

**TELFORD & WREKIN COUNCIL**

**REPORT AND DECISION NOTICE OF OFFICER KEY  
DECISION TAKEN ON FRIDAY, 20 JULY, 2018**

**PUBLISHED ON THURSDAY, 26 JULY 2018**

**DEADLINE FOR CALL-IN TUESDAY, 31 JULY 2018**

**AMENDMENT OF FIXED PENALTY FINES IN RESPECT OF ENVIRONMENTAL  
ENFORCEMENT AND ANTI-SOCIAL BEHAVIOUR**

This **Key Decision** was taken by Angie Astley, Assistant Director: Customer and Neighbourhood Services, under Delegated Powers in compliance with the provisions of the Council's Constitution.

The **Key Decision** related to the following item for which Notice was given on 18<sup>th</sup> June 2018.

**The Key Decision results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates.**

**INFORMATION**

The Littering From Vehicles Outside London (Keepers: Civic Penalties) Regulations 2018 came into force on 1 April 2018. This legislation allows for a Fixed Penalty Notice to be issued to the owner of a vehicle from which litter is thrown, if there was reason to believe that a littering offence has been committed from the vehicle. The delegated powers had now become a civic penalty and, as such, the issuing of a Fixed Penalty Notice would become a Penalty Charge Notice, with an appeal process both internal and independent of the Council in place within the Council's Enforcement Policy. The default penalty amount of £100 had been aligned with the amount for the offence of littering under s.87 of the Environmental Protection Act 1990, as had the range of penalty amounts (£65 to £150).

The legislation would enable officers to issue a Penalty Charge Notice on the registered keeper of the vehicle to the amount of £150, with an early repayment fine of £80. If payment was not met, recovery would be through the civil process.

The Fixed Penalty Notice fines had also increased for graffiti, fly-posting and the unauthorised distribution of free literature on designated land, with the default penalty of £100, minimum penalty of £50 and the maximum penalty of £150.

The legislation would enable officers to issue Fixed Penalty Notice fines of £150 for both graffiti and fly posting offences with an early repayment fine of £80, as well as prosecution of offenders for non-payment of the Fixed Penalty Notice.

The decision introduced a Penalty Charge Notice for littering from vehicles and amended the Fixed Penalty Notice fines, in line with the new legislation and amended legislation, which was a key responsibility of the Community Safety, Cohesion and Environmental Enforcement Team.

**DECISION** – That the Assistant Director: Customer and Neighbourhood Services acknowledges the new legislation and approves the increase in the level of fine for littering, graffiti and fly posting offences as set out at Appendix 2 of the report in accordance with the authority granted to Chief Officers in the Constitution of the Council.

**Further Information/Contact** – Paul Fenn, Community Safety, Cohesion & Environmental Enforcement Group Manager; Tel: 01952 382107

Signed:

**Jonathan Eatough**  
**Assistant Director: Governance, Procurement & Commissioning**  
**Dated: 26 July 2018**