and housing associations.

2.4 Where animal welfare matters are associated with anti social behaviour, the Council’s officers will work with the Police and Community Partnership Team.
3. **Our approach to Enforcement**

3.1 This policy relates specifically to South Northamptonshire Council and in particular we will: -

- take account of the seriousness of any offence;
- ensure that our officers deal with each offence in a consistent way;
- ensure that the public understands what the law means and the council’s approach to it;
- target the council’s enforcement activities to where there is greatest need;
- keep the public informed about the council’s enforcement activities.

3.2 The table in Appendix 1 clarifies the roles and responsibilities within the Council for the enforcement of animal welfare legislation. The public also have a significant role in reporting incidents and by animal owners taking accountability and responsibility for their pets.

3.3 This policy is set in the context of the Council’s Enforcement Policy. Our approach to enforcement is based on the ‘Central and Local Government Concordat on Good Enforcement’². The Council signed up to the Concordat in 2000. This is a nationally recognised standard for promoting best practice enforcement and in particular refers to the following:

**Standards**

We will publish standards and annual performance against them. This includes NI196 (improved street and environmental cleanliness).

**Openness**

We will give advice and information in plain language.

**Helpfulness**

Prevention is better than cure, so actively working with animal owners will assist with compliance. We will give a courteous and efficient service.

**Complaints about our service**

The Council has a well publicised, effective and timely complaints procedure.
Proportionality

We will always try to minimise the costs of compliance for businesses. We will take all things into account including the attitude of the operator when considering action.

Consistency

We will carry out our duties in a fair, equitable and consistent manner.

3.4 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the current Regulator’s Compliance Code.

3.5 In certain instances we may conclude that a provision in the Regulatory Compliance Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

3.6 Where there are failures to comply with the law, the Council has a number of informal and formal approaches to secure compliance. Details of the way that we will carry out enforcement, including the level of fines that apply are provided in Appendix 2 to this policy.

3.7 We will work with partners in the Northamptonshire Animal Welfare Liaison Group. The Group consists of the seven Local Authorities in Northamptonshire, RSPCA, Police (Rural Crime) and Northamptonshire County Council Trading Standards and The Countywide Traveller Unit.

3.8 The primary objective of the Group is the consistent enforcement of animal welfare related legislation across the County. It aims to do this by meeting the following objectives: -

- Identify good practice and encourage consistency and continual improvement;
- Aid in the interpretation of relevant legislation;
- Provide a forum for discussion, problem sharing and solving;
- Co-ordinate responses to consultations;
- Promote consistency in enforcement and general approach;
- Identify training and development needs.
4. Core Animal Welfare related matters

The following provides guidance for matters which are within the statutory remit of South Northamptonshire Council.

4.1 Control of Stray Dogs

4.2 What does the law say?

4.3 Section 149 of the Environmental Protection Act 1990 requires every Local Authority to appoint an officer for the purposes of discharging the functions imposed by this section for dealing with stray dogs found in the area of the Authority.

4.4 There is no formal definition of a stray dog in law. It is suggested that a dog may reasonably be treated as a stray dog if it is roaming freely and not under the control of any person, irrespective of whether it has a home. This applies whether or not the dog has identification or wears a collar.

4.5 If a member of the public finds a stray dog, they must under the Environmental Protection Act 1990 either:

- return the dog to its owner;
- contact the council for the area in which the dog was found; or
- take the dog to the Council’s acceptance point

4.6 Where the dog is found on private property, the officer must have the prior consent of the owner or occupier of that property for the dog to be seized as a stray dog.

4.7 The primary causes for concern in relation to the seizure of stray dogs are the potential of risk to members of the public and to the Officer seizing the dog, and the distress of the animal as a result of handling.

4.8 What will we do?

4.9 Levels of dogs seized as strays are low in comparison to some other Local Authorities within Northamptonshire.

4.10 To ensure consistency all seized dogs will be taken to kennels whether the owner is known or not. The Council's kennels and acceptance point for stray dogs is Forest Lodge Kennels, Forest Road, Quinton, Northampton, NN7 2EQ.

4.11 Where a dog is reported as found as a stray the response will be immediate.
4.12 There is no requirement whatsoever to return any seized dog to the owner without payment of the relevant costs.

4.13 Once a dog is seized as a stray dog the Council has a duty to keep the dog for seven days. The seven day holding period is seven clear days and therefore this does not include the day of seizure. If the dog is not claimed by its owner in this period of time a decision regarding the dog will be made from the following options:

- selling it or giving it to a person who will in his opinion care properly for the dog;
- selling it or giving it to an establishment for the reception of stray dogs; or
- euthanasia in a manner to cause as little pain and suffering as possible.

4.14 Euthanasia will only be considered after all other avenues have been explored to save the dog by re-homing.

4.15 The only exemption to these guidelines is where under 149(10) a dog is destroyed to avoid suffering. A veterinary surgeon will always be consulted in such cases.

4.16 Injured stray dogs requiring veterinary treatment

4.17 The DEFRA guidance states that:

“In order to minimise costs it is recommended that authorities come to a formal arrangement with local veterinary surgeons. It is recommended to authorities that they consider making contractual provision for such arrangements; these should include details on emergency treatment they will fund”

4.18 As stated previously South Northamptonshire Council deals with a very small number of stray dogs each year and on rare occasions the animals may require veterinary treatment because of injury or ill health.

4.19 The Council’s appointed officer has a duty to maintain and properly feed a stray dog in its custody under section 149 (9) of the Environmental Protection Act 1990 (i.e. the basic needs of the animal’s welfare must be provided by the carer under section 9 of the Animal Welfare Act 2006).

4.20 Authorities are expected to treat any dogs that are injured or require treatment to keep them alive, unless the costs of doing so are excessive or if the dog’s condition is such that it would be more humane to provide euthanasia.

4.21 The Council is only required to detain the dog for seven clear days. This means that a stray dog which is receiving treatment to alleviate
pain at a vets remains within the custody of the Council officer for a period of seven clear days.

4.22 The Council does not have a budget for treatment of stray dogs and must ensure that it is not faced with potentially spiralling costs. Therefore there is a protocol in place with local veterinary surgeries in the event of a dog requiring treatment which is:

- It is essential that the Council officer and the vet liaise at the onset of treatment to agree:
  - the extent of treatment and
  - a cost ceiling.
- the Council is only required to pay for treatment to alleviate pain and suffering.
- the Council is not required to pay for treatment beyond alleviation of pain and suffering
- it is essential that the Council and the surgery maintain regular contact so that to ensure that excessive costs are not being incurred
- once the seven day period has expired a decision will need to be made as quickly as possible and the Council officer will liaise with the surgery to determine the most appropriate course of action.

4.23 Finder wishing to keep the dog

4.24 In cases where the finder wishes to keep the dog, the Officer has a duty to ensure that all reasonable attempts are made to identify and contact the owner, and also to ensure that the finder is a suitable person to keep the dog.

4.25 The finder must be informed verbally and in writing that they are obliged to keep the dog (if unclaimed by the owner) for not less than one month, and that failure to comply is an offence.

4.26 Under current legislation there is no provision that the finder will ever obtain ownership of the dog. The officer must be satisfied that the finder understands that if a person claiming to be the rightful owner of the dog and able to prove it requests the return of the dog, then the finder will have to relinquish their custodianship. Disputes over ownership would be subject to the usual civil and common law principles governing possession and title.
5. **Dangerous Dogs**

5.1 South Northamptonshire Council does not have the statutory remit to investigate complaints of dangerous dogs. However if complaints are received at the Council then they will be referred to the Police.

5.2 The Dangerous Dogs Act 1991 makes it a duty for the Police to investigate reports of attacks by dogs on people and banned breeds of dogs.

5.3 Under the Dangerous Dogs Act 1991 the four breeds of dog that are specifically banned in England are:

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentinos
- Fila Brazilieros

5.4 The Police are also responsible under the Dogs (Protection of Livestock) Act 1953 for dogs worrying and attacking livestock.

5.5 Attacks by dogs on other dogs are covered by the Dogs Act 1871. This civil legislation can be used by members of the public to take private action where their dog is attacked by another.

6. **Identification of Dogs**

6.1 **What does the law say?**

6.2 Under the Control of Dogs Order 1992 every dog, while in a highway or place of public resort must wear a collar with the name and address of its owner inscribed on it or on a plate or badge attached to it. But a collar is not needed for:

- A pack of hounds; or
- Any dog while being used for sporting purposes, for the capture or destruction of vermin, or for the driving or tending of cattle or sheep; or
- Any dog while being used on official duties by the Armed Forces, Customs and Excise officers or the police; or
- Any dog while being used in emergency rescue work; or
- Any dog registered with the Guide Dogs for the Blind Association.

6.3 **What will we do?**

6.4 We will aim to respond to and start to investigate a complaint about a dog not wearing correct identification within two working days.
6.5 At all stages of the investigation and during any subsequent action taken, the complainant should be kept informed of what is happening and what will be the next stage(s).

6.6 Any dog in respect of this offence may be treated as a stray dog under section 149 of the Environmental Protection Act 1990.

6.7 Except in cases of persistent offences, the offender will usually be offered advice and an informal warning.

6.8 Persistent offenders will usually be offered a simple caution in preference to prosecution. If the offender refuses to accept a simple caution or fails to respond the Council will instigate legal proceedings under the Animal Health Act 1981.

7. **Dog Control Orders**

7.1 **What does the law say?**

7.2 Under the Clean Neighbourhoods and Environment Act 2005 South Northamptonshire Council has made four “Dog Control Orders” which require dog owners to clear up when a dog has fouled, keep dogs on a lead in some areas, keep dogs out of some areas, and put a dog on a lead when directed to do so.

7.3 The four Dog Control Orders require the following:

7.4 **Removing dog faeces**

- This order requires people in control of a dog to immediately remove faeces deposited by their dog and applies to all land which is open to the air and to which the public are entitled or permitted to have access (with or without payment) in South Northamptonshire District. However land that is placed at the disposal of the Forestry Commissioners and agricultural land is not included.

7.5 **Keeping dogs on leads**

- This order requires people in control of a dog to keep it on a lead when in the following areas:
  
  - any area of land defined as an allotment in accordance with Allotments Act 1925; or
  - all car parks to which the public have access; or
  - all sport grounds, fields and pitches, when in use for authorised sporting activities; or
  - all cemeteries and churchyards and burial grounds.
7.6 Excluding dogs from land

- This order prohibits people from taking dogs into the following areas:
  - all enclosed children’s play areas and areas signed at its entrance(s) as a “dog exclusion area”; or
  - enclosed games area i.e. tennis and ball courts, multi-sports areas, skate parks; or
  - all bowling greens; or
  - an enclosed educational facility (school) signed at its entrance(s) as a “dog exclusion area”.

7.7 Keeping dogs on leads when directed

- This order requires people in control of a dog to put and keep it on a lead when told to do so by an authorised officer.

7.8 What will we do?

7.9 Where an offence has been witnessed or there is other firm evidence, we will usually issue a fixed penalty notice.

7.10 In some circumstances the offence can be prosecuted through a magistrates’ court and carries with it a maximum fine of level 3 on the standard scale (see Appendix 3 for amount).

7.11 By accepting and paying the fixed penalty notice the alleged offender will be given the opportunity to discharge any liability to conviction (see table in Appendix 2).

7.12 We will aim to respond to and start to investigate a complaint about dog control orders within two working days. At all stages of the investigation and during any subsequent action taken, the complainant should be kept informed of what is happening and what will be the next stage(s).

8. Animal related nuisance complaints

8.1 What does the law say?

8.2 There are several legal remedies that can be used when dealing with animal related nuisance complaints. The legislation includes:

   Environmental Protection Act 1990
   Public Health Act 1936
   Animal Welfare Act 2006

8.3 Complaints are predominantly dealt with under the Statutory Nuisance provision as set out in the Environmental Protection Act 1990 Part III.
The definition of the various situations and conditions which constitute Statutory Nuisances are set out in s79(1). For the purposes of this policy in relation to animals these are as follows:

- Noise emitted from premises so as to be prejudicial to health or a nuisance.
- Any animal kept in such a place or manner as to be prejudicial to health or a nuisance.
- Any accumulation or deposit which is prejudicial to health or a nuisance.

8.4 Each local authority by s79(1) of the Environmental Protection Act 1990, is under a duty to take such steps as is reasonably practicable to investigate a complaint of the existence of a Statutory Nuisance made by a person living within its area.

8.5 If the complaint is relating to an accumulation of noxious matter i.e. vast quantities of faecal matter that requires immediate action, then the Public Health Act 1936 section 79 can be utilised.

8.6 What will we do?

8.7 We will aim to respond to and start to investigate a complaint about animal nuisance within two working days.

8.8 At all stages of the investigation and during any subsequent action taken, the complainant should be kept informed of what is happening and what will be the next stage(s).

8.9 When considering an allegation of statutory nuisance the material factors that need to be taken into account include; how unusual the activity or behaviour is; the period over which the disturbance, disruption or interference has been experienced; the number of occurrences; any malicious characteristics of the activity; and comparisons of the activity giving rise to the complaint with what is normally expected in the locality. Account must also be taken of the reasonableness of any activity giving rise to an alleged nuisance i.e. is it a legitimate activity? Is it necessary for the activity to be carried out in that manner? Is the activity necessary at that site?

8.10 When an investigation is carried out, regard is given to the issues detailed above and to relevant case law and the complaint is judged relative to these. A decision is made based on the merits of each case as to whether the alleged nuisance is actionable and an abatement notice can be served. When a decision to serve an abatement notice is made the Council must be in a position to defend its actions therefore an Officer who substantiates a nuisance must be satisfied that what is witnessed is measured against the criteria detailed above and is not influenced by the biases of either the complainant or complained of.
8.11 Once an authority is satisfied that a Statutory Nuisance exists, is likely to occur or is likely to recur it is under a duty to take action to abate or prohibit the Statutory Nuisance.

8.12 With regard to the Public Health Act 1936 section 79 this enables local authorities to serve a notice where the owner of the land/property has accumulated noxious matter, and this notice gives the owner 24 hours to remove the waste. Failing to comply with Section 79 notice means that we can remove the waste and recover the expenses of any action taken.
References and Associated Guidance

   http://www.parliament.the-stationery-office.co.uk


   http://www.berr.gov.uk/

4. Code of Practice on Dog Control Orders (DEFRA 2006)

5. Guidance on Home Office Cautions
APPENDIX 1

South Northamptonshire Council
Roles and Responsibilities

The Council has the power to take appropriate enforcement action against persons that commit a variety of environmental crimes. The following table lists the main offences where action will be taken and who in the Council will take the lead.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stray Dogs</td>
<td>All authorised officers from Environmental Health and contracted collection service</td>
</tr>
<tr>
<td>Identification of dogs</td>
<td>All authorised officers from Environmental Health</td>
</tr>
<tr>
<td>Dog Fouling and other offences under Dog Control Orders</td>
<td>All authorised officers from Environmental Health and Environmental Services</td>
</tr>
<tr>
<td>Animal related nuisance complaints</td>
<td>All authorised officers from Environmental Health</td>
</tr>
</tbody>
</table>

This list is not exhaustive and represents the most common offences. It may be added to as legislation is updated or amended.
APPENDIX 2

Our Enforcement Approach

The decision on the course of action to be taken in each case is delegated to appropriately qualified competent officers in accordance with the Council’s scheme of delegation.


The following provides detailed information on the possible enforcement interventions that the Council may take in relation to this policy:

No Action

The Council may decide to take no action.

It might not always be possible to take enforcement action, particularly in cases where there is little or no evidence, or, for example, where an offender has co-operated with any advice or information given and enforcement is not considered to be in the public interest.

Informal Action

Informal action includes verbal or written warnings and requests for remedial action to be taken. It may involve offering advice, information and assistance to ensure compliance with legislation.

Informal action could for example be taken when:

- the act or omission is not considered serious enough to warrant formal action; or
- the consequence of non-compliance will not pose a significant risk to public health; or
- confidence in the management is high; or
- and/or the past history indicates that informal action is likely to achieve compliance.

Fixed Penalty Notices

Fixed Penalty Notices (FPNs) can provide an effective and visible way of responding to low-level environmental crimes. Experience has shown that the public generally welcomes the use of FPNs provided they are issued sensibly, enforced even-handedly and are seen as a response to genuine problems.
A FPN may be issued to persons who have committed a relevant offence, and gives the offender the opportunity to avoid prosecution by payment of the penalty. The offender has the option of paying the FPN or request that the matter is heard by a Court. Full payment of the FPN within the specified time period will discharge the original offence for which the individual cannot then be prosecuted. It is essential, therefore, that they are only issued where there is adequate evidence to support a prosecution if the notice is not paid, and that unpaid notices are followed up.

The Fixed Penalty Notice must contain the following information; date, time and location of the offence, personal details of the offender, the nature of the offence and relevant legislation, and be signed and dated by an authorised officer.

The notice will clearly state that by opting to pay the fixed penalty, the Council will take no legal action for the prescribed offence, providing that the payment is received within 14 days of the notice being issued.

The Council has opted to set all Dog Control Order FPN penalties at the default level and decided that there will be no reduction in fee for early payment. See table below:

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>S59(2) Clean Neighbourhoods and Environment Act 2005 (Offences under Dog Control Orders)</td>
<td>Failing to remove dog faeces</td>
<td>£75</td>
</tr>
<tr>
<td></td>
<td>Not keeping a dog on a lead</td>
<td>£75</td>
</tr>
<tr>
<td></td>
<td>Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer</td>
<td>£75</td>
</tr>
<tr>
<td></td>
<td>Permitting a dog to enter land from which dogs are excluded</td>
<td>£75</td>
</tr>
<tr>
<td></td>
<td>Taking more than a specified number of dogs onto land</td>
<td>£75</td>
</tr>
</tbody>
</table>

FPNs are not appropriate for persistent offenders. Enforcement action for persistent offenders is discussed on page 19.
Payment of Fixed Penalties

When a FPN has been issued, the alleged offender has 14 days within which to make the full payment amount.

Non-payment of Fixed Penalties

If the FPN has not been paid within the 14 day period, the alleged offender will be sent a reminder letter. The letter will be sent at least 5 working days after the payment deadline. This letter will state the terms of the penalty payment, and the fact that the deadline has now passed.

If a FPN remains unpaid for a further period of 14 days after the payment deadline has passed, a file will be put together to enable legal proceedings to be instigated. All unpaid penalties will be followed up by legal proceedings.

Who can issue Fixed Penalty Notices?

The law enforced by the Council requires that the enforcement officers are duly authorised.

Authorised officers will be either:

- an employee of the Council who is authorised in writing to issue FPNs on behalf of the Council; or

- any person (and their employees) who, in pursuance of arrangements made with the Council, has the function of giving such notices and is authorised in writing by the Council to perform that function for litter, Dog Control Orders, graffiti, flyposting, unauthorised distribution of literature and alarm notification offences; or

- any employee of such a person (including Parish Councils) who is authorised in writing by the authority for the purpose of giving such notices for litter, graffiti, flyposting and Dog Control Order offences; or

- Police Community Support Officers if conferred by the Chief Police officer; or

- The Environment Agency, under s5B Control of Pollution (Amendment) Act 1989 for failure to produce waste transfer notes and s34A EPA 1990 failure to produce waste carrier registration details.
Statutory Notices

Statutory notices will be issued as statute allows where one or more of the following apply:

- there is a significant contravention of the legislation; or
- the consequence of non-compliance could be potentially serious to public health;
- there is a history of non-compliance with informal action;
- there is evidence giving rise to lack of confidence in the individual or business to respond to an informal approach;
- although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions that are serious and deteriorating.

Realistic time limits will be given for the compliance with statutory notices, and wherever possible, agreed with the individual/proprietor as attainable and appropriate.

Failure to comply with a statutory notice will normally result in the instigation of legal proceedings. Officers must, therefore, have sufficient evidence available to justify this course of action or work in default.

Prosecution

In certain cases prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect. Prosecution will usually follow when:

- a Fixed Penalty Notice issued to an alleged offender is not paid within the 14 day payment period; or
- an offence is of a size or nature where other enforcement actions are considered to be insufficient; or
- previous actions have failed and there is no option for other enforcement action; or
- the nature of the offence is deemed to be in the interest of the public; or
- the offence has a serious or significant impact on the environment.

Simple Cautions

The Council may decide to offer a simple caution as an alternative to prosecution.

The purpose of a caution is to;

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chance of repeat offences.
The following conditions must be fulfilled before a caution is administered:

- there must be evidence of the alleged offender’s guilt, sufficient to give realistic prospect of conviction;
- the alleged offender must admit the offence;
- the alleged offender must understand the significance of a formal caution and give informed consent to be cautioned.

(Note: This should be read in conjunction with Home Office Circular 30/2005 5)

If there is insufficient evidence to consider prosecution then a simple caution will not be considered.

There is no legal obligation for a person to accept the offer of a simple caution. If an offender refuses to accept a simple caution, a prosecution will normally be pursued.

**Request for personal details by an Authorised Officer**

Authorised officers have the power to require the name and address of a person who they believe has committed an offence. These personal details can then be used to pursue enforcement action against the alleged offender.

To avoid serving enforcement action using false details, the authorised officer will use all reasonable methods to confirm the details supplied by an alleged offender.

Failing to supply personal details, or giving a false name and address to an authorised officer is an offence, and carries a level 3 fine (see Appendix III) upon conviction.

Confirmation of identity can also be through the Electoral Register where personal details can be checked against the electoral roll (but this will not include juveniles), company records and school visits (juveniles). Where appropriate, assistance from partners may be required via use of CCTV or PNC checks. Upon confirmation of the alleged offender’s personal details, the appropriate enforcement action can be taken.

Authorised officers, for the purposes of environmental crimes will be all nominated staff in the Council.
Persistent Offenders

To ensure that the enforcement procedure is fair and consistent, persistent or repeat offenders will be dealt with as follows:

- where an informal action has been recorded on a previous occasion, and a further offence is committed on a separate occasion, no further informal warnings will be issued. Formal action is likely to be taken; or

- on acceptance of a simple caution, the alleged offender understands that any future infringement of the law will result in further enforcement action. In these cases the next likely course of action would be to institute legal proceedings; or

- a person will be issued with one Fixed Penalty Notice. If found to have infringed the law on another occasion no further fixed penalty notices will be served and legal proceedings will be instigated.

Juveniles (person aged under 17)

Legally FPNs can be issued to anyone over the age of 10 and authorities are recommended to adopt special procedures for issuing notices to young offenders. This ensures that they are acting in accordance with their duty under the Children Act 2004, which requires that authorities have regard to the need to safeguard and uphold the welfare of children and to seek the introduction of a non financial, non criminal, restorative justice scheme as an alternative to FPN payment.

When a juvenile is alleged to have committed an offence the name, address, age and date of birth of the suspected offender should be obtained, together with the name and address of his or her parent or legal guardian. Once the age of the offender has been ascertained, the correct course of action can then be followed.

For offenders between 10 and 15 years old, DEFRA guidelines state that a fixed penalty should not normally be issued in the first instance. A juvenile will be issued with a written warning with a copy sent to their legal guardians.

For offenders aged 16 or 17 years old a FPN will be issued using the same procedures as for adults. If there are doubts as to whether the offender is 16 or 17, the procedure for 10 to 15 year olds should be followed.

A FPN will not be appropriate where the young person is suffering from a mental handicap / disorder, appears to be mentally distressed or confused, or from any other vulnerability that impairs their understanding of what goes on (including substance abuse).
### APPENDIX 3

#### Fines

<table>
<thead>
<tr>
<th>Level</th>
<th>Amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>200</td>
</tr>
<tr>
<td>2</td>
<td>500</td>
</tr>
<tr>
<td>3</td>
<td>1000</td>
</tr>
<tr>
<td>4</td>
<td>2,500</td>
</tr>
<tr>
<td>5</td>
<td>5,000</td>
</tr>
</tbody>
</table>