

ANNEX 3j Supplement

Increase in Environmental FPNs

1. In response to recent Government increases to upper fine limits, under the Environmental Offences (Fixed Penalties) (Amendments) (England) Regulations 2023, to set new Fixed Penalty Notice (FPN) charge amounts for the offences as follows:

Offence	Recommended Fine	Existing Fine	Possible upper limit (set by DEFRA)
Fly-tipping	£1000 <i>(£500 payment within 10 days)</i>	£400 <i>(£240 payment within 10 days)</i>	£1000
Household Waste Duty of Care	£300 <i>(£190 payment within 10 days)</i>	£275 <i>(£175 payment within 10 days)</i>	£600
Littering	£120 <i>(£90 payment within 10 days)</i>	£110 <i>(£80 payment within 10 days)</i>	£500
Fly-posting	£110 <i>(£80 payment within 10 days)</i>	£100 <i>(£75 payment within 10 days)</i>	£500

2. In 2021/22, councils dealt with almost 1.1 million incidents of fly-tipping and issued 91,000 fines¹, along with other enforcement. Government has increased fines in order help strengthen councils in their fight against waste crime.
3. Environmental crimes such as littering and fly-tipping are *‘cynical and opportunistic, damaging wildlife and nature, creating eyesores and ruining our enjoyment of the visual amenity’*².
4. The increased fines are intended to deter people from harming the environment and ensure that those who continue to offend face tougher consequences. Government has asked councils to take a tougher approach to this type of anti-social behaviour. Taking proportionate and effective enforcement action against people who intentionally or carelessly damage the environment is seen as a practical step local authorities can take to change behaviour and deter others from offending.

¹ DEFRA Press Release, 27 July 2023

² DEFRA Press Release. 27 July 2023

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5. This work contributes to the Council Plan commitments of *Climate and Environment* and *Health & Well-Being*. Environmental crime is harmful to both people and the environment. Dumping waste affects urban and rural environments. It can cause damage to wildlife, residential areas and farm businesses. Waste may include harmful chemicals that contaminate soil and land, it can pollute watercourses and encourage pests leading to transmission of disease.

Introduction of a payment plan

6. To introduce a repayment plan period of up to 5 months for those who are in financial difficulty. Payment plans should not offer repayment terms longer than 5 months because any prosecution for a summary offence such as littering must be brought within 6 months of the alleged offence.³ A Simple Caution could also be offered where the officer feels that there is sufficient evidence but not in the public interest to proceed with a prosecution.

³ Part 1A – DEFRA Effective enforcement Code of practice for litter and refuse September 2019 (updated October 2023). 11L.8, p21