

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

12TH APRIL, 2018

Executive Board Member:	Portfolio:
Cllr. Philip Hughes	Public Protection

Subject

Purpose: Amendment to Fly tipping enforcement

Recommendations / key decisions required: To endorse the fixed penalty for fly tipping at £350 with an early repayment within 10 days of £180. This ability to issue a fixed penalty ticket is an amendment under Section 33z(b) of the Environmental Protection Act 1990.

Reasons: The Government have made provision to amend the Environmental Protection Act 1990 to include a fixed penalty ticket as a means of disposal of a fly tipping offence instead of taking the matter to court. The amendment focuses on small scale fly tipping of up to 8 black bags. Commercial and hazardous waste would not afford this option and would be taken to prosecution. The measures have been taken to avoid small scale fly tippers from attending court.

Directorate Name of Head of Service: Ainsley Williams Report Author: Paul Morris	Designation Environmental Enforcement Manager	Tel No. 3764 E Mail Address: PMorris@sirgar.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:**Signed:**

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES/NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY
EXECUTIVE BOARD MEMBER FOR PUBLIC PROTECTION
12TH APRIL 2018

Amendment to Fly Tipping Enforcement - Fixed Penalty Ticket

Fly-tipping is the illegal dumping of waste on to land. It can pollute the environment, be harmful to human health and spoils our enjoyment of our towns and countryside.

To tackle fly-tipping across the county, Fixed Penalty Notices (FPNs) for small-scale fly-tipping offences can be issued by an authorised officer to those who commit this offence. This will enable the authority to provide a more proportionate response to low-level, high-volume offences and act as a deterrent to offenders.

The FPN fines for small-scale fly-tipping can range between £150 and £400. If no amount is specified by the waste collection authority, the amount of the fixed penalty is £200. Provision can be made by the waste collection authority for a discount for early payment of a fixed penalty.

The advantage of utilising this disposal of offence is to avoid costly legal processes.

Recommendation:-

Having reviewed the cost of removal of small scale fly tipping a proportionate amount of a fixed penalty would be £350 with an early payment in 10 days reduced to £180.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Ainsley Williams

Head of Waste and Environmental Services

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	YES	NONE	NONE	NONE

Legal

Enforcement Officers have existing powers and authorised under S33 of the Environmental Protection Act 1990.

This amendment under section 33z(b) enables the officers to issue fixed penalty tickets for the offence of fly tipping

Finance

Currently action through the courts results in fines and costs being awarded. Any fines issued are sent to the treasury and costs awarded are given back to the authority.

In the event of small scale fly tipping and a fixed penalty being issued the revenue is given back to the authority.

Any failure to pay the fixed penalty ticket will result in court proceedings and the outcome is as described above.

ICT

The back office systems are already in place to deal with other fixed penalty tickets and would require no change.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Ainsley Williams

Head of Waste and Environmental Services

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee – Not Applicable

2. Local Member(s) - Not Applicable

3. Community / Town Council – Not Applicable

4. Relevant Partners - Not Applicable

5. Staff Side Representatives and other Organisations – Not Applicable

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THERE ARE NONE