

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory/	Be entirely within Cabinet's powers to decide	YES	
	Operational	Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: Cllr Devereux E-mail: cllr.ian.Devereux@West-Norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Mark Whitmore E-mail: mark.whitmore@west-norfolk.gov.uk Direct Dial: 01553 616654		Other Officers consulted: John Greenhalgh, Environmental Health Manager, Community Safety		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 23 May 2017

### ENVIRONMENTAL PROTECTION ACT 1990 S33ZA – FIXED PENALTY NOTICES

#### Summary

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 created a new provision section 33ZA to allow local authorities to offer a fixed penalty notice to offenders in relation to offences under Section 33(1)(a) – the unauthorised deposit of waste.

This report seeks approval for the level of fine that will be offered.

#### Recommendation

That Cabinet approves the level of fine at £200 reduced to £150 if paid within 10 days.

#### Reason for Decision

To allow the Council to deal with minor incidents of fly tipping where there is no or low culpability and low level of harm to the environment or human health.

## **1. Background**

In 2016 the Government introduced new powers under The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 to allow local authorities to offer fixed penalty notices for offences under section 33(1)(a) of the Environmental Protection 1990, which relate to the unauthorised deposit of waste (fly tipping). The purpose of this amendment is to provide local authorities with a more efficient and proportionate response to small-scale fly-tipping of waste.

The power to issue fixed penalty notices does not need to be adopted, however there is leeway to set fine levels locally within a range of not less than £150 and not more than £400 and it is this which Cabinet are being asked to decide.

## **2. Options Considered**

To ensure consistency across Norfolk an appropriate level of fine was discussed by officers at the Norfolk Waste Enforcement Group. The following options were considered:

- a) Not using the powers
- b) Using the default levels of fine set at £200.
- c) Setting the fine at £250 reduced to £150 if paid within 10 days
- d) Setting the fine at £200 reduced to £150 if paid within 10 days

The use of the fixed penalty notices provides a useful tool for allowing the council to deal with small-scale and cases, where there is a low level of capability and the harm to environment is minimal. Given this it was considered that the option D provided the most appropriate level of fine for the scale of offence likely to be dealt with by means of a fixed penalty notice.

## **3. Financial Implications**

None other than the need to record the level of fine in the fees and charges set by the Council

## **4. Statutory Considerations**

None

## **5. Risk Management Implications**

None

## **6. Background Papers**

None