

Report to: Cabinet Meeting: 21 July 2026

Portfolio Holder: Councillor Paul Taylor, Public Protection & Community Relations

Director Lead: Jenny Walker, Communities & Environment

Lead Officer: Andrew Weaver, Senior Enforcement Officer

Report Summary	
Type of Report	Open Report / Non-key Decision
Report Title	Amendment to Fixed Penalty Notice Charges
Purpose of Report	To request an update to our fixed penalty charges in line with the Government's stance on Waste Crime/ASB and to include a new fixed penalty charge.
Recommendations	That Cabinet: a) adopts a new fixed penalty notice for household waste duty of care in Section 2.6; b) adopts revised tariffs provided in Section 2.7; and c) publicises the revised tariffs on the Council's website
Alternative Options Considered	To make no changes to the current FPN tariff
Reason for Recommendations	This aligns with the Community Plan ambition to reduce opportunities for crime and anti-social behaviour by reviewing infrastructure and encouraging behavioural change across the district, with the aim of improving feelings of safety.

1.0 Background

- 1.1 Fixed Penalty Notices (FPNs) are a long-established enforcement tool used by local authorities to address environmental offences and certain forms of anti-social behaviour (ASB). An FPN is not a criminal fine; it is an offer to discharge liability for an offence by paying a set amount, thereby avoiding prosecution. Where an FPN is not paid, the Council may consider further formal action, including prosecution, work in default, or court orders, where relevant to the offence.
- 1.2 Government guidance recognises FPNs as a valuable and proportionate alternative to prosecution, and their use has expanded across multiple pieces of legislation. The Environmental Offences (Fixed Penalties) (England) Regulations 2017 introduced a national framework giving councils discretion to set fines within national upper limits, supporting transparent and consistent local policies. In 2023, the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations increased the maximum penalties available for several key offences, enabling councils to take a tougher approach where appropriate.

1.3 The 2023 Regulations amend the Environmental Offences (Fixed Penalties) (England) Regulations 2017 and the Environmental Protection Act 1990 to increase the national upper limits for fixed penalties. The upper limits have increased to:

- **Littering, graffiti and flyposting from £150 to £500;**
- **Household waste duty of care from £400 to £600;**
- **Fly-tipping from £400 to £1,000.**

1.4 Environmental offences such as littering, graffiti, flyposting and fly-tipping can harm local amenity, generate avoidable clean-up costs, and undermine public confidence. FPNs provide an effective and visible response and a lower cost alternative to prosecution, allowing offenders to discharge liability by payment.

1.5 National evidence shows these offences remain a significant and rising burden for communities and local authorities; the increased upper limits therefore provide an opportunity to review local tariffs, so they remain proportionate, credible and aligned with Government's expectation of a tougher approach to waste crime and ASB.

1.7 The Council's priorities include providing a safe and clean place that residents, businesses and visitors can enjoy. This aligns with the Community Plan ambition to reduce opportunities for crime and anti-social behaviour by reviewing infrastructure and encouraging behavioural change across the district, with the aim of improving feelings of safety. Alongside information, advice and education, proportionate enforcement is necessary to tackle irresponsible behaviour that impacts other people and the environment. DEFRA guidance ("Fixed Penalty Notices: Issuing and Enforcement by Councils") expects councils to publish an enforcement approach that clearly sets out:

- The offences included in the FPN scheme
- The penalty level for each offence (including any early payment discount)
- How FPNs will be issued, recorded and enforced (including non-payment and appeals)
- How the approach will deal with juvenile offenders
- How FPN receipts will be used

The table below sets out our current Fixed Penalty Notice (FPN) tariffs.

Offence	Current penalty	Early Payment
Littering	£150	£75
Littering from vehicles (outside London)	£150	£75
Public Space Protection Orders	£100	£75
Graffiti	£150	£75
Flyposting	£150	£75
Community Protection Notice	£100	£75
Exposing vehicles for sale on a road	£100	No early payment
Abandoning a vehicle	£200	£120
Fly-tipping	£400	£200
Failure to produce a waste transfer note	£300	£150
Failure to produce Waste Carrier Licence	£300	No early payment

2.0 Proposal/Options Considered

- 2.1 Although the Government has increased the maximum permissible FPN levels for a number of environmental offences, it is proposed that the Council retains the majority of its existing tariff structure and applies revised levels only where this is justified by operational experience and enforcement need. It is therefore proposed that the tariff for fly-tipping is increased to the statutory maximum of £1,000 and that a separate household waste duty of care tariff is introduced at £400. This approach is consistent with the revised national framework established by the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023. All other fines will remain at existing levels, pending further review at a later date.
- 2.2 The proposed revision reflects the continued increase in fly-tipping and wider waste crime nationally, including the unlawful deposit of larger quantities of processed waste, which carries significant environmental, financial and amenity impacts. The adoption of a higher fly-tipping tariff, together with a distinct duty of care penalty, provides a clearer and more proportionate enforcement framework, enabling the Council to distinguish between the principal offender, failures of household duty of care, and lower-level incidents where education or alternative enforcement powers may be more appropriate. The proposed approach is also broadly aligned with the position now being adopted by many local authorities following the 2023 changes to the national penalty framework.
- 2.3 When considering any revision to Fixed Penalty Notice (FPN) tariffs, due regard has been given to the Council's Corporate Enforcement Policy, ensuring that any changes are proportionate, consistent, recoverable and effective in achieving compliance while remaining reasonable in their financial impact.

It is proposed that any adjustment to FPN levels maintains an appropriate balance between deterrence and affordability.

This approach ensures that penalties remain:

- Proportionate to the offence, in line with enforcement policy principles
- Effective in securing compliance and deterring repeat offending
- Consistent in their application by officers using the set scales
- Recoverable, thereby minimising escalation to court proceedings and reducing associated administrative burdens

Setting tariffs at an appropriate level supports a consistent and credible enforcement regime, ensuring that penalties are neither excessive nor ineffective.

The total FPNs issued for 2025/2026 was 226 FPNs, 154 FPN's were issued for fly tipping.

The number of FPNs issued for Fly-tipping in quarter 4 2025/2026 – 47 FPNs

- 2.4 It is proposed that, for individuals under the age of 18, restorative justice interventions are adopted in place of Fixed Penalty Notices where appropriate, such as litter-picking and graffiti removal.

This approach reflects the Council's commitment to:

- Early intervention and prevention, addressing the underlying causes of offending behaviour
- Proportionality, recognising the limited financial means of young persons
- Positive behavioural change, through education and engagement rather than financial penalty

The use of restorative measures aligns with wider youth justice principles and supports long-term compliance, whilst maintaining accountability.

2.5 The previous fly-tipping tariff of £400, reduced to £200 for early payment, could in some cases be absorbed as an operational cost by those engaged in unlawful waste disposal, thereby reducing its deterrent effect. There is anecdotal evidence of offenders paying fines on behalf of others in exchange for their silence. Increasing the penalty may therefore encourage greater cooperation with investigatory efforts. We are aware of this as some customers have been open with us and stated the offender has given the FPN cost to them to pay.

2.6 This change is supported by the introduction of a distinct household waste duty of care tariff. This carries a lower charge than the fly-tipping offence and can be applied in the following circumstances:

- Where fly-tipped waste can be traced back to an individual who is found to have failed to take reasonable steps to ensure that they transferred the waste to an authorised person.
- Where an unauthorised carrier is found to be carrying household waste that was directly transferred to them by the occupier of a domestic property.
- Where an individual is found to have transferred their household waste to an unauthorised person at a site that does not have a permit or exemption allowing them to receive waste.

The introduction of the Duty of Care FPN is intended to further encourage householders to provide details of the person responsible for the unlawful deposit of their waste, thereby improving the Council's ability to identify and act against the principal offender. Under previous legislation, local authorities were allowed to set a fine under legislation between £150 and £400 with a minimum discounted penalty of £120. New legislation from 31st July 2023 has enabled the fine to be increased to a maximum of £600. FPNs should not be given where prosecution through the courts is more appropriate.

The revised tariff structure provides a more proportionate sliding scale, with the highest penalty reserved for the actual fly-tipper, a lower penalty applied in household waste duty of care cases involving more than one bag of waste, and lower-level incidents capable of being addressed through littering powers or education where appropriate.

All income received from FPNs is ringfenced and applied to education, deterrence and related initiatives to reduce environmental crime, including projects such as target hardening, trail cameras and the Farndon underpass graffiti initiative.

Alongside enforcement, the Council's bulky waste collection service provides residents with an accessible and cost-effective lawful disposal route for larger household items. The service represents excellent value for money and supports the right disposal of waste, helping householders to comply with their duty of care while reducing the risk of waste being passed to unauthorised carriers or deposited unlawfully. It is the cheapest bulky waste collection service of all the Nottinghamshire local authority areas.

	1st item	2nd item	Total	Notes
NSDC	£14.00	£7.50	£21.50	
Ashfield		£25.00	£25.00	1 item for 19 or 2-3 for 25
Nottingham City	£26.00		£26.00	Up to 6 items collected
Mansfield		£29.00	£29.00	1 item for 16 or 2-3 for 29
Bassetlaw	£19.00	£13.00	£32.00	
Broxtowe	£24.00	£11.00	£35.00	
Rushcliffe	£25.80	£12.80	£38.60	
Gedling	£26.00	£13.00	£39.00	

Accordingly, the proposed tariff structure is proportionate, evidence-informed and operationally effective, strengthening deterrence in relation to the most serious waste offences while providing officers with a clearer basis for the exercise of enforcement discretion. The proposals:

- Reflect the seriousness of the offence and the degree of offender culpability.
- Remain consistent with the statutory framework and the emerging practice of other local authorities.
- Support improved disclosure of offender details and strengthen the evidential basis for enforcement action; and
- Support the continued reinvestment of FPN income into prevention, education and enforcement activity aimed at reducing environmental crime.

2.7 Subject to approval, the revised tariff structure will come into effect from 1 October 2026.

The proposed new tariffs are:

Offence	Legal Default	NSDC Proposed		NSDC Current	
		Penalty	Early Payment	Penalty	Early Payment
Littering	£500	£150	£75	£150	£75
Littering from vehicles outside London	£500	£150	£75	£150	£75
Public Space Protection Orders	£100	£100	£75	£100	£75
Graffiti	£500	£150	£75	£150	£75
Flyposting	£500	£150	£75	£150	£75

Community Protection Notice	£100	£100	£75	£100	£75
Exposing vehicles for sale on a road	£100	£100	No early payment	£100	No early payment
Abandoning a vehicle	£200	£200	£120	£200	£120
Fly-tipping	£1,000	£1,000	£600	£400	£200
Duty of Care (S34) (New)	£600	£400	£200	N/A	N/A
Failure to produce a waste transfer note	£300	£300	£150	£300	£150
Failure to produce Waste Carriers Licence	£300	£300	No early payment	£300	No early payment

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Implications Considered Yes – relevant and included / NA – not applicable			
Financial	Yes	Equality & Diversity	N/A
Human Resources	N/A	Human Rights	N/A
Legal	Yes	Data Protection	Yes
Digital & Cyber Security	N/A	Safeguarding	Yes
Sustainability	N/A	Crime & Disorder	Yes
LGR	N/A	Tenant Consultation	N/A

Legal implications LEG2627/7696

- 3.1 The report sets out the relevant legislation, guidance and specifically the caps on the level of fines which can be imposed. FPNs are an accepted means of discharging liability to deal with small scale environmental crime and have been used by the Council, in accordance with national legislation and corporate policy, for a number of years.

As the proposed FPN level changes are made in accordance with legislation, no consultation is considered necessary. The introduction of the new adopted penalty changes should be advertised to the wider community through news releases, social and web media, and inclusion in future environmental campaigns.

Income from FPNs should be used in accordance with legislation and has to be spent on specified functions relating to, littering, graffiti, flyposting, litter and refuse (including keeping land and highways clear of litter and refuse, and enforcement against littering and littering from vehicles). This may include spending on communications and education to abate littering, or on the provision of bins and other street litter disposal infrastructure.

FPNs are not appropriate for repeat offenders or those responsible for large-scale environmental offences, the offences involving hazardous waste (such as asbestos) and those who are non-compliant. These types of offences will continue to be enforced by prosecution in line with the Corporate Enforcement Policy. The council is also under no obligation to offer an individual or business a FPN and retains the right to prosecute for all offences regardless of the type or size.

Financial Implications FIN26-27/1002

- 3.2 The proposed revisions to the Fixed Penalty Notice (FPN) tariff structure are expected to have a broadly neutral to positive financial impact. Increasing the fly-tipping penalty and introducing a new household duty of care offence may generate additional income in the short term; however, all receipts are ringfenced and must be reinvested into environmental enforcement, education, and prevention activities in accordance with legislation. The revised penalties are intended to better reflect the true costs of investigating and clearing environmental offences, potentially improving cost recovery and reducing the financial burden on the Council.

There may be minor one-off costs associated with implementing the changes, including updates to systems, staff training, and communications. Over time, if the revised tariffs act as an effective deterrent, the Council may benefit from reduced clean-up and enforcement costs, although this could also result in lower FPN income. The proposals are expected to be delivered within existing resources and are not anticipated to create significant additional staffing or budget pressures.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None