

Single Member Cabinet Decision**Executive
Forward Plan
Reference****E3076****Fixed Penalty Notices for Littering**

Decision maker/s	Cllr Bob Goodman, Cabinet Member for Development & Neighbourhoods
The Issue	<p>From 1st April 2018, the Environmental Offences (Fixed Penalties) (England) Regulations 2017 provides for the amount of a fixed penalty notice (FPN) issued for Litter to be not less than £50 and not more than £150, with £100 being the default if no amount is specified.</p> <p>Also from the same date the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 allows FPNs to be issued to a person who is the keeper of a vehicle causing litter and provides for, the amount of a FPN issued for litter, to be not less than £50 and not more than £150, with £100 being the default if no amount is specified.</p>
Decision Date	2 nd July 2018
The decision	<p>The Cabinet Member agrees that:</p> <ul style="list-style-type: none">• The fixed penalty for the unlawful deposit of litter under the Environmental Protection Act 1990, to always be set to the maximum full penalty amount as specified in legislation. At the time of the decision this is £150.• The fixed penalty for the unlawful deposit of litter under The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, to always be set to the maximum full penalty amount as specified in legislation. At the time of the decision this is £150.• A discount will be offered for early payment of a Fixed Penalty Notice under the above legislation. (n.b. at the time of the decision this discount would be £50, making the level of fixed penalty £100 if payment is received within 14 days).• Any future decisions on the discounted level of fixed penalty shall be delegated to the relevant Group Manager in consultation with the Cabinet Member if the maximum penalty under law changes.
Rationale for decision	Fixed Penalty Notices are a valuable enforcement tool for dealing with the unauthorised deposit of litter and help to further the Council's commitment to take enforcement action against those who cause litter.
Financial and budget implications	Receipts from FPNs are retained by the Authority and will contribute towards the costs to the Council of enforcing and clearing litter.

Issues considered (these are covered in more detail in the report)	Sustainability; Corporate; Other Legal Considerations
Consultation undertaken	Staff; Section 151 Finance Officer; Monitoring Officer
How consultation was carried out	The Bath & North East Somerset Corporate Director, Council Section 151 Officer and Monitoring Officer were consulted in the preparation of this report.
Other options considered	The legislation provides for the amount of fixed penalty to be between £50 and £150. Taking into account the antisocial nature of discarding litter rather than using a bin or taking it home for disposal, the cost of clearing up litter, the time involved in enforcing against those who drop litter it is considered that the level of fixed penalty should be set at the maximum of £150, with a discount for early payment.
Declaration of interest by Cabinet Member(s) for decision, including any dispensation granted:	
Any conflict of interest declared by anyone who is consulted by a Member taking the decision:	

Signatures of Decision Makers	
Date of Signature	
Subject to Call-in until 5 Working days have elapsed following publication of the decision	