

Cabinet Member for Highways, Street Scene, and Flooding
Cllr Nick Holder

Highways & Transport

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REFERENCE: HSSF-03-24

LEGISLATIVE CHANGES TO ENVIRONMENTAL FIXED PENALTY NOTICE AMOUNTS

Purpose of Report

The purpose of this report is to update the Cabinet Member for Highways, Streetscene and Flooding on the changes resulting from a Statutory Instrument issued by the Government to increase the Fixed Penalty Notices (FPN) amount for fly-tipping, household waste duty of care and littering. This will enable the Cabinet Member to set the amount per FPN to contribute to effective enforcement activity in accordance with the Council's Business Plan.

To note the new Fixed Penalty amounts (Table 2 of the report) and approve the maximum new fixed penalty notice amounts to be applied (as per Option 1 below).

Consultation

None – These are legislative changes under the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023, Section 33ZA(9)(a) of the Environmental Protection Act 1990.

Options Considered

The table below provides the options considered with the pros and cons:

Option	Proposal	Pros	Cons
1*	Increase FPN's fines to maximum level	<p>Sends a strong message and discourages potential offenders.</p> <p>Increased income from FPN's is re-invested into environmental enforcement service and clear-up of waste.</p> <p>Cases can be resolved quickly without the expense of going to court.</p>	<p>Offenders may not be prepared to pay the fine, or they will be unable to afford the fine.</p> <p>This may increase the number of cases being referred to Court for prosecution and an increase in legal time.</p>

		<p>The higher FPN amount is in-line with what other councils across the country are setting their FPN levels at i.e. maximum level.</p> <p>Higher level of FPN will deter fly-tipping and should lead to lower numbers of fly tipping reports.</p>	
2*	Keep FPN fines at current level	More FPN's would be paid at a lower amount, because its more affordable.	<p>The levels of inflation have eroded the financial impact of the FPN's, which were set in 2016.</p> <p>Not in line with council intent of zero tolerance of fly tippers for environmental crime.</p> <p>Not considered as an effective deterrent in the current climate.</p> <p>Will encourage fly tipping in Wiltshire if our level of FPN is below that of other authorities.</p>
3*	Increase FPN fines, but not to maximum level.	More FPN's would be paid at a lower amount, because it may more affordable.	Applying a penalty rate at a lower threshold than other authorities could be perceived by those engaging in waste crime that Wiltshire presents a lower financial risk for undertaking illicit activities.

** Consid ** Consideration for discount for early payment is applicable.

Reason for Decision

To agree and set the maximum fixed penalty amounts available for fly-tipping, household waste duty of care and littering which have been amended in statute by the Government.

DECISION MADE

I approve that the new fixed penalty notice amounts (Table 3) are noted and also approve the maximum amounts available for the new fixed penalty notice amounts to be applied.

This decision was published on 15 April 2024 and will come into force on 23 April 2024.

The following report and appendices are attached:

HSSF-03-24 - Report

The following supporting documents are available from the officer named above:

Cllr Nick Holder

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Cabinet Member for Highways, Street Scene, and Flooding

15 April 2024
Date:.....