

LONDON BOROUGH OF BROMLEY

STATEMENT OF EXECUTIVE DECISION

The Portfolio Holder for the Environment, Councillor Colin Smith, has made the following executive decision:

ADOPTION OF FIXED PENALTY NOTICES FOR FLY-TIPPING OFFENCES

Reference Report (ES16050):

Adoption of Fixed Penalty Notices for fly tipping offences

Decision:

(1) The introduction of Fixed Penalty Notices (FPNs) for fly-tipping offences within the borough is approved.

(2) The level of penalty per penalty notice is to be set at £400 without a discount for early payment.

(3) The Executive Director of Environment and Community Services is delegated to authorise appropriate officers to issue Fixed Penalty Notices (FPNs), under section 33ZA of the Environmental Protection Act 1990 (EPA), to persons whom the officer has reason to believe has committed a small scale fly-tipping offence.

Reasons:

Regulations introduced on 9th May 2016 grant Local Authorities power to issue fixed penalty notices (FPNs) for contraventions of section 33 (1)(a) of the *Environmental Protection Act 1990 (EPA)* concerning fly-tipping, so providing an alternative sanction to prosecution.

This decision introduces FPNs for fly-tipping offences in L B Bromley setting a level of penalty at £400 with no early payment discount. The penalty notices are appropriate for small scale fly-tipping rather than larger scale deposits by unscrupulous operators in waste management, repeat offenders, those responsible for large-scale fly-tipping, or for the fly-tipping of hazardous waste.

Local Authorities are permitted to set their own penalty levels within limits set by Government. To provide the greatest deterrent, the maximum level of fine at £400, with no early-payment discount, is appropriate for L B Bromley and it is hoped this will lead to a decrease in the number of small scale fly-tipping incidents. Failure to pay a Penalty Notice within 14 days will lead to cases being referred to the Council's Legal team.

In accordance with the legislation, income from FPN's will be spent on functions related to litter, dog fouling, and cleansing rather than a means of generating income for other uses.

The proposed decision was scrutinised by the Environment PDS Committee on 8th November 2016 and the Committee supported the proposal.

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Councillor Colin Smith
Portfolio Holder for Environment

Mark Bowen
Director of Corporate Services
Bromley Civic Centre
Stockwell Close
Bromley BR1 3UH

Date of Decision: 24 November 2016

Implementation Date (subject to call-in): 1 December 2016

Decision Reference: ENV16019