

SUBJECT: PROPOSAL TO INCREASE FIXED PENALTY NOTICES IN RELATION TO ENVIRONMENTAL CRIME

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

LEAD OFFICER: BEN JACKSON, PUBLIC PROTECTION, ANTI-SOCIAL BEHAVIOUR AND LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Policy Scrutiny Committee members on the process and consideration given to date, to increase the fixed penalty notices in relation to environmental crime.

2. Executive Summary

- 2.1 On 7 June 2023, the Department for the Environment, Food and Rural Affairs (DEFRA) announced that the maximum fee for on-the-spot fines for litter, graffiti and fly-tipping are set to rise.
- 2.2 The report recommends that the Council establish a fee, in line with the parameters of the legislation. The proposals affect fixed penalty notices in relation to Fly Tipping, Duty of Care and Littering.

3. Background

- 3.1 Fly tipping, Duty of Care offences and Littering are a topic of national debate and each have a significant detrimental impact on communities.
- 3.2 Fly tipping as a term can include anything from single bags to several tons of waste. The urban nature of Lincoln means that fly tipping is more commonly seen in smaller quantities.
- 3.3 Duty of Care offences are when somebody removes waste on another person's behalf without the relevant licence and then the waste ends up being fly tipped.
- 3.4 Litter is anything dropped in a public place, from sweet wrappers to bin liners or household rubbish. It also includes smoking-related litter.

4. The Proposal

- 4.1 On 7 June 2023, the Department for the Environment, Food and Rural Affairs (DEFRA) announced that the maximum fee for on-the-spot fines for litter, graffiti and fly-tipping are set to rise.
- 4.2 The below table shows the current FPN, the new maximum in line with legislation and the proposal.

	Current Fee	Max new	Proposal
Fly Tipping	£200 (Reduced to £120 if paid within 10 days)	£1000 (previous max £400)	£400 (Reduced to £300 if paid within 10 days)
Littering	£75 (Reduced to £50 if paid within 10 days)	£500 (Previous max £150)	£150 (Reduced to £100 if paid within 10 days)
Duty of Care	£200 (Reduced to £120 if paid within 10 days)	£600 (previous max £400)	£400 (Reduced to £300 if paid within 10 days)

4.3 The regulations require that payment is made within 14 days of the date Fixed Penalty Notice is issued, however allowance is made for early repayment (within 10 days).

4.4 The ability to prosecute for offences remains open to Local Authorities where issuing a Fixed Penalty Notice would not be considered appropriate. This would continue to be the preferred approach in cases of serious or repeat fly tipping.

12. Strategic Priorities

12.1 Let's drive economic growth

More effective environmental enforcement promotes a cleaner environment which is more attractive to those living, visiting and working within Lincoln.

12.2 Let's enhance our remarkable place

More effective environmental enforcement promotes a cleaner environment which is more attractive to those living, visiting and working within Lincoln.

13. Organisational Impacts

13.1 Finance

Receipts from Fixed Penalty Notices must be used for the authority to exercise relevant functions under the Act, this means receipts must be retained for use within the service.

It is not possible to forecast what income may be received because of the nature of this kind of offence and the unpredictability of being able to identify offenders. Any income received would help to offset staff costs of investigating and dealing with fly tipping issues. Any income received will not offset the full costs of dealing with fly tipping.

13.2 Equality, Diversity and Human Rights

No impacts.

13.3 Human Resources

No current implications.

14. Risk Implications

14.1 (i) Options Explored

No alternative options considered as this is a legislative change.

14.2 (ii) Key risks associated with the preferred approach

The fees could be seen as respectively low in comparison to the range available, however this is felt to be a fair level.

15. Recommendation

15.1 To comment on the proposal to increase the fees as set out in the report.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? None

List of Background Papers: None

Lead Officer: Ben Jackson – Public Protection, ASB & Licensing
Service Manager
Email: Ben.Jackson@lincoln.gov.uk