

# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – ECC04 25/26

Decision	
1	<b>Title of decision:</b> Implementation of a sliding scale of Fixed Penalty Notice amounts for Environmental Offences, relating to littering, the unauthorised deposit of waste, household duty of care, graffiti and flyposting.
2	<b>Decision maker:</b> Councillor Tom Briars-Delve, Cabinet Member for Environment and Climate Change
3	<b>Report author and contact details:</b> Nicola Horne, 01752 304556 nicola.horne@plymouth.gov.uk
4	<p><b>Decision to be taken:</b></p> <p>1. To increase the maximum amounts that can be charged for Fixed Penalty Notices (FPN's) for environmental offences in line with the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023, as set out in the report;</p> <p>2. To introduce a sliding scale of charges for environmental offences as set out in the report.</p>
5	<p><b>Reasons for decision:</b></p> <p>1. The Council is committed to ensuring our streets and open spaces are clean and tidy, and to this end, officers issue FPN's for environmental offences such as littering, fly tipping, household waste offences graffiti and flyposting. New legislation has increased the maximum amount that can be charged for an FPN for an environmental offence and this report seeks to introduce a sliding scale of charges based on the size/frequency/type of the offence. This would allow the most appropriate penalty to be applied, following a set way to determine the category of offence and the relevant charge.</p>
6	<p><b>Alternative options considered and rejected:</b></p> <p>1. Do nothing-Environmental offence FPN's could remain the same, but the Government set a clear view that the FPN amount should increase as part of their approach to tackle anti-social behaviour;</p> <p>2. Setting each FPN at the maximum amount- this does not take into account the size and scale of the offence or the size of the deposited waste.</p>
7	<p><b>Financial implications and risks:</b></p> <p>There is a risk that with higher levels of FPN amounts, fewer offenders will pay the FPN. This will mean that more cases could proceed to prosecution. The Government states that the Council should pursue cases where no payment is received. Only the costs of taking the case to court will be borne by the Local Authority, at the discretion of the Court, as any fine would be payable to the Courts.</p>
8	<p><b>Legal Implications:</b></p> <p>None anticipated.</p>

<b>9</b>	<b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)  Please type an X into the relevant boxes	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>
			X	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			X	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1million</b> annually
			X	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	<b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b>	N/A		
<b>10</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	<p>Corporate Plan : Keeping adults, children and communities safe &amp; Working with the police to tackle crime and anti - social behaviour.</p> <p>Environmental crimes such as littering and fly tipping are criminal offences. Where we live has an impact on health and mental wellbeing and we want our communities to be well looked after and not affected by litter and refuse.</p> <p>By tackling environmental crimes using FPN's for low level environmental offences, will encourage residents and businesses to ensure they dispose of their waste appropriately.</p>		
<b>11</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	There are no direct environmental implications from this activity. Staff patrolling areas use electric vehicles or are on foot.		
<b>Urgent decisions</b>				
<b>12a</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>  Please type an X into the relevant box	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	X	<b>(If no, go to section 13a)</b>
<b>12b</b>	<b>Reason for urgency:</b>			
<b>12c</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	

	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			
<b>Consultation</b>				
<b>I3a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b> Please type an X into the relevant box	<b>Yes</b>	<input checked="" type="checkbox"/>	
		<b>No</b>	<input type="checkbox"/>	<b>(If no go to section I4)</b>
<b>I3b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events Cemeteries and Crematoria)		
<b>I3c</b>	<b>Date Cabinet member consulted</b>	09 September 2025		
<b>I4</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b> Please type an X into the relevant box	<b>Yes</b>	<input type="checkbox"/>	If yes, please discuss with the Monitoring Officer
		<b>No</b>	<input checked="" type="checkbox"/>	
<b>I5</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Professor Steve Maddern	
		<b>Job title</b>	Director of Public Health	
		<b>Date consulted</b>	18 September 2025	
<b>Sign-off</b>				
<b>I6</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	JS79 25/26	
		<b>Finance (mandatory)</b>	OW.25.26.125	
		<b>Legal (mandatory)</b>	26.01.29.IW.6769	
		<b>Procurement (if applicable)</b>	N/A	
		<b>Corporate property (decisions involving Council owned land or facilities) (if applicable)</b>	N/A	
		<b>Human Resources (if applicable)</b>	N/A	
<b>Appendices</b>				
<b>I7</b>	<b>Ref.</b>	<b>Title of appendix</b>		
	A	Briefing report		
	B	Equalities Impact Assessment		
<b>Confidential/exempt information</b>				

<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b> Please type an X into the relevant box	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	X					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below.  Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.							
<b>Signature</b>			<b>Date of decision</b>	24 February 2026				
<b>Print Name</b>	Councillor Tom Briars-Delve							