

**FIXED PENALTY NOTICES FOR ENVIRONMENTAL CRIME
(Report by the Head of Operations)**

1. PURPOSE

- 1.1 To seek approval for the change in the fine level for Fixed Penalty Notices for section 46 and 47 of the Environmental Protection Act as required by the Amendment Order 2012.

2. BACKGROUND

- 2.1 In November 2005 Cabinet approved the Director of Operational Services to appoint persons to issue Fixed Penalty Notices under the Environmental Protection Act 1990, as amended by the Clean Neighbourhoods and Environment Act 2005, and to set the fixed penalties at the default level.
- 2.2 An environmental crime team was established within the Operations Division with two officers who are engaged in prevention, intervention, investigation and enforcement of environmental crime such as littering, fly tipping and abandoned vehicles. The officers are authorised to issue Fixed Penalty Notices for various offences under the Environmental Protection Act 1990 (EPA), Clean Neighbourhoods and Environment Act 2005 and other relevant legislation.

3. SECTION 46 & 47 ENVIRONMENTAL PROTECTION ACT 1990

- 3.1 Under section 46 of the EPA Fixed Penalty Notices can be issued for 'Failure to place waste in the prescribed receptacle' for household waste and under section 47 for the same offence but relating to commercial waste.
- 3.2 Section 46 Fixed Penalty Notices received some bad publicity nationally as some councils were using them to fine people for very minor infringements which have generally been dealt with by this council by light-touch intervention and education.
- 3.3 The default level for section 46 and 47 notices was £100 but the coalition government was of the view this was too high. The council currently has the level at £100 with a reduction to £60 if paid within 10 days.

3.4 In May 2012 the Government passed an Amendment to the EPA to reduce the default level of section 46 and 47 Fixed Penalty Notices to not less than £60 and not more than £80.

3.4 The Council's environmental enforcement officers have only issued eight section 46 notices since 2008. No section 47 notices have been issued. In most cases education, intervention and the threat of such a fine has been effective in achieving compliance.


4. CONCLUSION

4.1 To comply with the Amendment Order passed by Parliament the Council is required to change the default level of section 46 and 47 Fixed Penalty Notice to not less than £60 and not more than £80. A reduction is still allowed for early payment.

5. RECOMMENDATION

5.1 It is recommended that Cabinet approves the reduction of Fixed Penalty Notices for Environmental Protection Act 1990 section 46 and 47 offences to £80 reduced to £60 if paid within 10 days.

Contact Officer: Sonia Hansen, Streetscene Manager

 01480 388630