



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET - 4 APRIL 2024
Subject	FIXED PENALTY NOTICE POLICY
Wards affected	All
Accountable member	Councillor Juliet Layton – Cabinet Member for Planning and Regulatory Services Email: juliet.layton@cotswold.gov.uk
Accountable officer	Jon Dearing - Assistant Director for Resident Services Email: democratic@cotswold.gov.uk
Report author	Mandy Fathers – Business Manager - Environmental, Welfare & Revenue Service Email: democratic@cotswold.gov.uk
Summary/Purpose	To consider a new policy for the administration of Fixed Penalty Notices
Annexes	Annex A – Fixed Penalty Notice Policy Annex B – Equality Impact Assessment
Recommendation(s)	That Cabinet resolves to: I. Approve the Fixed Penalty Notice Policy
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Chief Executive, Chief Finance Officer, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica)



1. EXECUTIVE SUMMARY

- 1.1** This report sets out to introduce a new policy for the effective use and administration of fixed penalty notices in respect of environmental crime offences.

2. BACKGROUND

- 2.1** The Environmental Protection Act 1990 provides that local authorities can issue a Fixed Penalty Notice (FPN) to a person believed to have committed specified environmental offences.
- 2.2** Fixed penalties can be an effective and visible way of responding to environmental crimes and provide a quicker and proportionate alternative to prosecution through the courts. They allow the person believed to have committed an offence the opportunity to discharge their liability to conviction for that offence by the payment of a fixed penalty.

3. MAIN POINTS

- 3.1** The Council deals with a range of offences, several of which can be dealt with by way of an FPN. A FPN can be served on an individual or business for an offence.
- 3.2** It offers the recipient the opportunity to pay a penalty rather than being taken to court and prosecuted. By paying the FPN the recipient discharges their liability to conviction for the offence for which the FPN was issued.
- 3.3** This Policy is designed to inform members of the public what they can expect from the Council in terms of how it serves Fixed Penalty Notices. It also sets out how we will respond to appeals and makes it clear when the Council will issue FPNs in terms of offence.
- 3.4** The policy covers the following environmental crime offences:
- Duty of Care
 - Failure to produce a Waste Transfer Note or Duty of Care Certificate
 - Fly Tipping
 - Littering
 - Dog Fouling
 - Abandoned vehicles
 - Fly Posting
 - Commercial waste receptacle offences



4. ALTERNATIVE OPTIONS

- 4.1** The Council could decide not to implement the Fixed Penalty Notice policy; however this may lead to inconsistencies within the application of such fines.

5. FINANCIAL IMPLICATIONS

- 5.1** It is not intended that the FPN regime acts as an additional source of income for the authority and use of the receipts of FPNs is set out in legislation.
- 5.2** In general, as the success of any FPN is advertised, the public should become more compliant and fewer offences should be committed and less money will be received.
- 5.3** Any income will be used to offset costs associated with issuing the fixed penalty notices which will be met from existing budgets, as well as environmental campaigns to increase education and compliance.

6. LEGAL IMPLICATIONS

- 6.1** The offences for which a fixed penalty notice can be issued are set out in various Acts and the enforcement procedures and processes will need to comply with the relevant legislation.
- 6.2** In addition to the legislation relating to the offences, there are other areas of legislation that will also need to be considered and complied with, these include but are not limited to the Human Rights Act 1998 and the Police and Criminal Evidence Act 1984 in connection with the investigation of offences.

7. RISK ASSESSMENT

- 7.1** There are none associated with this report.

8. EQUALITIES IMPACT

- 8.1** An equality impact assessment has been completed.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1** Effective and visible enforcement is key to tackling environmental crime and supporting council priorities. Reducing environmental crime will enhance the local district and reduce land contamination.

10. BACKGROUND PAPERS

- 11.1** None

(END)