

THURSDAY 21 JANUARY 2021

**REPORT OF THE PORTFOLIO HOLDER REGULATORY AND COMMUNITY SAFETY****FLY TIPPING FIXED PENALTY EARLY PAYMENT REVISION****EXEMPT INFORMATION**

N/A

**PURPOSE**

To seek agreement for increase to early payment option on the fixed penalty for fly tipping and review Environmental Crime Enforcement Policy

**RECOMMENDATIONS**

It is recommended that Members:

- Approve the early payment option for the fine payment for fly tipping is increased from £120 to £200 (recommended minimum level fine) to ensure that the use of fixed penalties for fly tipping remains an effective deterrent.
- Endorse revision of the Environmental Crime Enforcement Policy

**EXECUTIVE SUMMARY**

The approach of the Council to tackle environmental crime is outlined in the Environmental Crime Policy which is reviewed every three years with material changes endorsed by Cabinet

In 2018, the Council approved the option to issue a fixed penalty to persons witnessed fly tipping rubbish in Tamworth of £400 (the highest maximum level).

At the time, the early payment option of £120 was adopted for payment within 14 days to try and deter fly tipping in Tamworth.

Over the past three years, it has been noted that the early payment option is actually cheaper than the cost of a skip hire and therefore has been used by some perpetrators as an option not remove the rubbish in situ.

Payment of a fixed penalty negates the offence and as such the Council have, on occasion had to pay to remove the rubbish found which is not covered by fixed penalty payment or opt to then prosecute.

In order to ensure that the use of fixed penalties remains a deterrent for the public choosing to fly tip rubbish it is considered more effective to raise the limit of early payment options on the fine to ensure costs are covered.

There are no further material change to the policy after this review at this time.

## **OPTIONS CONSIDERED**

Not to change the level of fine resulting in financial loss to the Council and not effectively deterring fly tippers.

## **RESOURCE IMPLICATIONS**

The process is managed by the Partnership Support and Enforcement officer in conjunction with the Community Wardens who investigate fly tipping offences where evidence can be found.

There have been 11 FPNs issued since 2016.

Budgeted income levels for all environmental ASB is currently £1890 per year with income levels recorded dependent on witnessed activity. Levels have reduced during the Covid pandemic and subject to further review. Income from FPNs is used to offset service costs.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016  
Environmental Protection Act 1990 Part 2 Section 33 (1)(a): England

## **SUSTAINABILITY IMPLICATIONS**

Levels of fines are set by statute and income is monitored as part of budgetary process

## **BACKGROUND**

The Environmental Crime Policy outlines the approach the Council takes when dealing with environmental crime.

The Council have opted to consider the maximum amounts payable for offences in order to deter offenders.

The policy is due for review every three years or where there are major legislative changes.

## **REPORT AUTHOR**

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## **LIST OF BACKGROUND PAPERS**

N/A

## **APPENDICES**

Appendix 1 – Updated Environmental Crime Policy V4 Jan 2021