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**Select Committee on the Environment - 26<sup>th</sup> September 2007**

**Report of the Director of the Urban Environment**

**Fixed Penalties**

**Purpose of Report**

1. To consider the recommendations of the Recycling Working Group on the level of Fixed Penalties to be adopted following the introduction of the CNEA (Clean Neighbourhoods and Environment Act 2005).

**Background**

2. The Clean Neighbourhoods and Environment Act 2005 (the Act) was introduced in two stages between October 2005 and June 2006. The Act includes provision for a range of Fixed Penalties for environmental offences.
3. The Recycling Working Group has given detailed consideration to this issue on two occasions, at its meetings of 23<sup>rd</sup> October 2006 and 10<sup>th</sup> January 2007. At the latter meeting the Group resolved that its recommendations should be submitted to a future meeting of the Select Committee for any further discussion and approval.
4. Subject to the final consideration by the Select Committee it is proposed that the charges will be put forward for approval and adoption via a Decision Sheet.
5. Details of the Fixed Penalties proposed are set out in the Appendix to the report. In its assessment of the proposals the Group gave consideration to proposed charges from other Councils, both locally and nationally, for both consistency and comparability.
6. In coming to a conclusion on the charges identified in the appendix the following considerations were made:
  - To offer a discount for early payment within the charging range allowed under the legislation for specific Fixed Penalties
  - A lower level of fines is proposed for littering for juveniles (below the age of 18).

## **Finance**

7. Income currently received from fines relating to depositing litter and dog fouling is around £13,000 per annum. Extending the scope of fixed penalty fines will generate additional income although at this has not yet been quantified.
8. At present there are no plans to increase the number of existing enforcement officers.

## **Law**

9. The powers referred to in this report are contained within the Clean Neighbourhoods and Environment Act 2005, the Environmental Protection Act 1990 and other related legislation.

## **Equality Impact**

10. The introduction of additional Fixed Penalties will have an impact on young people in relation to littering, particularly in the vicinity of schools and colleges. An awareness raising and education campaign will be needed to inform the public of the new range of Fixed Penalties to be used.

## **Recommendation**

11. That the Committee supports the proposed Fixed Penalties set out in the Appendix to this report.



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**Director of the Urban Environment - J B Millar**

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## **Background Papers**

Recycling Working Group reports of 23<sup>rd</sup> October 2006 and 10<sup>th</sup> January 2007.

## APPENDIX 1

Offence	Act	Amount of fine if paid in 10 days	Amount in full	Max penalty on conviction	Rate
Depositing litter	EPA 1990	£50.00	<b>£75.00</b>	£2,500	Can be set between £50 and £80.00 default £75
Litter to young offenders 13 to 18 years of age	EPA 1990	£50.00	<b>£50.00</b>	£1,000	Can be set between £50 and £80.00 default £75
Failure to comply with Street Litter notice	Sect 94/94A EPA 1990	£75.00	<b>£100.00</b>	£2,500	Can be set at local level between £75.00 and £110 default £75
Failure to comply with a litter clearing notice	92C/94A EPA 1990	£75.00	<b>£100.00</b>	£2,500	Can be set at local level between £75.00 and £110 default £75
Failure to produce waste documents	34(5) EPA 1990	£300.00	<b>£300.00</b>	£5,000, or , on indictment unlimited fine	Fixed
Failure to produce authority to transport waste	Control of Pollution Act 1989	£300.00	<b>£300.00</b>	£5,000	Fixed
Unauthorised distribution of leaflets	EPA 1990	£50.00	<b>£75.00</b>	£2,500	Between £50.00 - £80.00 local level default £75.00
Failure to comply with a waste receptacle notice	EPA 1990	£50.00	<b>£75.00</b>	£1,000	Local level between £50 -£80.00 default £50.00
Dog fouling	EPA 1990	£50.00	<b>£50.00</b>	£2,500	Fixed
Placing waste out to early	CNEA 2005	£50.00	<b>£75.00</b>	£2,500	Local level between £50 -£80.00 default £50.00
Abandoned vehicles	CNEA	£200.00	<b>£200.00</b>	£2,500	fixed