

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

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meeting date:  
 title: ENVIRONMENTAL HEALTH DEPARTMENT – FPN FINES  
 submitted by: CHIEF EXECUTIVE  
 principal author: ANDREW DENT – HEAD OF ENVIRONMENTAL HEALTH

### 1 PURPOSE

- 1.1 To seek approval from committee on the new proposal of setting fine levels for fixed penalty notices within the environmental health department.
- 1.2 Relevance to the Council's ambitions and priorities:
- To continue with our approach of zero tolerance of dog fouling, litter and fly tipping.
  - Corporate Priorities - To ensure a well-managed Council providing efficient services based on identified customer needs.

### 2 BACKGROUND

- 2.1 Certain officers within the environmental health department at Ribble Valley Borough are authorised to issue fixed penalty notices (FPNs) for certain offences such a dog fouling, fly tipping, waste duty of care failings, breaching a community protection notice etc.
- 2.2 Legislation stipulates both the maximum and minimum fines that can be issued for such offences. It is at the discretion of the local authority as to whether they offer an early payment reduction to incentivise a prompt payment to prevent the need for further litigation.
- 2.3 The majority of Councils tend to offer a reduced fee for early payments of FPNs.

### 3 CURRENT POSITION

- 3.1 There is currently no standard approach adopted for setting fine levels within the environmental health department.
- 3.2 Some fines are set to the statutory maximum level with no reduction for early payment; a lot of fines are set to the statutory maximum level but offer a discount to the statutory minimum for early payment.
- 3.3 An example of some of the current fines and the early payment reductions are shown in the table below:

Offence	FPN Amount	FPN Early Payment Reduction
Littering	£150	None
Fly Tipping	£400	£120
Waste Duty of Care	£300	£180
Breach of CPN	£100	£75

3.4 The current system creates disproportionality. For example, it can be seen that a person guilty of littering i.e throwing a cigarette butt onto the ground and leaving this, will be given a FPN of £150, with no option of early payment. A person found guilty of fly tipping i.e depositing black bags of waste, a settee, a mattress into a layby can be given an FPN of £300 reduced to £120 for early payment.

#### 4 PROPOSITION

4.1 **The proposal going forward is to set all FPNs issued by the environmental health department at the maximum level allowed on the date of being issued. If payment is made within 14 days, the fine will be reduced by a quarter (rounded to the nearest pound).**

4.2 An example of how the new standardised approach would look is demonstrated in the table below:

Offence	FPN Amount	FPN Early Payment Reduction (within 14 days)
Littering	£150	£112
Fly Tipping	£400	£300
Waste Duty of Care	£300	£225
Breach of CPN	£100	£75

4.3 The new standardised approach will create consistency, proportionality and prevent the need to keep returning to committee to agree FPN amounts when new legislation is introduced or where changes are made to existing legislation.

#### 6 RISK ASSESSMENT

6.1 The approval of this report may have the following implications:

- Resources – No implications envisaged.
- Technical, Environmental and Legal – No implications envisaged.
- Political – No implications envisaged.
- Reputation – No implications envisaged.
- Equality & Diversity – No implications envisaged.

**7 RECOMMENDED THAT COMMITTEE**

- 7.1 Approve the proposal to set all FPNs issued by the environmental health department to the maximum level allowed at the time of being issued.
- 7.2 Approve the proposal that where an FPN payment is made within 14 days, the fine is to be reduced by a quarter (rounded to the nearest pound).



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For further information please ask for Andrew Dent, extension 4470.

REF: Author/typist/committee/date