
Report To: Education & Communities Committee **Date:** 11 March 2014

Report By: Acting Corporate Director Environment, Regeneration & Resources **Report No:** RMcG/LA/1144/14

Contact Officer: Rona McGhee **Contact No:** 01475 712113

Subject: Litter and Fly Tipping Fixed Penalties - Remit from Environment & Regeneration Committee

1.0 PURPOSE

1.1 The purpose of this report is to request the Committee to consider a remit from the Environment & Regeneration Committee.

2.0 SUMMARY

2.1 The Environment & Regeneration Committee on 6 March 2014 considered a report by the Acting Corporate Director Environment, Regeneration & Resources advising of the change in fixed penalty notices in respect of litter and fly tipping.

2.2 A copy of the report submitted to the Environment & Regeneration Committee is attached as Appendix 1. This provides background information together with details of the proposals and the implications of the recommendations.

2.3 The Environment & Regeneration Committee decided:-

- (1) that the increased level of fines for littering and fly tipping be noted;
- (2) that it be remitted to the Head of Environmental & Commercial Services to support the national publicity campaign at a local level; and
- (3) that the report be remitted to the Education & Communities Committee for its interest, together with additional information relating to the number of fixed penalty notices issued in Inverclyde and the methods used to catch those who litter and/or fly tip.

3.0 ADDITIONAL INFORMATION

3.1 With regard to littering, Safer Communities Assistant Enforcement Officers are authorised to issue fixed penalty notices and the Head of Safer & Inclusive Communities advises that, in 2012-13, 49 fixed penalty notices were issued. Regular patrols of larger areas and parks are carried out together with monitoring in response to complaints.

3.2 No fixed penalty notices in respect of fly tipping were issued in 2012-13. A fixed penalty notice may be issued if two Inverclyde Council Officers witness fly tipping, or if there is an independent witness, or if such an incident is captured on CCTV. This is on the advice of the Procurator Fiscal.

4.0 RECOMMENDATION

- 4.1 The Committee is asked to consider the remit from the Environment & Regeneration Committee.

Rona McGhee
Legal & Democratic Services

Report To:	Environment and Regeneration Committee	Date:	6 March 2014
Report By:	Acting Corporate Director Environment, Regeneration and Resources	Report No:	ERC/ENV/IM/13.184
Contact Officer:	Kenny Lang	Contact No:	01475 715906
Subject:	Litter and Fly Tipping Fixed Penalties		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise Committee of the change in fixed penalty notices in respect of litter and fly tipping.

2.0 SUMMARY

- 2.1 The Scottish Government have written to all Scottish Local Authorities to advise new levels of litter and fly tipping fixed penalties. Appendix 1
- 2.2 As of 1st April 2014 the current £50 Fixed Penalty notice will increase from £50 to £80 for litter and to £200 for fly tipping. Based on current Fixed Penalty levels this could result in a further £1,500 income a year. This income is within the Safer Communities budget.
- 2.3 The Scottish Government will make a communications toolkit available to all Local Authorities through Zero Waste Scotland. This will be backed up by a national campaign in May 2014.

3.0 RECOMMENDATIONS

- 3.1 That the Committee note this report in respect of the increased level of fines for littering and fly tipping.
- 3.2 That the Committee remit to the Head of Environmental and Commercial services to support the national publicity campaign at a local level.

Alan Puckrin
Acting Corporate Director
Environment, Regeneration & Resources

4.0 BAC KGROUND

- 4.1 Fixed penalty notices (FPNs) for litter and fly tipping were introduced under the Environment Protection Act in 1990 as a deterrent to littering and antisocial behaviour.
- 4.2 Police officers and designated local authority officers have the power to issue Fixed Penalty Notices. Safer Communities wardens are currently designated to issue fixed penalties within Inverclyde.
- 4.3 A person who is caught littering could be liable to a fine of up to level 4 on the standard scale (currently £2,500), if convicted at Court. For fly tipping the penalty, if it went to Court, could be up to £40,000, and/or 12 months in prison, subject to conviction.
- 4.4 On indictment a fly tipper can face a more severe penalty of an unlimited fine and/or up to two years imprisonment, which rises to five years in the case of hazardous waste.
- 4.5 For lower level offences a person may be offered the opportunity to pay a fixed penalty. The current level of Fixed Penalty Notice is £50 for both litter and fly tipping.

5.0 PROPOSALS

- 5.1 The Scottish Government have written to all Local Authorities to advise that as of 1st April 2014, FPN's for litter will increase to £80 and for fly tipping to £200.
- 5.2 This follows the draft litter strategy which indicated wide support in favour of increasing penalties. Scotland's first National Litter Strategy will be launched in 2014.
- 5.3 The Scottish Government are developing a communications toolkit which will be made available to all Local Authorities through Zero Waste Scotland. The new FPN's will be supported by a national publicity campaign in May, this will also be backed up by the Clean up Scotland Campaign, Recycle on the Go and the Scottish Fly Tipping Forum's Dumb Dumpers fly tipping incident reporting service.
- 5.4 Inverclyde Council actively support local clean up campaigns and have been involved in Keep Scotland Beautiful's National Spring Clean week and Clean Up Scotland campaigns.

6.0 IMPLICATI ONS

Finance

- 6.1 No additional financial support will be made available to Inverclyde Council in respect of the new scale of FPN's. The numbers of Fixed Penalty Notices issued in recent years have been relatively low and the increase in charge would generate an additional £1500 per year.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (if Applicable)	Other Comments
Safer Communities	Income	14/15	(1500)		Based on the number of FPN issued in 12/13

Legal

- 6.2 Fixed Penalty notices will be collected by Safer Communities in terms of the Environmental Protection Act.

Human Resources

- 6.3 This report does not impact on Human Resources.

Equalities

- 6.4 This report does not impact on Equalities.

Repopulation

- 6.5 Reducing litter and fly tipping can have a positive effect on residents and business investment.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 A report indicating the scale and cost of litter and fly is available through the link below.

<http://www.zerowastescotland.org.uk/LitterResearchReport>

Environment and Forestry Directorate
Environmental Quality Division



To: all Scottish Local Authority Chief Executives



Our ref: POL/17518
17 January 2014

Dear Chief Executive

New Litter and Flytipping Fixed Penalties

From 1 April this year **the £50 Fixed Penalty Notice (FPN) will be increased to £80 for litter, and to £200 for flytipping.** I would be grateful if you could share this information with relevant colleagues so that paperwork, procedures and other arrangements can be updated ahead of 1 April 2014. A communications toolkit to help publicise the increase will shortly be available for use by local authorities from our resource delivery partner, Zero Waste Scotland.

In a letter to councils in 2012, Mr Lochhead encouraged the use of existing enforcement powers: it is vital people understand littering, and flytipping, is unacceptable behaviour.

The increase was consulted on last summer as part of wider moves to prevent litter and flytipping and boost recycling. Two thirds of respondents were in favour of increasing the penalties. It follows Zero Waste Scotland's research, published last year, which underlined that enforcement can be an effective tool in deterring further offending.

The FPN increases, combined with efforts to improve detection and payment rates, will be important strands within the forthcoming National Litter Strategy which we will publish later this year. The goal is to influence behaviour: encourage people to do the right thing to help create the cleaner, safer communities we all need.

To emphasise the importance of not littering, and communicate the £80 penalty, the Scottish Government will run a national campaign in May 2014. It is designed to complement local authorities' own litter campaigns and Clean Up Scotland (run by Keep Scotland Beautiful). Further details will be shared with local authorities soon.

Local authorities are key to the success of the forthcoming strategy. Your input has been vital to our understanding of Scotland's litter problem and possible solutions to address it. We are grateful for contributions to date and are keen to continue partnership working. If you require further information please contact Adam Sinclair (adam.sinclair@scotland.qsi.gov.uk).

DR W GEORGE BURGESS
DEPUTY DIRECTOR FOR ENVIRONMENTAL QUALITY

cc. **Scottish Council Leaders; Councillor Stephen Hagan, COSLA Development, Economy and Sustainability; Rona Gold, Policy Manager, COSLA Waste, Carbon and Climate Change; Catherine Wilson, Zero Waste Scotland's Litter & Flytipping Manager**

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