

# FEES AND CHARGES REPORT

## APPENDIX 7 – FIXED PENALTY NOTICES

### 1. Service Description

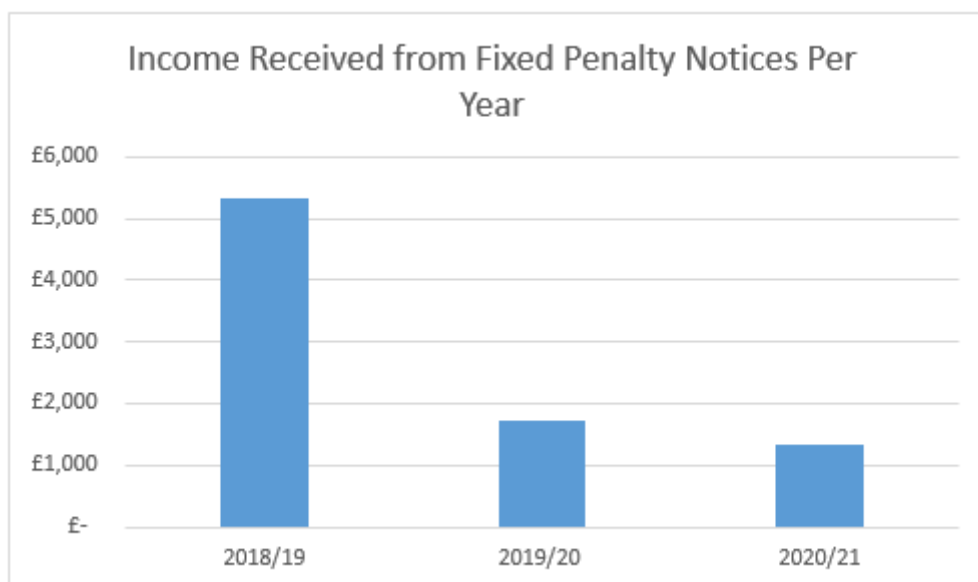
Fixed Penalty Notices (FPNs) are used to tackle specific problems associated with enviro- crime and anti-social behaviour. These charges are in the main set by statute and where appropriate set locally by the Council.

These charges are levied at a rate relevant to the specific incident and are used as an immediate deterrent to reduce the number of incidents in specific areas.

The vast majority of the fees are statutory and set by central government with a range between minimum and maximum full penalties.

### 2. Prior years analysis, current financial year projections

The graph below illustrates the levels of income achieved in previous financial years. As you can see this is a low volume/income service with the majority of charges being statutory. Any variations in fees within our control would not generate a material surplus/deficit within this area.



### 3. COVID Impact

A large proportion of the fixed penalty notices that would usually be issued ceased during the initial lockdown. This reduction continued even when restrictions were

eased as officers were redeployed to focus on Covid related matters. Progress has been made to issue a number of fly tipping related FPNs, however work in relation to early presentation of waste has been scaled back accordingly. As a result the overall income expected for this year is likely to be reduced.

The Council will continue to utilise the £400 fixed penalty for fly-tipping offences as it is deemed more cost effective than the issuing of court proceedings for low-level offences.

#### 4. Pricing

The maximum charge allowed, as set by Government, for failure to comply with a waste receptacles notice has been increased to the maximum penalty of £100. The penalty for dropping litter has also been increased to £100.

#### 5. Understanding Customers and Markets

The approach taken in regards to enviro-crime specifically is currently under review and with it the use of Fixed Penalty Notices for enforcement. During 2018/2019, the Council enhanced its use of fixed penalty notices mainly in relation to the early presentation of waste with the Councils bagged collection areas.

#### 6. Proposed Charging

The charging schedule sets out where fees are set by statute and where fees are set by the Council. It is proposed that the fees set by the Council remain largely the same as post analysis they are deemed to cover the costs that are incurred within the service.

Statutory charges will be applied in accordance with legislation.

One non-statutory fees increase relates to High Hedge complaints. Currently the fees is set at £325. A cost recovery exercise has taken place and a more appropriate fee would be £595. Current benchmarking suggests this increase is in line with what other Authorities charge.

#### 7. Impact on Medium Term Financial Plan (MTFP)

	2022/23 (£)	2023/24 (£)	2024/25 (£)	2025/26 (£)	2026/27 (£)
Current Budget in MTFP	(2,200)	(2,200)	(2,200)	(2,200)	(2,200)
Proposed Budget - EPA Litter Fines	(1,500)	(1,500)	(1,500)	(1,500)	(1,500)
Proposed Budget - Other Income	(1,200)	(1,200)	(1,200)	(1,200)	(1,200)
Impact on MTFP 2022/23 Pressure/ (Saving)	(500)	(500)	(500)	(500)	(500)

## **8. Recommendation**

Members are requested to recommend to Council the charges for 2022/2023 as set out in the schedule below.

## Prosperous Communities Committee

## Fixed Penalty Notices

		2021/22	Proposed Increase / (Decrease)		2022/23	VAT Amount	2022/23 Charge Inc. VAT	VAT Rate
		£	%	£	£	£	£	
Depositing Litter	Fee set by Government - payable within 14 days of issue	£75.00	33.3%	£25.00	£100.00	£0.00	£100.00	OS
	Fee set by Government - discounted if paid within 10 days	£50.00	50.0%	£25.00	£75.00	£0.00	£75.00	OS
Failure to produce Waste Documents	Fee set by Government - payable within 14 days of issue	£300.00	0.0%	£0.00	£300.00	£0.00	£300.00	OS
Failure to produce Authority to Transport Waste	Fee set by Government - payable within 14 days of issue	£300.00	0.0%	£0.00	£300.00	£0.00	£300.00	OS
Unauthorised Distribution of Free Printed Matter	Fee set by Government - payable within 14 days of issue	£75.00	0.0%	£0.00	£75.00	£0.00	£75.00	OS
Failure to comply with a Domestic Waste Receptacles Notice	Fee set by Government - payable within 14 days of issue	£100.00	0.0%	£0.00	£100.00	£0.00	£100.00	OS
	Fee set by Government - discounted if paid within 10 days	£75.00	0.0%	£0.00	£75.00	£0.00	£75.00	OS
Failure to comply with an Industrial and Commercial Waste Receptacles Notice	Fee set by Government - payable within 14 days of issue	£100.00	0.0%	£0.00	£100.00	£0.00	£100.00	OS
	Fee set by Government - discounted if paid within 10 days	£75.00	0.0%	£0.00	£75.00	£0.00	£75.00	OS
Abandoning a Vehicle	Fee set by Government - payable within 14 days of issue	£200.00	0.0%	£0.00	£200.00	£0.00	£200.00	OS
Nuisance Parking	Fee set by Government - payable within 14 days of issue	£100.00	0.0%	£0.00	£100.00	£0.00	£100.00	OS
Anti Social Behaviour Crime and Policing Act 2014 - Community Protection Notice	Fee set by Government - payable within 14 days of issue	£103.00	-2.9%	£-3.00	£100.00	£0.00	£100.00	OS
	Fee set by Government - discounted if paid within 10 days	£75.00	0.0%	£0.00	£75.00	£0.00	£75.00	OS
Anti Social Behaviour Crime and Policing Act 2014 - Public Space Protection Order	Fee set by Government - payable within 14 days of issue	£103.00	-2.9%	£-3.00	£100.00	£0.00	£100.00	OS
	Fee set by Government - discounted if paid within 10 days	£75.00	0.0%	£0.00	£75.00	£0.00	£75.00	OS
Flytipping	Fee set by Government - payable within 14 days of issue	£400.00	0.0%	£0.00	£400.00	£0.00	£400.00	OS
High Hedge Fee	Fee set locally	£325.00	83.1%	£270.00	£595.00	£0.00	£595.00	OS
Fee for abandoned shopping trolleys	Fee set locally (maximum charge)	£103.00	-2.9%	£-3.00	£100.00	£0.00	£100.00	OS