

## **Decision under Delegated Powers**

### Officer Requesting the Decision

Enviro Crime and Dog Control Manager

### Officer Making the Decision

Head of Regulatory Services

### Recommendation

That the fixed penalty notice amount for littering offences for Charnwood is increased from £80 to £150 for the full rate and increased from £50 to £75 for the discounted amount from April 1<sup>st</sup> 2018.

(Littering offences include littering (leaving litter), littering from vehicle, unauthorised distribution of free printed material and graffiti and fly posting).

### Reason

To increase the level of deterrent to prevent people thinking about committing a littering offence and to be in line with the Government's decision in their Manifesto (2016) and outlined in the Litter Strategy to increase the level of fixed penalty notices for littering offences.

### Authority for Decision

By virtue of the Delegation to Heads of Service in section 8 of the Constitution, Heads of Service are delegated to undertake periodic review of the fees and charges raised within their service areas and falling within the scope of the Council's Income and Charging Policy Framework.

### Decision and Date

Agreed:

## Background

The government has announced the requirement to increase the level of fixed penalties in England for littering (and for the related offences of unauthorised distribution of free printed material in a designated area, graffiti and fly-posting).

With effect from 1 April 2018, the default fixed penalty notice is to increase to £100 (default amount), up to a maximum of £150. Councils can elect to raise the rate within these margins but this is a statutory Government instruction so it must be raised to a minimum of £100.

The levels for fixed penalties under section 88 of the Environmental Protection Act 1990 have not changed since 2006, but adjusting for inflation since that time means that a maximum penalty of £80 in 2006 would now be £100.

The Government are also introducing a new regulation for littering from vehicles under the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018. Previously, the fixed penalty notice would have been issued under the leaving litter legislation.

This will become a civil offence where the fixed penalty notice should be paid within 28 days; it is discounted if paid within 14 days. If the fixed penalty notice remains unpaid after the 28 days then the fine is doubled in price.

The table below shows the Government's new level of fixed penalty notices after April 1<sup>st</sup> 2018:

Offence	Default	Discounted (minimum)	Maximum
Litter	£100	£65	£150
Distribution of free printed material	£100	£65	£150
Graffiti/fly posting	£100	£65	£150
Littering from Vehicles	£100	£65	£150

Charnwood Borough Council's rate for littering offences is currently £80, discounted to £50 if paid within 10 days. This rate has been in place since the Street Management Team started issuing fixed penalty notices in April 2007.

## **Review of fixed penalty notices from 2007 to 2018**

From April 2007 to March 2018 the team has issued 804 fixed penalty notices. 642 have been paid within the 14 day period.

564 were paid in the discount period (first 10 days) and 78 were paid within the 14 day period but outside of the discount period.

The remainder of fixed penalty notices (126) were cancelled upon appeal or following the receipt of further evidence.

The high uptake on the discounted period shows that there is a strong financial incentive for the majority of people who receive a fixed penalty notice to pay within the discounted period. For this reason it is recommended to offer a discounted amount of £75 which is half of the full fine.

As part of this review, reference has been made to both the Council's Income and Charging Policy and the Regulatory Services Enforcement Policy.

The Lead Member for Regulatory Services, Cllr Margaret Smidowicz, has been consulted as part of this review and has confirmed her agreement with the implementation of the amended fixed penalty notice charges and the regulation changes within the Environmental Protection Act 1990 known as the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

Following this review it is now proposed to increase the amount of the fixed penalty notices for:

- littering;
- unauthorised distribution of free printed material: and
- graffiti/fly posting
- littering from vehicles

under the provisions Section 88 of the Environmental Protection Act 1990.

The proposed amounts are shown below:

	Full rate	Discounted rate
Littering	£150	£75
Unauthorised distribution of free printed material	£150	£75
Graffiti/Fly posting	£150	£75
Littering from vehicles	£150 (doubled if payment is not received within 28 days)	£75

### Financial Implications

The fixed penalty notice stationary will need to be replaced to reflect the new rates £280 to be met from current budget. .

The raise in the rate for the fixed penalty notices will also bring in additional income. This would be estimated to be in the region of approximately £1500.

### Risk Management

No specific risks have been identified with this report.

Background Papers:

Charnwood Borough Council's Income and Charging Policy – August 2015

Regulatory Services Enforcement Policy – May 2016