

Explanatory Note

Various pieces of legislation set out the basis for fixed penalties aimed at protecting the environment such as litter and fly tipping.

The legislation is written in such a way as to allow the local authority to either set a penalty fee or if they determine not to set such a fee then the default fee in the legislation would apply.

In order that the default fee would apply the Council needs to determine that it is not going to set its own penalty fee. That decision is the one set out in the Delegated Officers decision to which this note relates. The authority to make this decision is set out in Article 3.15 of the Councils Constitution.

This decision would in effect mean that the following fixed penalties would come into being when the decision takes effect:

Description of offence	Act	Amount of penalty if paid within 10 days	Default Amount	Maximum penalty on conviction	Use of receipts
Failure to comply with a street litter control notice	Section 94/94A - Environmental Protection Act 1990	£60	£100	£2,500	s. 96 CNEA
Failure to comply with a litter clearing notice	Section 92C/94A - Environmental Protection Act 1990	£60	£100	£2,500	s. 96 CNEA
Failure to produce waste documents	Section 34(5) and Regulations made under it/34(6)/34A - Environmental Protection Act 1990	£180	£300	£5000 (or, on indictment, an unlimited fine)	s. 73A
Failure to produce authority to transport waste	Section 5/5B - Control of Pollution (Amendment) Act 1989	£180	£300	£5,000	s. 5C
Failure to comply with a waste receptacles notice	Section 46/47/47ZA/47ZB -Environmental Protection Act 1990	£60	£100	£1,000	s. 73A
Depositing litter	Section 87/88 -Environmental Protection Act 1990	£50	£75	£2,500	s. 96 & 97 CNEA