

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 13

meeting date: THURSDAY, 7 JUNE 2018
title: LITTER STRATEGY FOR ENGLAND 2017 – FIXED PENALTY
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: HEATHER BARTON – HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

- 1.1 To note the national actions of the Litter Strategy for England 2017 and to agree to support the continuation of local actions as set out in Appendix A.
- 1.2 To increase the current Fixed Penalty Notice for Littering from £80 to £150.
- 1.3 Relevance to the Council's ambitions and priorities:
 - Community Objectives – To protect and enhance the existing environmental quality of our area.
 - Corporate Priorities – To help make people's lives safer and healthier.
 - Other Considerations – None.

2 INTRODUCTION AND BACKGROUND

- 2.1 Information regarding the new Litter Strategy for England was brought to Health and Housing Committee in January 2018.
- 2.2 In summary, the Strategy sets out three key areas of focus in order to achieve this, with a number of actions and working groups set up to deliver a cultural change to littering:
 - Clear and consistent anti-litter message.
 - Improve enforcement against offenders.
 - Cleaning up the Country.
- 2.3 The Strategy also identifies the challenges of measuring litter and seeks to develop an “*affordable, impartial, statistically robust and proportionate methodology for assessing and monitoring the extent of litter in England.*” Plans to continue monitoring litter levels in England are also set out alongside the consideration of litter reduction targets for commonly littered items.
- 2.4 The Strategy looks to balance stronger enforcement with a proportionate and appropriate response to drive a cultural change to littering. Along with the Strategy, the Government also launched a consultation to consider increasing fixed penalty notices for littering.
- 2.5 The Strategy also highlighted the issue of littering from vehicles and proposed to introduce legislation to enable local authorities to take enforcement action against the registered keeper of vehicles from which litter is proven to originate. This has only previously been allowed by London Authorities.

2.6 The Strategy is clear that enforcement action must be proportionate and appropriate and cannot be considered as a way to generate income for local authorities. New guidance is proposed to help ensure enforcement action is used when it is in the public interest to do so, and the enforcement action needs to be transparent.

3 ISSUES

3.1 Whilst there is no doubt that littering is a man-made problem which is the result of human behaviour, the Strategy looks at all factors which will reduce this behaviour, including infrastructure. This includes the provision of cleansing services, including reviewing the standards that should be achieved and the response times for different land types as well identifying an effective measure for littering. The Strategy also highlights to importance of packaging design in reducing littering, both through the placement of messages and the ability for them to be recycled easily.

3.2 Roadside litter particularly on the Strategic Road Networks is more challenging to clean, has been identified as a target area. The Strategy notes the work already being taken by Highways England to tackle litter hotspots and to work more collaboratively with local authorities. It recognises the challenges of cleansing high speed roads and seeks to find ways to overcome the barriers.

3.3 The provision of litter bins; the number, design and location vary from borough to borough and are often an area of significant consideration and debate. The Strategy proposes guidance on “binrastructure” to provide best practice and consistency.

3.4 The Strategy also acknowledges the role packaging design has on the generation of problematic litter. It seeks to work with these industries to identify ways to improve recycling and reduce the likelihood of the waste ending up as litter.

New Legislation Announced by Government

3.5 In October 2017, the Government’s Environment Minister, Therese Coffey announced new steps to be introduced following completion of the public consultation.

3.6 The announcement included:

- From April 2018 the maximum on the spot fine local authorities can issue for dropping litter will nearly double, from £80 to £150. The minimum fine will increase from £50 to £65, while the default fine will increase from £75 to £100.
- For the first time, local authorities outside of London will also be able to apply these penalties for littering to vehicle owners if it can be proved litter was thrown from their car – even if it was discarded by someone else

3.7 This poses the opportunity to consider increasing the fixed penalty notice to reflect the costs to the Council.

4 OPTIONS

4.1 Following the launch of the new Litter Strategy for England and subsequent announcement regarding new legislation for increasing the maximum FPN and tackling littering from vehicles, the Council could decide to implement one of the following three options:

4.2 Option 1 - Note the actions proposed by Government in the Litter Strategy for England but take no specific action to change the approach to engagement or enforcement in Maidstone. This includes retention of the existing FPN value of £80.

- 4.3 Option 2 – Increase the value of the FPN to the maximum of £150 for littering including from vehicles.
- 4.4 Option 3 – Increase the value of the FPN to £120 for littering including from vehicles as a proportionate penalty and offer a reduced charge of £90 for the early payment (within 14 days) of the FPN.
- 4.5 For both Options 2 and 3, it is also proposed that the Council supports the actions set out within the Litter Strategy for England.
- 4.6 Alternatively the Committee could decide to propose an alternative amount for the FPN between the value of £65 (minimum set by Government) and £150 (maximum set by Government).
- 4.7 It is recommended that Option 2 is agreed by Committee. This option takes into account the Government's requirement for the FPN to be proportionate and reflect the local situation.
- 4.8 The small increase in income will be used to fund an improved back office system which will be able to fully manage the information for issuing, reconciliation, payment and prosecution of littering offences, this would include potential direct access to the DVLA website for vehicle information.
- 4.9 It is also recommended that Committee once again agree to support the actions of the Litter Strategy for England through local actions to increase education, improve infrastructure and deliver stronger enforcement.
- 4.10 The recommendations will be introduced following completion of the Government's legislative changes which are proposed immediately.

5 RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications:
- Resources – Access to the DVLA website may be required to access vehicle ownership details.
 - Technical, Environmental and Legal – None.
 - Political – None.
 - Reputation – None.
 - Equality & Diversity – None identified.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Agree Option 2 of maximum fine with no discount as this option takes into account the Government's requirement for the FPN to be proportionate and reflect the local situation with immediate effect.

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BACKGROUND PAPERS – None.

For further information please ask for Heather Barton, extension 4466.

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