

Ref:

Called in

Yes/No

THE THANET DISTRICT COUNCIL

RECORD OF DECISION OF CABINET

Cabinet Member

Councillor Savage

Relevant Portfolio:

Operational Services

Date of Decision:

14 March 2019

Subject:

Household Waste duty of care Fixed Penalty Notices

Key Decision

No

In Forward Plan

No

Brief summary of matter:

From 7 January 2019 the new code of practice came into force and allows for a fixed penalty notice (FPN) to be issued for the offence of Duty of Care, a contravention under section 34A (2) of the Environmental Protection Act 1990. The new fine has to be set by the Council at a level not less than £150 and not more than £400 with a default of £200 if no amount is set by the authority.

Decision made:

Cabinet agreed the following that:

The Council introduce fixed penalty notices in accordance with section 34A (2) of the Environmental Protection Act, 1990 for Households who fail in their duty of care obligations for the safe disposal of domestic waste and the level of the fine is £400 with a reduced early payment of £300 if paid within 10 days.

Reasons for decision:

The Introduction of FPNs for failure to exercise household duty of care at a of £400 (with a reduced early payment of £300 if paid within 10 days) will provide the incentive towards early payment and more likelihood of offenders paying and therefore less resorting to the court.

Alternatives considered and why rejected:

Full prosecution in the courts is still an option and will be considered on a case-by-case basis.

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 of Officer report:

Trevor Kennett, Head of Operational Services

Background papers

Cabinet Report Duty of Care FPN VFinal

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

None

Last date for call in:

26 March 2019