

Item 07 – Fixed Penalty Notice (FPN) Fees Report

The attached report was considered by the Cleaner & Greener Advisory Committee on 10 October 2023. The relevant Minute extract is below.

Cleaner & Greener Advisory Committee (10 October 2023, Minute 22)

The Chairman presented the report, which updated Members on the changes from a Statutory Instrument issued by the Government to increase on-the-spot fine levels for littering and fly tipping. The report proposed setting the maximum fixed penalty notice (FPN) levels issued by the Council to these new maximums, to deter waste crime.

The Head of Direct Services explained that the Government had increased the maximum levels for several FPNs to assist Council's in combatting littering and fly tipping. FPNs provided a quick and effective way of dealing with low-level environmental crimes, and were an alternative to prosecution. Members were advised that non-payment rates were reasonably high, and those that did not pay were still prosecuted. It was further highlighted that FPNs were only issued for smaller, one-off instances of fly tipping; large and commercial fly tips were immediately prosecuted. The discount offered for the first 10 days of the fly tipping FPN being would encourage people to actually pay, and would meet the Home Office guidance of giving consideration to the ability of people to pay fines.

The maximum amount for being caught fly tipping would increase from £400 to £1000, reduced to £300 if paid within 10 days; the maximum amount for littering would increase from £150 to £500.

In response to questions, the officer advised that littering FPNs were rarely issued, as they required uniformed officers to see the act. Only 3 had been issued in the 12 months prior. A high fee level with no discount was thus required as a strong deterrent. Serial fly tippers were uncommon within the district, and were prosecuted rather than fined. The changes would be communicated across the district with updated signage, and through the Council's social media, website, and InShape.

Members discussed the discounted rate offered for fly tipping.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that:

- a) the maximum FPN for being caught fly tipping be increased to £1000, and if paid within 10 days be reduced to £300; and
- b) the maximum FPN for being caught littering be increased to £500.