

Single Member
Cabinet Decision

Executive
Forward
Plan
Reference

E3520

Fixed Penalty Notices for Environmental and Anti-Social Behaviour Offences

Decision maker/s	Cllr Tim Ball, Cabinet Member for Neighbourhood Services
The Issue	<p>The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 came into force on the 31st July 2023. These regulations have empowered local authorities to increase the penalties issued under Fixed Penalty Notices (FPN) for the unauthorised or harmful deposit, treatment or disposal of waste, duty of care for household waste and in relation to anti-social behaviour offences.</p> <p>This legislative change has prompted a review of the level of FPN penalty for all environmental crime offences and for anti-social behaviour offences enforced by BANES, with the aim of the penalty amounts acting as a deterrent to offending.</p>
Decision Date	5th August 2024
The decision	The Cabinet Member agrees to: Set the Fixed Penalty charges at the level specified in the table below:

Offence	Fixed Penalty Charge
Dropping litter in the street or any place open to the air to which the public have access, or littering from a vehicle	£200 (£150 if paid within 14 days)
Not putting out domestic waste or recycling properly	£60
Not putting commercial or industrial waste out properly – EPA section 47	£110
Giving household waste to an unlicensed company for disposal	£300
Failure to produce a waste transfer note for commercial waste	£500
Fly tipping – bag/sack of domestic/commercial waste left next to a litter bin	£200
Flytipping – Individual flytipping own household waste	£400
Flytipping – All other incidents not covered above	£600
Allowing your dog to foul a street or public space	£200
Graffiti	£500
Flyposting	£500
Unauthorised distribution of literature on designated land	£200
Failure to comply with a Community Protection Notice issued for an environmental related offence.	£100

- That the implementation of all future changes to Fixed Penalty charges are delegated to and implemented by the Director of Place Management, or any successor or equivalent role to that post, in consultation with the relevant Cabinet Member.

Rationale for decision

The Fixed Penalty Notice levels have been reviewed within the scope of new legislation, the aim of the increasing the penalty amounts are to act as a deterrent to those committing environmental crime and anti-social behaviour offences.

Financial and budget implications	The Council already has resources allocated to investigate and where needed clear-up these environmental offences and does not anticipate these increasing as a result of increasing FPN levels.
Issues considered	Sustainability; Equality (age, race, disability, religion/belief, gender, sexual orientation); Corporate; Other Legal Considerations
Consultation undertaken	Staff; Other B&NES Services; Section 151 Finance Officer; Chief Executive; Monitoring Officer
How consultation was carried out	Officers had the opportunity to review and input into the report.
Other options considered	Three other options were considered but discounted: <ul style="list-style-type: none"> • Increase the level of Fixed Penalty Notices to the maximum amount for all areas • Keep the existing level of Fixed Penalty Notices • Include a discounted early payment option for all Fixed Penalty Notices.
Declaration of interest by Cabinet Member(s) for decision:	None
Any conflict of interest declared by anyone who is consulted by a Member taking the decision:	None

Name and Signature of Decision Maker/s	Cllr Tim Ball Cabinet Member for Neighbourhood Services
Date of Signature	5 th August 2023

Subject to Call-in until 5 Working days have elapsed following publication of the decision