

To: City Executive Board
Date: 15 September 2016
Report of: Head of Community Services
Title of Report: Fixed Penalty Notices for fly-tipping

Summary and recommendations	
Purpose of report:	To adopt the powers to issue fixed penalty notices for fly-tipping in Oxford and set the fine levels.
Key decision:	Yes
Executive Board Member:	Cllr Dee Sinclair, Community Safety
Corporate Priority:	Strong and Active Communities, A Clean and Green Oxford
Policy Framework:	Corporate Enforcement Policy
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Adopt the power to issue fixed penalty notices for fly-tipping offences under the Deposit of Waste (Fixed Penalties) Regulations 2016 and section 33ZA of The Environmental Protection Act 1990;. 2. Delegate to the Head of Community Services the power to authorise officers to issue Fixed Penalty Notices 3. Approve the amount of the Fixed Penalty Notice for fly-tipping at £400 and the lesser amount of £200 if paid within 10 working days and include these items in the Council's Fees and Charges. 	

Appendices	
Appendix 1	Risk Register

Introduction and background

1. As of 9 May 2016 Local Authorities were given additional powers to tackle environmental crime by issuing fixed penalty notices for fly-tipping. The Unauthorised Deposit of Waste (Fixed Penalties) Regulations has amended the provisions of section 33 of The Environmental Protection Act 1990 to allow for the imposition of fixed penalty notices (FPNs).

2. FPNs provide a quicker and proportionate alternative to prosecuting fly-tippers through the courts although in serious cases or in cases where the recipient of an FPN fails to pay the penalty, prosecution remains an option.

Delegated officers

3. The Community Response Team, working closely with Direct Services, Green Space Team and Legal Services, will lead on the investigation of fly-tipping offences. The Council is required to authorise staff to issue FPNs to fly-tipping offenders. Only authorised staff will be able to issue FPNs.

Financial implications

4. The legislation provides that the Council can set the FPN level at an amount between £150 and £400. The legislation also allows for a reduction in the FPN amount as an incentive for early payment. The Council is allowed to retain the receipts from FPN payments.
5. To reflect the seriousness with which the City Council takes this type of environmental crime, the maximum possible fine under the new legislation, £400, is recommended. A reduction for early payment within 10 working days is also recommended, as set out in the table below.
6. Funds raised from penalty notices are used to support the investigation of environmental offences.

Fixed penalty	£400
Early payment within 10 working days	£200

Legal issues

7. Investigations and prosecutions for fly-tipping offences will be conducted in accordance with the Corporate Enforcement Policy.

Equalities impact

8. Equalities Impact Assessment is not necessary as this does not impact on the protected characteristics under the Equalities Act 2010.

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