

Single Member Cabinet Decision

Executive
Forward Plan
Reference

E2154

**Review of Fixed Penalty Notice Fines under the
Environmental Protection Act 1990**

Decision maker/s	Cllr Charles Gerrish
The Issue	<i>Under the Environmental Protection Act 1990 the Council has the power to serve fixed penalty notices for littering offences. The level of this fine has been set at £50 for some time. Research undertaken with other local authorities has indicated that this level is low by comparison. The Council is proposing to increase this fine level to a more appropriate level.</i>
Decision Date	19-Jul-10
The decision	The Cabinet Member agrees that (1) The charge for a fixed penalty notice for littering offences is increased from £50 to £75; (2) If the charge is paid to the Council within 14 days of the offence then the charge is reduced to £60; (3) If payment is not received within 28 days of the offence then the matter is referred for legal action where there is a maximum fine of £2,500. The Cabinet Member agrees that (1) The charge for a fixed penalty notice for littering offences is increased from £50 to £75; (2) If the charge is paid to the Council within 14 days of the offence then the charge is reduced to £60; (3) If payment is not received within 28 days of the offence then the matter is referred for legal action where there is a maximum fine of £2,500.
Rationale for decision	The level of £75 fine is considered appropriate in that it acts as an effective deterrent but is not so high as to be unaffordable. The early payment option presents a cheaper alternative to the person served with the notice and should ensure that payments are made more quickly
Financial and budget implications	FIELD_DECISION_RSRCE
Issues considered	Delete these red notes: Select from: <i>Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Equality (age, race, disability, religion/belief, gender, sexual orientation); Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations</i>
Consultation undertaken	Published in WL 23-Jul-10
How consultation was carried out	Int SP Mon 151

Other options considered	A higher level of fine of £100 was considered with an early payment option of £75 however this level was felt to be less affordable and not aligned with fine levels in neighbouring local authorities
Signatures of Decision Makers	
Date of Signature	