
Executive Decision by a Cabinet Member to Review Fixed Penalty Notice amounts for environmental offences to be set at the maximum statutory level.



1.1 Ensuring Plymouth is a clean and tidy city continues to be a corporate priority. Whilst the Council has been focused on tackling environmental offences such as littering and fly tipping in recent years, investigating, cleaning and disposing of discarded waste is an unnecessary additional cost to local authorities and the tax payer, resulting in estimated costs the UK taxpayer around £690 million pounds a year.

1.2 The Council has the authority to use Fixed Penalty Notices (FPN's) as an alternative to prosecution when dealing with environmental crimes including litter, dog fouling, small-scale fly tipping, waste documentation offences, graffiti and flyposting. These FPNs are issued by authorised officers within the Environmental Protection team, in accordance with the council's Enforcement Policy. FPN's are an effective and visible way of dealing with low level environmental crime.

1.3 When providing regulations to enable the issuing of FPN's, the legislation normally permits an FPN to be set within a range of minimum to maximum penalties, and if no such penalty is set at a default amount, specified in relevant regulations. Many of the environmental FPN's are already set at the maximum permitted level, as agreed in a previous Executive Decision in 2006.

1.4 In line with Plymouth's commitment to create a clean and tidy city, this paper is intended to increase all environmental offences, dealt with by FPN to the maximum permitted level, and to confirm that the Council do not offer an early discount payment. Details of all relevant offences are contained in Appendix 1, detailing the relevant legislation and the current maximum amount permitted by legislation.

1.5 On the 1st April, 2018, the Environmental Offences (Fixed Penalties) (England) Regulations 2017 came into effect. This change in legislation gave local authorities the ability to raise several different FPN's including those for littering, graffiti and fly posting to a new maximum of £150, however the FPN for littering in Plymouth was set at £100 in 2019. On this review, it is proposed to increase all of these FPN's to the maximum level of £150. In addition, FPN's for commercial bins was also increased to £110

1.6 Additionally, new requirements were also introduced in the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 to amend section 34 of the Environmental Protection Act to enable FPN's to be issued for household duty of care offences. As no other decision has been made to set this at a specified amount, it has been at the default amount since implementation. This is now intended to be set at £400.

1.7 By increasing these two remaining FPN's to the maximum level, all FPN's for environmental offences will be set at the maximum level in Plymouth reflecting the corporate priority to ensure Plymouth is a clean and tidy city, with the intention that the level of the FPN amount will act as a deterrent to those committing environmental offences in Plymouth.

1.8 The majority of residents and visitors comply with the law in relation to environmental offences however there are some individuals who choose to dispose of their waste indiscriminately.

1.9 Based on FPN levels in 2019/20, the increased FPNs are likely to generate approx. £0.100m additional income, however the additional costs of resourcing investigations and taking enforcement action will need to be paid for from any additional income.

Appendix I

Offences dealt with by FPN (civil and criminal)

Offence	Legislation to enable issue of FPN	Current Penalty	Maximum Penalty	Proposed Plymouth City Council FPN
Littering, including littering from vehicles	Section 88 Environmental Protection Act 1990	£100	£150	£150
Fly tipping	Section 33 Environmental Protection Act 1990	£400	£400	£400
Graffiti	Section 43 of the Anti Social Behaviour Act 2003	£80	£150	£150
Fly posting	Section 43 of the Anti Social Behaviour Act 2003	£80	£150	£150
Householder duty of care	Section 34ZA Environmental Protection Act 1990	£400	£400	£400
Industrial and commercial waste receptacle offences	Section 47ZA of the Environmental Protection Act 1990	£100	£110	£110
Failing to show waste documents	Control of Pollution (Amendment) Act 1989	£300	£300	£300
Failure to produce waste transfer documents	Section 34A Environmental Protection Act	£300	£400	£400