

Ref:	Called in	Yes/No
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THE THANET DISTRICT COUNCIL

RECORD OF DECISION OF CABINET

Name of Cabinet Member: Councillor Suzanne Brimm

Relevant Portfolio: Cabinet Member for Operational Services

Date of Decision: 17 January 2017

Subject: The Unauthorised Deposit of Waste (fixed penalties) Regulations 2016

Key Decision No In Forward Plan Yes

Brief summary of matter:

In May 2016 amended legislation came into force, which allows for a fixed penalty notice (FPN) to be issued for the offence of fly-tipping, a contravention under section 33 (1)(a) of the Environmental Protection Act 1990 (EPA 1990).

That the Council introduces fixed penalty notices in accordance with section 33 (1) (a) of the EPA 1990 for small scale fly-tipping and the level of the fine is £400 with a reduced early payment of £300 if paid within 10 days.

Decision made:

The Council introduce fixed penalty notices in accordance with section 33 (1) (a) of the EPA 1990 for small scale fly-tipping and the level of the fine is £400 with a reduced early payment of £300 if paid within 10 days.

Reasons for decision:

Under Option 3 there is a lesser risk of non-payment given the early disposal incentive yet it provides a proportionate and heavy fine which should have a deterrent effect element while providing income for the authority for the district-wide problem of fly-tipping.

Alternatives considered and why rejected:

The alternative could be, not to introduce the fly tipping penalties. This was rejected as the district would continue to experience unabated fly tipping problems as there is no deterrence to such unacceptable and illegal behaviour.

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

None

Author and date of Officer report:

Trevor Kennett, Interim Senior Enforcement Manager

Background papers

Fixed Penalty Notices (FPN) of £400 for the offence of Fly-tipping

Statement if decision is an urgent one and therefore not subject to call-in:

None

Last date for call in:

25 January 2017