

Report of	Meeting	Date
Director of Early Intervention (Introduced by the Executive Member for Public Protection)	Executive Cabinet	30 June 2016

FIXED PENALTY NOTICES - FLY-TIPPING

PURPOSE OF REPORT

1. To agree authorisations and the level of fixed penalty charges arising from the new regulations; `The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 as part of an amendment (part 2, section 33ZA) to the Environmental Protection Act 1990.

RECOMMENDATION(S)

2. That the Deputy Chief Executive / Director (Early Intervention and Support) is given authority to implement the regulations and, in turn, provide authorisation to designated officers within the Council and PCSOs to issue Fixed Penalty Notices for fly-tipping.
3. That the fixed penalty should be set at £400 in Chorley Borough; but this will be reduced to £200 if paid in full within 10 days of the notice being issued.

EXECUTIVE SUMMARY

4. The report highlights new regulations that allow local authorities to issue fixed penalty notices for those caught fly-tipping.
5. There is flexibility for authorities to set the penalty between £120 and £400, with the national default being £200 if no local penalty is set. The recommendation is to set the Chorley Borough penalty at £400; but this will be reduced to £200 if the penalty is paid in full within 10 days of the notice being issued.
6. The report also makes recommendations that the Deputy Chief Executive / Director (Early Intervention & Support) is given authority to implement the regulations, including designating those who can issue fixed penalty notices.

BACKGROUND

7. There are large environmental, social and financial impacts associated with fly-tipping and the illegal dumping of waste, which can lead to a source of pollution, danger to public health and a hazard to wildlife in the area.
8. Local authorities are responsible for investigating and clearing small scale fly-tipping on public land. Larger scale fly-tipping (classed as a lorry load or more) is the responsibility of the Environment Agency.
9. There are typically 800 incidents of fly tipping in the borough per year and this costs Chorley Council £90,000 to clear and dispose the waste.

10. From May 2016, local authorities were given greater powers to tackle fly-tipping by issuing fixed penalty notices of between £120 and £400 to those caught in the act of fly-tipping anything from old fridges or sofas to garden waste or rubble.
11. If no local figure is agreed, the default penalty is £200. Following consultation with the Executive Member for Public Protection, it is recommended that the penalty in Chorley be £400; but this will be reduced to £200 if the penalty is paid in full within 10 days of the notice being issued.
12. Members should note that the issuing of a fixed penalty notice is only one tool available to the Council. If the fly tipping is of sufficient scale and/or harm and the issuing of a notice is not proportionate, then the Council can choose to pursue a prosecution through the Courts.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	Significant impact in environmental, social or physical terms in two or more wards	
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REASONS FOR RECOMMENDATION(S)
(If the recommendations are accepted)

13. The exercising of the new regulations will deter people from committing the act and financially punish offenders, so enabling some of our costs to be retrieved and change behaviours within the community.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

14. If no decision as to the amount is agreed then the legislation sets the default amount of fine at £200. This option was rejected

CORPORATE PRIORITIES

15. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	√	A strong local economy	
Clean, safe and healthy communities	√	An ambitious council that does more to meet the needs of residents and the local area	√

IMPLICATIONS OF REPORT

16. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	√	Customer Services	√
Human Resources		Equality and Diversity	
Legal	√	Integrated Impact Assessment required?	

No significant implications in this area		Policy and Communications	
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COMMENTS OF THE STATUTORY FINANCE OFFICER

17. Any income collected through fixed penalties will allow the Council to recover some of the cost of responding to illegal fly tipping.

COMMENTS OF THE MONITORING OFFICER

18. Recommended to approve the enforcement legislation and associated fixed penalty notices related to fly-tipping as above.

JAMIE CARSON
DEPUTY CHIEF EXECUTIVE / DIRECTOR (EARLY INTERVENTION AND SUPPORT)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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