

CABINET

**COUNCILLOR CHRISTINE GUINNESS
PRIDE IN PLACE / NEIGHBOURHOOD SERVICES
PORTFOLIO HOLDER**

22ND APRIL 2025

KEY DECISION? NO

REPORT NO. OS2507

FIXED PENALTY NOTICE FINES

SUMMARY AND RECOMMENDATIONS:

This report outlines background and current fines for the various fixed penalty notice offences where the level of fine is discretionary.

Cabinet is recommended to agree the proposed amendments to the fines to take effect on 1st May 2025.

1. INTRODUCTION

- 1.1. The purpose of this report is to seek the approval for the amendment of current fixed penalty notice fines from 1st May 2025.

2. BACKGROUND

- 2.1. In November the Cabinet agreed it's strategic priorities. One of these is Clean, Safe and Vibrant Neighbourhoods – working to reduce crime and anti-social behaviour, and to prevent the blight of fly-tipping. This is in recognition of the negative impact that these issues have on residents, visitors and the environment.
- 2.2. As part of achieving this priority, where there is evidence of offences of this nature being committed, the Council use the range of powers available to them to appropriately enforce. For certain offences, these powers include the ability to issue a fixed penalty notice (resulting in a fine), which are often used for a first known offence, where appropriate in the circumstances, and to encourage a change in behaviour.
- 2.3. A review of fixed penalty notice fines (where these are discretionary) has been carried out, and this report sets out the position.

3. DETAILS OF THE PROPOSAL

General

- 3.1. The table at Appendix 1 gives the current and proposed fixed penalty notice charges.
- 3.2. In order to ensure that enforcement action acts as a deterrent to committing the offences detailed and given the negative impact that offences of this nature have on the community and the area, the proposed fines are at the statutory maximum level, or the amount suggested in legislation. Reduced fees for early payment have been proposed at levels which are consistent based on the amount of the full fine suggested.
- 3.3. The table at Appendix 2 shows the current fines for neighbouring authorities.

Alternative Options

- 3.4. Members may set any of the fees at a lower level, however fines should be set at a level which deters the commission of the offence.

Consultation

- 3.5. There is no requirement for consultation in respect of the amended fines. The fines would apply only where there is suitable evidence that an offence has been committed, as an alternative to prosecution, where a fixed penalty offence is appropriate.

4. IMPLICATIONS (of proposed course of action)

Risks

- 4.1. Where the proposed fines are higher than the current fine, there is a risk that less people will make payment, and therefore more cases progress to court for prosecution, however we cannot demonstrate whether this would be the case, without raising the fines and seeing whether there is any impact.

Legal Implications

- 4.2. The Council is obliged to work within the relevant legislation and all proposed fines are in accordance with the legislation.

Financial Implications

- 4.3. The purpose of issuing fixed penalty notices is not income generation. There is no way of identifying the number of fixed penalty notices that will be issued, or whether offenders will make payment, or cases will progress to prosecution, however the proposed fines are all either an increase or remaining at the same level, therefore the likely outcome would be an increase in income if issue and

payment levels remain at a similar level to the previous year. The number of fixed penalty notices issued in the financial year 24 / 25 is given at Appendix 1.

Resource Implications

- 4.4 There is no change in process, therefore there are no resource implications associated with this report.

Equalities Impact Implications

- 4.5 Fixed penalty notices are issued where there is evidence that an offence has been committed, and it is deemed the appropriate outcome in any specific case. Each case is considered based on the specific circumstances and evidence, therefore any equalities act implications would be considered as part of determining the appropriate outcome.

Community Safety Implications

- 4.6 There are no community safety implications associated with this report.

5 CONCLUSIONS

- 5.1 Discretionary fixed penalty notice fines have been reviewed taking account of the statutory maximum amount that can be applied. Cabinet are recommended to implement the proposed fines with effect from 1st May 2025.

LIST OF APPENDICES/ANNEXES:

Appendix 1 – Current and proposed charges

Appendix 2 – Neighbouring Authorities charges

BACKGROUND DOCUMENTS:

None

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APPENDIX 1

CURRENT & PROPOSED FINES

Offence	Current Fine		Proposed Fine		No. issued in 24/25
	If paid within 10 days	Full penalty within 14 days	If paid within 10 days	Full penalty within 14 days	
Depositing Litter (inc. cigarette butts, chewing gum & spitting) <i>(S.87/88 Environmental Protection Act 1990)</i>	N/A	£75	£75	£100	0
Household Waste – Duty of Care <i>(S.34(2A) Environmental Protection Act 1990)</i>	£200	£400	£300	£600	21
Abandoning a Vehicle <i>S.2A(1) Refuse Disposal (Amenity) Act 1978</i>	£120	£200	£120	£200	5
Graffiti <i>S.43 Anti-social Behaviour Act 2003. Criminal Damage Act 1971 Section 1(1) or Highways Act 1980 Section 131(2) or 132(1)</i>	£50	£75	£75	£100	0
Fly-Posting <i>S.43 Anti-social Behaviour Act Town & Country Planning Act 1990 section 224(3)</i>	£50	£75	£75	£100	0
Offences in Relation to Waste Receptacles <i>s.46/47/47Z/47ZA Environmental Protection Act 1990</i>	£60	£80	£75	£100	0
Failure to Produce Authority to Transport Controlled Waste <i>S.5/5(2) Control of Pollution (Amendment) Act 1989</i>	£180	£300	£180	£300	0
Nuisance Parking (Sale and Repair) <i>S.3/4/6 Clean Neighbourhoods & Environment Act 2005</i>	£60	£100	£75	£100	0
Failure to Produce Waste Carrier's Licence <i>S.34A(2) Environmental Protection Act 1990</i>	£180	£300	£180	£300	0
Failure to Comply with Community Protection Notice	£60	£100	£75	£100	1

<i>S.52(1) Anti-social Behaviour Crime & Policing Act 2014</i>					
Fly-tipping (waste deposit) <i>S.33(1)(A) Environmental Protection Act 1990</i>	£200	£400	£500	£1000	17

APPENDIX 2

NEIGHBOURING AUTHORITY FINES

OFFENCE	Local Authority	IF PAID WITHIN 10 DAYS OF ISSUE	FULL PENALTY WITHIN 14 DAYS OF ISSUE
DEPOSITING LITTER (includes cigarette butts, chewing gum and spitting) <i>S.87/88 Environmental Protection Act 1990</i>			
	Hart	N/A	£100
	Basingstoke	£50	£75
	Waverley	£75	£100
	Havant	N/A	£80 within 28 days
	Wokingham	N/A	£80
	Guildford	N/A	£400
HOUSEHOLD WASTE – DUTY OF CARE <i>S.34(2A) Environmental Protection Act 1990</i>			
	Hart	N/A	£400
	Basingstoke	£250	£400
	Waverley	£120	£200
	Havant	N/A	£400
	Wokingham	N/A	N/A
	Guildford	N/A	£300
ABANDONING A VEHICLE <i>S.2A(1) Refuse Disposal (Amenity) Act 1978</i>			
	Hart	N/A	N/A
	Basingstoke	N/A	N/A
	Waverley	£120	£200
	Havant	N/A	£200
	Wokingham	N/A	£200
	Guildford	N/A	£200

GRAFFITI <i>S.43 Anti-social Behaviour Act 2003. Criminal Damage Act 1971 Section 1(1) or Highways Act 1980 Section 131(2) or 132(1)</i>			
	Hart	N/A	N/A
	Basingstoke	N/A	N/A
	Waverley	£50	£75
	Havant	N/A	N/A
	Wokingham	N/A	£100
	Guildford	N/A	£150
FLY-POSTING <i>S.43 Anti-social Behaviour Act Town & Country Planning Act 1990 section 224(3)</i>			
	Hart	N/A	N/A
	Basingstoke	£50	£75
	Waverly	£50	£75
	Havant	N/A	£100
	Wokingham	N/A	£100
	Guildford	N/A	£150
OFFENCES IN RELATION TO WASTE RECEPTACLES <i>s.46/47/47Z/47ZA Environmental Protection Act 1990</i>			
	Hart	N/A	N/A
	Basingstoke	£60	£100
	Waverley	N/A	N/A
	Havant	N/A	N/A
	Guildford	N/A	£80

FAILURE TO PRODUCE AUTHORITY TO TRANSPORT CONTROLLED WASTE <i>S.5/5(2) Control of Pollution (Amendment) Act 1989</i>	Rushmoor	£180	£300
	Hart	N/A	N/A
	Basingstoke	£180	£300
	Waverley	£180	£300
	Havant	N/A	N/A
	Wokingham	N/A	£300
	Guildford	N/A	£300
NUISANCE PARKING (SALE AND REPAIR) <i>S.3/4/6 Clean Neighbourhoods & Environment Act 2005</i>	Rushmoor	£60	£100
	Hart	N/A	N/A
	Basingstoke	N/A	N/A
	Waverley	£60	£100
	Havant	N/A	N/A
	Wokingham	N/A	N/A
	Guildford	N/A	£100
FAILURE TO PRODUCE WASTE CARRIER'S LICENCE <i>S.34A(2) Environmental Protection Act 1990</i>	Rushmoor	£180	£300
	Hart	N/A	N/A
	Basingstoke	£180	£300
	Waverley	£200	£300
	Havant	N/A	N/A
	Wokingham	N/A	£300
	Guildford	N/A	N/A

FAILURE TO COMPLY WITH COMMUNITY PROTECTION NOTICE <i>S.52(1) Anti-social Behaviour Crime & Policing Act 2014</i>			
	Hart	N/A	N/A
	Basingstoke	£75	£100
	Waverley	£75	£100
	Havant	N/A	N/A
	Guildford	N/A	£100
FLY-TIPPING (WASTE DEPOSIT) <i>S.33(1)(A) Environmental Protection Act 1990</i>			
	Hart	N/A	£400
	Basingstoke	£250	£400
	Waverley	£300	£400
	Havant	N/A	£400
	Wokingham	N/A	£400
	Guildford	N/A	£400