

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Environmental Services Portfolio Holder
AUTHOR/S: Director Health & Environmental Services

22 December 2016

PROPOSED NEW FEES AND CHARGES FOR FLY TIPPING FIXED PENALTIES

Purpose

1. The purpose of this report is to propose an amendment to fees and charges to make provision for a fly tipping fixed penalty notice under Sections 33(1) (a) and 33 of the Environmental Protection Act 1990.
2. This not a key decision. Under the terms of the Council's Constitution it is a decision for the portfolio holder.

Recommendations

3. That the Environmental Services Portfolio Holder confirms the proposed fees and charges set out in Appendix A.

Reasons for Recommendations

4. Confirming the proposed fees and charges will contribute to the efficient and cost effective delivery of the service that impacts directly on people's safety and health.
5. The new fee Reflects a change in legislation permitting Local Authorities to issue a fixed penalty scheme specifically for fly tipping offences.

Background

6. This fee covers a function and service undertaken by Health & Environmental Services All fees are reviewed at least annually and recommendations made for the next financial year.
7. Previously there has been no fixed fee for Fly tipping offences in legislation. Offences are dealt with by way of referral to Court or by way of the offence of depositing litter which carries a maximum fine of £100.
8. During the period April to November 2016 Officers have issued 13 Fixed Penalty Notices, 4 official cautions and 7 successful Court Convictions.
9. In deciding on any variation or new fee the portfolio holder has previously had regard to a number of factors including council policy, council Aims and Objectives, economic factors e.g. inflation, market conditions and the need to recover costs.
10. In considering the most appropriate enforcement action for fly tipping each case is decided on its individual merits, in line with the Councils` Enforcement and Inspection Policy which includes a use of appropriate and proportionate enforcement tools including Fixed Penalties, Cautions or Court action dependant upon the circumstances.

Considerations

11. Appendix A shows the recommended charges for Fly tipping offences for the period December 2016 to March 2017 Any fees from April 2017 will be considered as part of the annual review.

Options

12. The Portfolio Holder has the option to:
- (a) Accept the charges detailed in Appendix A
 - (b) Reject the charges detailed in Appendix A

Implications

13. The fees and charges set out in Appendix 1 will produce an income to the council that will contribute to the efficient and cost effective delivery of a service that impacts directly on people's safety and health.

14. Financial	The recommendation will result in a like for like increase in income
Legal	There will be a right of appeal to a magistrates court for any fixed penalty notice
Staffing	None identified at this time
Risk Management	Regular performance and financial monitoring of services
Equality and Diversity	None identified at this time
Equality Impact Assessment completed	Yes Partial EQIA completed. No adverse impacts identified
Climate Change	None identified at this time

Consultations

15. None at this stage.

Effect on Strategic Aims

16. Confirming the proposed fees and charges will contribute to the efficient and cost effective delivery of a range of council services that impact directly on people's safety and health, so contributing to the achievement of the council's Strategic Aims.

Conclusions / Summary

17. In setting the proposed level of fees and charges a number of factors have been taken into account, including council policy, council Aims and Objectives,

Background Papers: the following background papers were used in the preparation of this report:

None

Contact Officer: Myles Bebbington – Head of Service Env Health & Licensing
Telephone: (01954) 712922