



EXECUTIVE MEMBER DECISION

REPORT OF: Executive Member for Environmental Services
Executive Member for Finance and Governance

LEAD OFFICERS: Director of Environment and Operations

DATE: 25th September 2020

PORTFOLIO/S AFFECTED: Environmental Services Finance and Governance

WARD/S AFFECTED: All

SUBJECT: Review of Waste Enforcement Fixed Penalty Notices

1. EXECUTIVE SUMMARY

The issuing of fixed penalty notices (FPN) for certain waste crime offences have been offered to alleged offenders for many years. Over the years, new legislation has been passed in order to give Local Authorities more powers to issue FPN's. Local Authorities do have the discretion to offer a reduced payment if received with 10 days of the issuing of the FPN before the amount reverts back to the maximum allowed. This report sets out proposals for removing the reduced amount for FPN payments and having a single payment amount regardless of time limits.

2. RECOMMENDATIONS

That the Executive Member:
Approves the removal of the reduced amount option for the payment of FPN's with immediate effect.

3. BACKGROUND

The issuing of fixed penalty notices (FPN) waste crime offences can be offered to alleged offenders. Over the years, new legislation has been passed in order to give Local Authorities more powers to issue FPN's. Local Authorities do have the discretion to offer a reduced FPN payment.

FPN's Offences

	Default Penalty	Min Full Penalty	Max Full Penalty	Min Discounted Penalty
Littering	£100	£65	£150	£50
Graffiti	£100	£65	£150	£50
Fly Posting	£100	£65	£150	£50
Dog Fouling			£100	£75
Unauthorised Distribution	£100	£65	£150	£50
Nuisance Parking	£100	£100	£100	£60
Abandoned Vehicles	£200	£200	£200	£120
Fly Tipping	£200	£150	£400	£120
Household DOC	£200	£150	£400	£120
Failure to produce Transfer Notes	£300	£300	£300	£180
Commercial Waste Receptacles	£100	£75	£110	£60
Failure to Show Waste Document	£200	£150	£400	£120
Failure to Comply CPN			£100	£60

Blackburn With Darwen Borough Council Current FPN charges

	Lesser Amount	Full Amount
Littering	£75	£75
Graffiti	£50	£75
Fly Posting	£50	£75
Dog Fouling	£75	£100
Unauthorised Distribution	Not Currently Issued	Not Currently Issued
Nuisance Parking	Not Currently Issued	Not Currently Issued
Abandoned Vehicles	£200	£200
Fly Tipping	£300	£400
Household DOC	£200	£200
Failure to produce Transfer Notes	£180	£300
Commercial Waste Receptacles	£60	£100
Failure to Comply CPN	£60	£100

Blackburn With Darwen Borough Council Proposed FPN charges

	One Amount
Littering	£75
Graffiti	£75
Fly Posting	£75
Dog Fouling	£100
Unauthorised Distribution	£150
Nuisance Parking	£100
Abandoned Vehicles	£200
Fly Tipping	£400
Household DOC	£200
Failure to produce Transfer Notes	£300
Commercial Waste Receptacles	£100
Failure to Comply CPN	£100

4. KEY ISSUES & RISKS

This is the first time alterations to fixed penalty notices have been proposed. This report sets out a single payment amount for each offence, this will negate any confusions over amounts and time scales. The outcomes will either be an increase in FP revenue for the Council or an increase in prosecutions for non-payment.

5. POLICY IMPLICATIONS

There are no policy implications to this change, it is at the Council's discretion whether or not to offer a FPN in order to discharge liability.

6. FINANCIAL IMPLICATIONS

We could see an increase in money generated for the Environment department through FPN payments.

7. LEGAL IMPLICATIONS

There is a possibility that the number of prosecutions being sent to legal if there is a failure to pay the FPN may increase, however it is not envisaged that any increase would be a significant one.

8. RESOURCE IMPLICATIONS

There are no resource implications, the new information will be highlighted on the Council web site.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Martin Eden
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DATE:	25 th September 2020
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BACKGROUND PAPER:	
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