

# Environmental Excellence Policy Development Panel

## Agenda

### Members of the Panel:

Cllr K S Kelly (Chairman)

Cllr N J Brennan (Vice Chairman)

Cllr D J Britcher

Cllr K E Lawrence

Cllr B Cook

Cllr G K Nurden

Cllr A D Crotch

Cllr S M Prutton

Cllr J F Fisher

Cllr J M Ward

Cllr J Leggett (ex officio)

### Date & Time:

Thursday 18 November 2021 6.00pm

### Place:

Council Chamber Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

### Contact:

James Overy tel (01603) 430540 Email: [james.overy@broadland.gov.uk](mailto:james.overy@broadland.gov.uk)

Website: [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.gov.uk)

### PUBLIC ATTENDANCE:

If a member of the public would like to attend to speak on an agenda item, please email your request to [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk), no later than 5pm on Monday 15 November 2021. Please see further guidance on the options for public speaking at page 2 of this agenda.

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Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance, but we will endeavour to meet all requests.

All those attending the meeting in person must, sign in on the QR code for the building and promptly arrive at, and leave the venue. The hand sanitiser provided should be used and social distancing must be observed at all times. Further guidance on what to do on arrival will follow once your public speaking registration has been accepted.

# AGENDA

1.	To receive declarations of interest under Procedural Rule no 8	4
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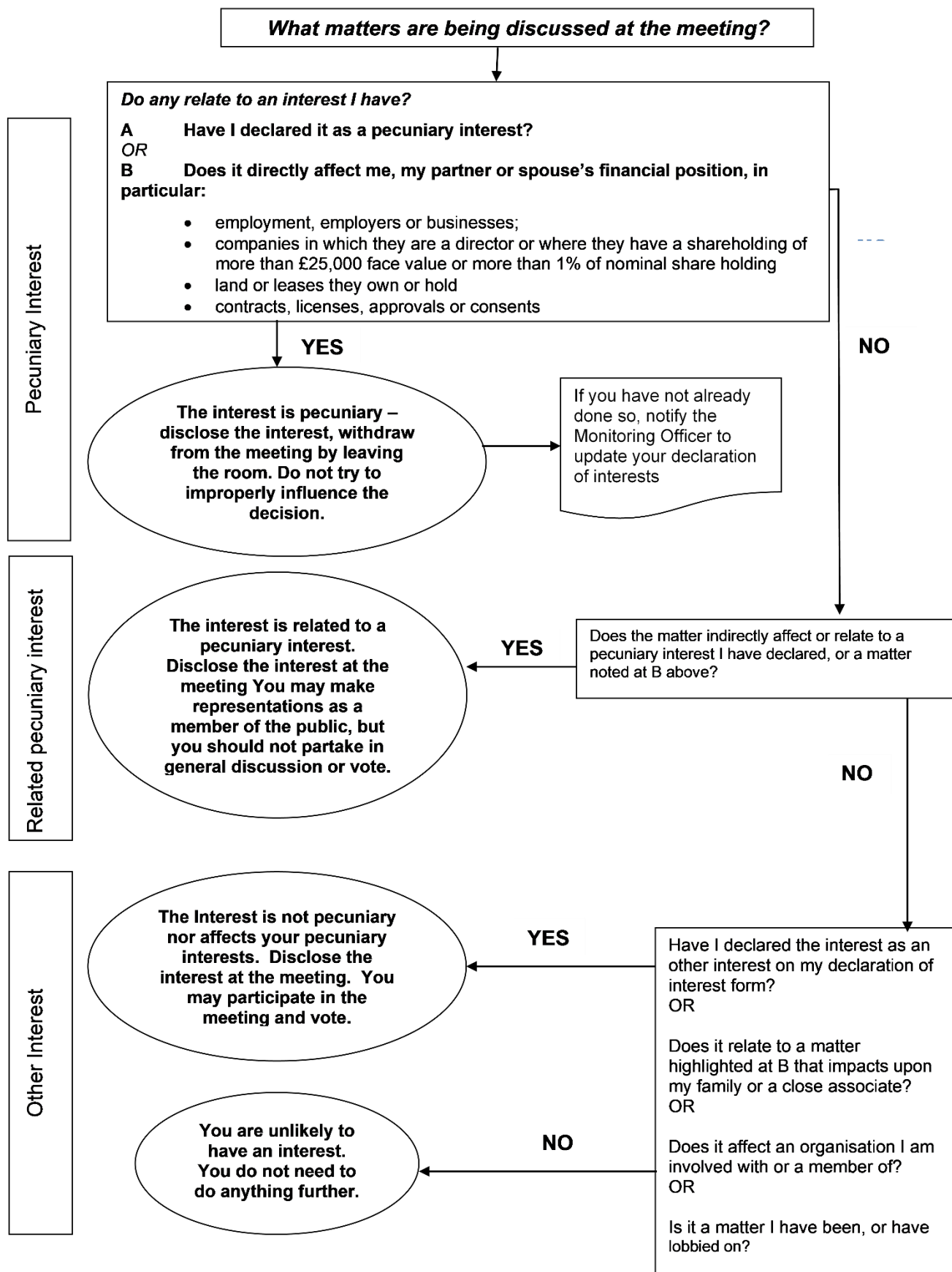
## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



# ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL

**Minutes of a meeting of the Environment Excellence Policy Development Panel of Broadland District Council, held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on 7 October 2021 at 6.00pm.**

**Committee Members Present:** Councillors: K S Kelly (Chairman), N J Brennan, (Vice-Chairman), D J Britcher, Cllr S Catchpole, J F Fisher, K G Leggett, G K Nurden, S M Prutton, J M Ward.

**Cabinet Member Present:** Councillor: J Leggett.

**Officers in Attendance:** The Director Place, Assistant Director Community Services, Senior Environmental Health Officer (Community Protection) and the Democratic Services Officer (JO).

## **13 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Cook, Cllr Crotch and Cllr Lawrence.

## **14 MINUTES**

The minutes of the meeting held on 23 August 2021 were agreed as a correct record.

## **15 ANTI-SOCIAL BEHAVIOUR POLICY**

The Senior Environmental Health Officer (Community Protection) introduced the report, which sought the Panel's views on the matters to be addressed when putting in place a dedicated Anti-Social Behaviour Policy for the first time.

The Panel received a presentation that set out some anti-social behaviour policy considerations (appended to these minutes at Appendix 1).

Members were advised that there had been a 30-45 percent rise in reports of nuisance and anti-social behaviour since the first lockdown and that an estimated 70 percent of anti-social behaviour was associated with either substance misuse or mental health issues.

The Council had key statutory duties and responsibilities for tackling local anti-social behaviour and as a member of the Norfolk County Community Partnership it was part of a coordinated multi-agency approach that included the police, housing associations and adult and children's social services.

The Panel was shown a spreadsheet of anti-social behaviour service requests received by the Community Protection Team over the last 12 months in Broadland (attached at Appendix 2 to these minutes). Areas brought to members' attention for this period included:

- 88 abandoned vehicles
- 46 cases of fly-tipping enforcement
- 64 cases of domestic loud music
- 94 cases of loud noise from dogs
- 61 cases of domestic smoke nuisance

In total there had been 942 requests to the Community Protection Team in the last year, which placed a heavy demand on the service.

In response to a query the Panel was advised that mental health played a significant factor in anti-social behaviour and the Team linked in with mental health professionals via the Council's Help Hub, as well as through other partner agencies to address this issue. Officers also received regular mental health training.

Members were also advised that the work of the Community Protection Team was complementary to the service provided by the police, rather than a duplication of their work and that anti-social behaviour could be complex with many different levels, some of which would be dealt with by the police and other areas that would come within the remit of the Council. It was emphasised that a lot of anti-social behaviour was dealt with by a multi-agency approach and that the Anti-Social Behaviour Action Group (ASBAG) met on a monthly basis to consider difficult cases in a problem solving forum.

In respect of abandoned vehicles, it was confirmed that although the Council removed vehicles left on the highway and private land the cost of their collection and disposal fell upon the County Council. If the vehicles were not taxed or insured the DVLA and police would be informed, but it could be very difficult for the Council to successfully pursue and fine vehicle owners.

Members noted the steep rise in domestic violence since the start of the pandemic and it was suggested that an increase in resources for the Community Protection Team would help in addressing this.

In response, it was acknowledged that an increase in resources would be welcomed, but that this would need to be balanced between the savings targets set for the collaboration project against the provision of an overall service for residents. Any increase in resources would, therefore, be for members to determine. The Panel was also reminded that the multi-agency approach to anti-social behaviour ensured that the most appropriate organisations took on responsibility for each particular element and enabled the most cost effective solutions to be found.

The Portfolio Holder for Environmental Excellence noted that the budget setting cycle was approaching and additional resources for the service could be considered as part of this.

In answer to a query it was confirmed that the Community Protection Team had an adequate level of IT resource. It was confirmed, however, that efforts were being made to streamline the Team's administration work in order to prioritise fieldwork.

In response to a query about the possibility of putting a person at risk by disclosing information about a possible criminal offence even, if that person had stated that they did not wish the information to be shared; Members were reassured that officers took a very considered and sensitive approach to sharing information with colleagues who were equally experienced in dealing with delicate matters and ensuring that people were not put at risk.

In respect of a query about policy for helping people, the Senior Environmental Health Officer (Community Protection) confirmed that this was the general ethos throughout the Council, but in particular through the Help Hub.

## **AGREED**

That the views expressed by the Environmental Excellence Policy Development Panel should be taken into account when determining the content of the Anti-Social Behaviour Policy.

## **16 REVIEW OF ENVIRONMENTAL ENFORCEMENT PENALTIES**

The report sought the Panels views on proposals to review and update the fixed penalty charges that were imposed when Fixed Penalty Notice enforcement was deemed appropriate for specific environmental and anti-social behaviour offences.

Members received a presentation (attached at Appendix 3 to these minutes) which set out an overview of offences over the last 12 months, as well as why fixed penalties were the preferred approach, the scope of the review, key offences, principles and early payment fee reduction.



In answer to a query, the Senior Environmental Health Officer (Community Protection) confirmed that the maximum fine for dog fouling was £1,000.

It was suggested that the revised policy could be published on the Council's website in order to raise the profile of enforcement action as a proactive means of addressing areas of increasing concern for residents.

The Chairman suggested that revising the policy would be an opportune time to publicise it in *Broadland News* and that this should be a recommendation from the Panel.

In response to a query, it was confirmed that no Fixed Penalty Notices had been issued for fly-tipping over the last 12 months and that the majority of the 88 abandoned vehicles over the period were removed by their owners after the Council had contacted them.

A member suggested that the Council should publicise the level of fines it had levied by enforcement action close to the location of incidents to deter further offences.

The Panel was informed that the Council targeted hotspots with signage and with cameras, although these could be resource intensive.

Discussion turned to the proposed fixed penalty charges for the revised policy and the Senior Environmental Health Officer (Community Protection) advised the meeting that the proposed charges were seen as proportionate to the offence, as was the reduced amount to be charged if paid within ten working days. Serious offences would, however, be taken to the magistrates' court where a higher penalty could be imposed.

A member suggested that the fines should be set higher and that they should at least cover the Council's costs. However the Senior Environmental Health Officer (Community Protection) confirmed that the fines were set to be a deterrent and meet the legislative duty of the Council, rather than cover the costs.

The Chairman noted that the revised policy would apply to both Broadland and South Norfolk and that South Norfolk had not yet determined the proposed policy.

Following a vote with five in favour, one against and three abstentions it was:

## **AGREED**

That the views expressed by the Environmental Excellence Policy Development Panel should be taken into account when reviewing the fixed penalty charges, which were imposed when issuing Fixed Penalty Notices as well as the general policy principles proposed in the report.

## **17 EXCLUSION OF PRESS AND PUBLIC**

### **RESOLVED**

To exclude the press and public from the meeting under Section 100A of the Local Government Act 1972 for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part1 of Schedule 12A to the Act (as amended).

## **18 REVIEW OF THE MATERIAL RECYCLING FACILITY CONTRACT**

The Panel considered the exempt report of the Assistant Director for Community Services, which summarised the negotiations on the proposals to amend and extend the existing Joint Venture Company Material Recycling Facility contract to 2027.

Following discussion it was:

### **AGREED**

1. To amend and extend the current joint venture company contract with NEWS for three years from 2024 to 2027, accepting a shift to a variable gate fee based on actual costs from October 2021; and
2. To accept the principle of setting a Base Gate Fee and a Ceiling Gate Fee as set out in paragraph 4.3.2 of the report, with both figures for the 2022/23 financial year to be established from October 2021.

(The meeting concluded at 7.43pm)

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Chairman

# Anti-Social Behaviour policy considerations

Environmental Excellence Policy Development Panel

7<sup>th</sup> October 2021

## Key facts and points

### Commonly reported problems

- Neighbour nuisance
  - noise, smell, smoke, flies, etc.
- Anti-social behaviour
  - from routine cases to high risk
  - from unintentional, to deliberate bullying / victimising 'neighbours from hell'
- Wastes offending
  - neglecting household wastes often leads ultimately to dumping
  - 'duty of care' education and fixed penalty enforcement will make a real difference

### Some numbers

- 30-45% rise in reports of nuisance and anti-social behaviour since first lockdown
- An estimated 70% of anti-social behaviour is associated with either substance misuse or mental health issues
- Our pilot 'doorstepping' service aims to offer an informal intervention to routine cases within 5 working days, and can resolve up to 75% in one visit
- Worst 5% of cases can tie up officers for around 60% of their available time (serious and/or aggravated anti-social behaviour can persist for months or years)

## Key policy considerations

- We have shared responsibility: councils, police, housing associations and our communities
- Key roles for council and police with statutory powers and with responsibilities
  - Crime & Disorder Act 1998, Anti-Social Behaviour Policing and Crime Act 2014
  - Norfolk County Community Safety Partnership)
- Definition of Anti-Social Behaviour (drawn from our statutory powers)
- Links between anti-social behaviour powers, nuisance control and environmental offending
- Purpose is to prevent, minimise and nip it in the bud, intervene assertively, and coordinate closely across services and with partner agencies

## Principles (detailed in Appendix 1)

1. No one should have to experience anti-social behaviour or nuisance.
2. Incidents of anti-social behaviour or nuisance will be treated seriously and dealt with professionally.
3. Anti-social behaviour or nuisance will be dealt with firmly, fairly and proportionately.
4. Working with partners to deliver an effective, value for money service.
5. Providing a high-quality service to meet identified needs.
6. Equalities and Human Rights.
7. Safely and professionally sharing information, and safeguarding confidentiality.

## Any questions?

### Key discussion points

- What anti-social behaviour are we seeing and hearing about?
- Key role and responsibility for our communities
- Roles and responsibilities of the Council, alongside agencies such as housing associations
- Purpose of a published Anti-Social Behaviour Policy
- Prioritisation of risk / vulnerability: High, Medium, Routine
- Being clear about what we can and cannot do within the Council's powers and resources (preventative, regulatory, help services)
- Rapid response, 'doorstep challenge', informal and formal intervention
- Assertive use of powers to deter anti-social behaviour and offending, and to reassure our communities
- Need for a clear 'exit strategy' to manage council resources when action is not warranted

## Appendix 2

Community Protection Team Service Requests for the BDC area from 01 October 2020 to 30 Sept 2021.																
Service Request Type	Month													Grand Total		
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep				
Abandoned Vehicles - Highways	6	5	4	6	11	11	6	5	10	4	6	14	88			
Abandoned Vehicles - Private Land	2	2	1	3	3	3	3	3	1	1	3		25			
Accumulations	3	1	1	1	3	4	2	2		1	1	6	25			
Asbestos			1										1			
Burglar Alarm Forms					2								2			
Commercial Noise	5	2		2	4	3		2	2	3	2	2	27			
Complaints				1	1								2			
Dangerous Dog(s)		1											1			
Dirty Premises		1											1			
Dog Fouling Problems		2	1		1	3	3			1		1	12			
Drainage - Private Drains / Sewers				1		2				1			4			
Drainage - Septic Tanks	1			1		1			1	1			5			
Dust		1				1	1		1			2	6			
Flies - problem investigation		1				1				1	1		4			
Fly Tipping Inspection			2		1	1			1		1		6			
Flytipping Enforcement	3	5	2	4	5	2	3	2	6	4	3	7	46			
Freedom of Information Request						1			3			1	5			
Fumes							1		1				2			
Graffiti - Offensive Env Crime Team						1							1			
Highway Drain										1			1			
Industrial Noise	1		1						2			2	6			
Light Pollution	2	5	4	1		1	1		2	1		1	18			
Liquid Discharges			1										1			
Litter Complaint Please Investigate	1	1	1			1							4			
Miscellaneous / other advice			1	1	4	1			1			1	9			
Noise - Aircraft / Helicopters					1								1			
Noise - Bird Scarer					1	1							2			
Noise - Clay Pigeon shooting							1						1			
Noise - Construction Site	1	1	1	1	1	1	2	3	2	4	4		21			
Noise - Domestic ( Loud Music)	5	3	3	4	6	11	5	4	6	4	8	5	64			
Noise - Domestic (DIY)	2	2		1		3	1	1		2	1	1	14			
Noise - Domestic (other)	2	3	7	12	8	11	7	11	14	7	9	9	100			
Noise - Domestic (Parties)	1						1	2	7		1	3	15			
Noise - Domestic Dogs	4	8	7	3	7	7	7	6	15	12	10	8	94			
Noise - Loud Speakers in Street							1						1			
Noise - Low Frequency	2	1	1	1	1				1				7			
Noise - Misfiring Burglar Alarm							1				1	1	3			
Noise - Music (Commercial)	1						1			2		1	5			
Noise - Pubs Clubs and Events								1	2	1		2	6			
Noise - Vehicles	1	2	2	2	3	1	3	1		1	2	2	20			
Nuisance - Rats	6	3	1	3	5	9	14	3	3	2	5	4	58			
Odour - Domestic			1			2						1	4			
Odour - Drains/Sewers/Septic Tanks			1		1	1		1	1				5			
Odour - Industrial / Comercial Processes				1	1	1		1		1			5			
Odour - Manure Fertiliser							1				1		2			
Odour - Source Unidentified		1							3	1		1	6			
Odour Animals						1							1			
Other Matter	5		3	1	12	3	5	5	14	14	6	4	72			
Pavement Licence Consultation								1					1			
Pest Control - EHO Referrals	2	2	1			2			1	1			9			
Premises Licence Consultation				1		1		3	10		5		20			
Request for information	1				2		1	1	4	1	1		11			
Sewerage Schemes					1		1						2			
Smoke - Non-Domestic	2	1	2	3	2	1	2	1	2	1	3	1	21			
Smoke Domestic	3	5	4	7	5	4	3	7	8	6	4	5	61			
Traffic Noise							1			1			2			
Uncontrolled Animals					2	2	1						5			
Vehicle Related Nuisance									1				1			
Grand Total	62	59	54	61	94	99	79	66	125	80	78	85	942			



# Review of environmental enforcement penalties

Environmental Excellence Policy Development Panel

7<sup>th</sup> October 2021

## BDC offences overview – last 12 months



CPN Community Protection Notice	2
CPN Formal written warnings	9
FPN - Householder Duty of Care	1
FPN - Littering	3
FPN - Waste Producer Notice	1
RTR Reg 8 - Remove Vehicle	17
S34 Duty of Care (Waste)	1

## Why fixed penalties?

- Strong and visible evidence of our enforcement determination
- Fixed penalties are direct and quick to administer
- Deterrent effect (wider deterrence requires publicity)
- Avoids costly and time consuming prosecution if a fixed penalty charge is paid

## In scope for this review

- Environmental offences dealt with primarily by Regulatory services:
  - Cleanliness – most common concerns being dog fouling and littering
  - Wastes – fly-tipping, storage of wastes, legal transfer to another person, lawfulness of businesses taking wastes
  - Nuisance
  - Anti-social behaviour
  - Various environmental measures (fly-posting, graffiti, distribution of flyers)

## Not in scope (dealt with elsewhere)

- Planning – subject to its own arrangements and separate enforcement policy
- Housing Standards – complex area with many new regulatory provisions
- Food, Safety & Licensing – little use of fixed penalties, and no environmental ones

## Key offences

- The environmental offences which are most prevalent and / or give greatest cause for public concern are:
  - Fly tipping
  - Duty of care – householders (failing to make checks) & businesses (failure to obtain/retain documents)
  - Abandoned vehicles
  - Dog fouling

## Why now?

- Need for a firm enforcement approach, especially on waste and anti-social behaviour
- To update arrangements for application of regulatory penalties across the One Team

## Principles

- Review and update our fixed penalty charges across the board.
- This includes setting some fixed penalty notice charges for the first time.
- Set fixed penalty charges at the permitted maximum or default level, informed by professional experience of what has the deterrent effect.
- Encourage early payment to efficiently deal with offenders, as this offers a suitable deterrent whilst maximising cooperation.
- Seek a uniform set of fixed penalty charges across Broadland and South Norfolk to maximise clarity and certainty for our enforcing officers.



# Early payment reduced fees – why?

- incentivise offenders to make early payment and discharge their liability for the offence
- Avoids costly prosecution for non-payment
- saves time and resource of officers
- Allows for higher penalties to act as a greater deterrent

## General approach to reduced amounts

- Private individuals:
  - Set early payment typically at 40%
  - Set fly-tipping and 'duty of care' penalty levels at a serious deterrent level, where the penalty charge is higher than if wastes were disposed of lawfully – set early payment for these offences at a level found to work in practice (approximately 25% early payment reduction)
- Business-related activities:
  - Set early payment typically at 20% (this helps to maintain a suitable deterrent for businesses).
  - This would set business waste offending early payment reductions at £70 on a £300 charge.



Any questions?

**Agenda Item: 4**  
**Environmental Excellence Policy Development Panel**  
**18 November 2021**

**BENEFITS OF USING HYDROGENATED VEGETABLE OIL  
FUEL TO DELIVER ENVIRONMENTAL SERVICES  
CONTRACT FROM APRIL 2022**

**Report Author:** Simon Phelan  
Assistant Director Community Services  
01508 533707  
[simon.phelan@southnofolkandbroadland.gov.uk](mailto:simon.phelan@southnofolkandbroadland.gov.uk)

**Portfolio:** Environmental Excellence

**Wards Affected:** All

**Purpose of the Report:**

The report outlines the positive environmental impacts that using 100% Hydrogenated Vegetable Oil (HVO) in place of mineral diesel will have upon the delivery of the new Strategic Environmental Services Contract from April 2022, in terms of both the service emissions and costs.

**Recommendations:**

1. That Cabinet note the positive environmental impacts that result from the Council providing match funding of up to £50,000 per annum to support the use of 100% Hydrogenated Vegetable Oil in the delivery of the Strategic Environmental Services Contract from April 2022.

## **1. Summary**

- 1.1 The report set out the details of the environmental benefits that will be delivered through utilising HVO fuel in the delivery of the new Environmental Services contract from April 2022. The report also identifies the additional benefits that will be achieved through the Council's provision of match funding of up to £50,000 per annum to enable the use of 100% HVO fuel.

## **2. Introduction**

- 2.1 Reducing the environmental impacts of the waste and recycling collections and street cleaning services was a key strategic outcome of re-tendering process for the new Strategic Environmental Services Contract. The Council actively discussed with all the bidders the various options available to reduce the environmental impacts of the service, with bidders being required within their bid documents to demonstrate how they would work with the council to improve and reduce the environmental impacts of the service.
- 2.2 With a refuse collection vehicle (RCV) typically achieving around four miles to the gallon, the waste service represents one of the Council's largest activities in terms of the production of CO<sub>2</sub>, a major contributor to greenhouse gas emissions.
- 2.3 The potential to introduce electric Refuse Collection Vehicles (RVC's) from day one of the contract was explored, but all the bidders indicated that the technology was not yet viable to provide the operational certainty required. In fact, in October 2020 Veolia trialled a 26T Dennis eCollect electric RCV, but unfortunately this trial clearly demonstrated that the vehicle was not capable of completing a full round due to the mixed urban/rural nature of the district. Currently electric RCVs are also in excess of £400,000, more than twice the cost of diesel RVCs.
- 2.4 When it became clear that it would not be possible to introduce electric RCVs from the commencement of the contract, the Council, looked at other ways of reducing the amount of CO<sub>2</sub> that would be produced. At the final tender stage, the Council introduced an annual match funding pot of up to £50,000 to encourage bidders to utilise 100% HVO fuel, in their final submissions all bidders proposed to use 100% HVO fuel. The following sections of the report set out the benefits that will be achieved through the provision of the matched funding.

## **3. Background**

### **What is HVO?**

- 3.1 Hydrogenated Vegetable Oil (HVO) is an advanced synthetic paraffinic diesel biofuel that can be blended with standard diesel in any ratio. It can be used as a drop-in fuel in standard, Euro VI diesel engines with no impact on vehicle's performance or maintenance. The use of HVO can be a useful bridge between standard mineral diesel and electric fleets.
- 3.2 HVO fuel is part of the paraffinic family of fuels. Paraffinic diesel is a high-quality and clean liquid fuel with zero sulphur or aromatic content. It's synthetically made through the hydrotreatment process from waste vegetable oils or waste animal fats which allows it to significantly reduce harmful emissions when used in diesel

vehicles and machinery. It can be procured pre-mixed in any ratio and stored in a standard fuel bunker/tank.

- 3.3 Ease of use is a primary concern when considering a new fuel, there is no need to modify existing infrastructure, you can simply top up and go, thanks to a wide range of Original Equipment Manufacturer (OEM) approvals. HVO is a 100% hydrocarbon (0% oxygen) and meets EN15940 standard for paraffinic fuels, ASTM D975 19B and Fuel Quality Directive 2009/30/EC Annex II, allowing it to be used and handled as a drop-in alternative to fossil diesel in most cases.
- 3.4 With a paraffinic petrochemical structure, HVO is almost identical to fossil diesel and can, therefore, be used and handled as a drop-in alternative to fossil diesel without needing to amend infrastructure or clean out existing stock. However, while similar to regular diesel in terms of energy content, density, viscosity and flash point, HVO fuel presents many benefits over fossil fuel.

### **What is the cost?**

- 3.5 HVO is typically 13 -15% more expensive than conventional mineral diesel to purchase, current prices for mineral diesel are circa £117.5 per litre compared to £132.5 per litre for HVO fuel. Currently to deliver the contract approximately 320,000 litres of fuel are used per year.
- 3.6 In the original bid submission for the new waste contract Veolia proposed to use a baseline fuel mix with 50% diesel and 50% HVO which they provided for within their initial bid price. During the contract tender negotiation stage Cabinet approved the inclusion of match funding of up to £50,000 per annum to 'top-up' the 50% diesel element from baseline fuel mix to meet the difference in price between diesel and HVO. This approach resulted in all the bidders proposing the use of 100% HVO fuel to deliver the contract,
- 3.7 In the first year of the contract moving to using 100% HVO fuel would cost circa an additional £46,800, with the Council meeting £11,700 of the additional costs out of the £50,000 match funding. These costs are likely to increase in future years as the price of HVO increases and when the food waste collection service is rolled out across the whole of the district.

### **What are the environmental benefits?**

- 3.8 With zero fossil and FAME (Fatty acid methyl ester) content, HVO has significant green credentials, and can reduce greenhouse gas emissions by up to 90%. It also hugely reduces Nitrous Oxides and particulate matter emissions.
- 3.9 Veolia's initial proposed the use of 50% diesel and 50% HVO which would have delivered a reduction of 5,240 tonnes of CO<sub>2</sub>eq over the ten-year contract compared to the current operation. With the Authority financially 'topping-up' the 50% diesel element to allow for 100% HVO to be used, this saves approximately a further 5,250 tonnes CO<sub>2</sub>eq more over the ten-year contract term than using just 50% HVO.

### **Carbon Reduction in Broadland**

- 3.10 The following table outlines net carbon reduction of HVO compared with mineral diesel based on the expected fuel usage during the Contract, and relevant fuel

efficiency (miles per gallon) of the vehicles that will be used. The Council's match funding the use of 100% HVO fuel will result in a reduction in 5,250 tonnes equivalent of CO<sub>2</sub> over the ten years of the contract.

Carbon Fleet Emissions (tonnes CO <sub>2</sub> eq.)											
Year	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	2028 - 2029	2029 - 2030	2030 - 2031	2031 - 2032	Total Tonnes CO <sub>2</sub> eq
Contract Year	1	2	3	4	5	6	7	8	9	10	Whole Contract Term
100% Diesel	1,066	1,066	1,066	1,066	1,066	1,066	1,066	1,066	1,066	1,066	10,660
50:50 HVO Blend	542	542	542	542	542	542	542	542	542	542	5,420
100% HVO	17	17	17	17	17	17	17	17	17	17	170
Additional CO <sub>2</sub> eq saved with 100% HVO	525	525	525	525	525	525	525	525	525	525	5,250

### Impact on Air Quality

- 3.11 A case study carried out by DAF and Hackney Partner Authorities also found that HVO had the following benefits on Carbon Monoxide, Nitrous Oxides and Particulate Matter when compared with diesel in a Euro VI. These are factors on air quality:

Reductions compared with diesel	Carbon Monoxide	Nitrous Oxides	Particulate Matter
Emissions Reduction 100% HVO	17.65%	69.75%	33.33%
Emissions Reduction 50% HVO	8.83%	34.88%	16.67%

## 4. Other Options

- 4.1 The Council could have taken the decision to introduce 100% electric vehicles from the commencement of the contract. Prior to the commencement of the Tender process the Council commissioned Groundforce Norfolk (2020) to undertake a Greenhouse Gas Audit of the waste service, the report highlighted a range of options that could be considered to reduce the CO<sub>2</sub>, concluding that the use of electric RCVs would offer the greatest benefits, but that the technology was not currently available or financially viable.
- 4.2 The specification was also changed at the negotiation stage to allow bidders to come forward with a mixed aged fleet option, as long as all vehicles were Euro VI

compliant and less than ten years old, meaning that some vehicles could be replaced during the life of the contract when electric RCVs became both cheaper and more operationally reliable.

- 4.3 In the case of the case of Veolia, they are proposing to utilise five existing Euro VI RVCs out of a total of 24 RCVs, which will be replaced in April 2025 with electric RCVs or other technology such as hydrogen cell fuelled vehicles. They will also be exploring the options for retrofitting electric motors and batteries to the existing diesel RVCs as and when the technology becomes viable.

## **5. Issues and risks**

- 5.1 **Resource Implications** – The Council have agreed to provide up to £50,000 matched funding per year, which will form part of the contract price based on an open book approach where Veolia will reclaim the additional costs based on the actual amount of HVO used to deliver the contract in a given year. For year one of the contract, the costs to the Council of funding the use of 100% HVO fuel will be in the order of £11,700 at today's prices and fuel usage. Note, that there is no index that tracks the price of HVO fuel.
- 5.2 The price and amount of HVO fuel being used will inevitably increase over the ten years of the contract, if the annual increase in the price of HVO reaches a level where the £50,000 match-fund is insufficient to meet the additional costs, then the fuel blend will decrease incrementally from 100% to the amount that can be afforded within the £50,000 match fund. If the Council wished to continue to support the use of 100% HVO fuel this could be discussed and negotiated as part of the Annual Efficiency Review
- 5.3 **Legal Implications** – The requirement to use of HVO fuel and the match funding to be provided by the Council forms part of the formal contract with Veolia
- 5.4 **Equality Implications** – There are no direct implications.
- 5.4 **Environmental Impact** – The tables within the report clearly demonstrate the considerable environmental benefits that will be achieved in terms of CO2 emissions reductions through the use of 100% HVO fuel.
- 5.5 **Crime and Disorder** – There are no direct impacts upon crime and disorder.
- 5.6 **Risks** – There are currently only three suppliers of HVO fuel in the UK, supply and costs can therefore fluctuate. The strong commercial standing of Veolia means that they are able to enter into bulk purchase contracts for the supply of HVO fuel and have confirmed that they will be able to ensure the 100% use of HVO throughout the contract, subject to £50,000 match funding meeting the additional costs.

## **7. Conclusion**

- 7.1 The Council's decision to provide annual matched funding of up to £50,000 to enable the use of 100% HVO will result in a reduction of some 10,490 tonnes CO<sub>2</sub>eq over the ten years of the contract. In addition, the use of HVO fuel which facilitates the use of a mixed age fleet will enable a move to electric or alternative fuelled RCVs as they became both cheaper and more operationally reliable.

## **8 Recommendations**

- 8.1 That Cabinet note the positive environmental impacts that result from the Council providing match funding of up to £50,000 per annum to support the use of 100% Hydrogenated Vegetable Oil in the delivery of the Strategic Environmental Services Contract from April 2022.

## **Background papers**

None

## **REVIEW OF ENVIRONMENTAL ENFORCEMENT PENALTIES**

**Report Author:** Nick Howard  
Assistant Director Regulatory  
01524 533787  
[nick.howard@southnorfolkandbroadland.gov.uk](mailto:nick.howard@southnorfolkandbroadland.gov.uk)

**Portfolio:** Environmental Excellence

**Wards Affected:** All

**Purpose of the Report:**

To determine the amounts of fixed penalty notice charges for specified environmental and anti-social behaviour offences (full charge levels and early payment reduced charge levels).

**Recommendations:**

1. Cabinet to agree the setting of fixed penalty notice charge levels for specified environmental and anti-social behaviour offences as proposed in Appendix 1.
2. Cabinet to agree that the proceeds of paid fixed penalty notice charges be reinvested in the respective service area's revenue expenditure budgets to support further service delivery.



## **1. Summary**

- 1.1 The council as a regulatory authority has arrangements in place for enforcement by way of serving fixed penalty notices (FPNs) to deal with specific offences stipulated in current legislation. This report addresses offences of an environmental and/or anti-social behaviour nature which are enforced primarily by the council's Regulatory services and Community Protection team.
- 1.2 This report proposes decisions to review and update the amounts of FPN charges for specified environmental and anti-social behaviour offences, both the full amount of charges and (where permissible in law) early payment reduced charges which are conducive to good enforcement outcomes.
- 1.3 The types of FPN charge covered by this report, and the current and proposed penalty charge levels, are set out in Appendix 1 with reference to the prevailing legal provisions. In most cases, the council has discretion to offer a reduction in the amount charged if early payment is made within a set numbers of days that vary accordingly between areas of legislation. In some cases, individual legislation has provided a default level of FPN charge which, if locally acceptable, renders it unnecessary for a local authority to make new penalty charge-setting decisions each time new or updated legislation commences.

## **2. Background**

- 2.1 Dog fouling, littering, fly-tipping and associated environmental and anti-social behaviour offences victimise our residents, blight communities and impose avoidable costs on the public purse. They also undermine the actions of legitimate residents and businesses, where unscrupulous and irresponsible operators avoid paying legitimate waste disposal costs and so undercut those that operate within the law.
- 2.2 FPN enforcement is provided in a range of legislation. UK government (through Defra) recognises that increasing the level of fixed penalties may create the public perception that fixed penalties could be used to generate income for councils. Some primary legislation, such as Part 2 of the Environmental Protection Act 1990 (Waste on Land), provides that the income received by local authorities from FPNs can only be used in relation to the same matters that are subject to the enforcement controls.

### Key legislative and policy provisions

- 2.3 The Anti-social Behaviour, Crime and Policing Act 2014 introduced both Public Space Protection Orders (such as the council's one which covers dog fouling) and Community Protection Notice, and the power to enforce these by way of FPNs. Community Protection Notices (CPNs) are aimed to prevent an individual's or business's unreasonable behaviour that is having a negative impact on the local community's quality of life. The CPN will require the behaviour to stop and may include reasonable conditions or positive requirements to ensure they are not repeated in the future. To date they have been used by the council for neighbour problems and for failing to store and dispose of wastes correctly.

- 2.4 The Deregulation Act 2015 contained decriminalisation provisions and introduced a three-stage process for enforcing household waste offences under Section 46A of the Environmental Protection Act 1990. This revised process involves a written warning, followed where necessary by a notice of intent, before (if an offender still persists) a final notice can be issued containing a fixed penalty charge. The penalty for an offence relating to domestic waste receptacles is now a maximum amount of £80. Offences involving household waste receptacles can cause amenity issues, obstruction to pedestrians or traffic, or they render originators of wastes more likely to commit offences such as fly-tipping. Defra in policy guidance to local authorities advocates particular care to avoid excessive use of FPNs in relation to household waste receptacles.
- 2.5 On 1<sup>st</sup> April 2018 the Environmental Offences (Fixed Penalties) (England) Regulations 2017 came into effect. This change in legislation gave local authorities the ability to raise FPNs from the current levels to a new maximum (which varies depending on the offence), with a reduction for early payment. This is subject to the discretion of the local authority. Prior to the 2017 Regulations, the levels for fixed penalties for commercial waste receptacles, flyposting and graffiti had not changed since 2006 and were out of line with inflation and practice in other parts of the UK.
- 2.6 The 2017 Regulations also revised FPN levels for community protection notices under the Anti-social Behaviour, Crime and Policing Act 2014 and the revised FPN levels for domestic waste offences as amended by the Deregulation Act 2015.
- 2.7 FPNs are not appropriate for repeat offenders or those responsible for large-scale environmental offences, for offences involving hazardous waste, or for dealing with people who are determinedly non-compliant or do not wish to be issued an FPN. These types of offences and offenders will continue to be subject to enforcement going directly to prosecution.

#### Fixed penalty notice enforcement and charge levels

- 2.8 Enforcement is founded on community awareness-raising and education to prevent unknowing or neglectful offending. To further discourage and minimise offending, efficient and effective FPN enforcement can be offered. FPN enforcement avoids unnecessarily lengthy, costly and criminalising prosecutions in the magistrate's court. Decisions to issue fixed penalties are delegated to experienced enforcement officers with appropriate training and direction to ensure fairness and consistency.
- 2.9 The council's present FPN charge levels and arrangements date from various times. The review completed and updating as proposed will helpfully reflect practical enforcement experience, changes in legislation, and public concern about local offending such as fly tipping and anti-social neighbours. This is also a good opportunity to take account of a Defra review of fixed penalty enforcement in 2017. (Background document: Defra review 2017)

- 2.10 The purpose of fixed penalty notice enforcement is to secure efficient, timely and decriminalised ways of addressing and dealing with offenders with the right balance of offender correction and broader deterrent effect. The formal alternative to fixed penalty enforcement is normally to prosecute in the Magistrates Court. Prosecution inevitably involves more resource-intensive and costly prosecution file building, and delays in the legal process. Prosecution can also offer less swift and direct reassurance to local communities having witnessed the offending when compared to rapid issuing of fixed penalties. There is no formal appeal against a fixed penalty notice, instead a person served with a fixed penalty notice may elect not to pay and the local authority will then take a decision whether to prosecute for the offence.
- 2.11 In many but not all instances, the council has some discretion in setting fixed penalty charges between a legislated or legal process determined minimum and maximum range. In some cases, a default level of fixed penalty charge is provided so that local authorities can institute fixed penalty notice enforcement without a requirement for formal decision-making as to the level of charge. A reduced charge can be made for early payment of a fixed penalty where the relevant legislation permits this.
- 2.12 If a fixed penalty charge is set too low, it may fail to have the desired deterrent effect. If it is set too high, compared to the likely fine that a magistrate's court would impose in the event of prosecution, then a person served with a fixed penalty is less likely to pay a fixed penalty and more likely to leave the council to institute a more costly and cumbersome prosecution.
- 2.13 The council's existing FPN charge level(s) for specified offences are listed in Appendix 1.

### **3. Current position/findings**

- 3.1 A review has been completed of the different types of FPN charge for environmental and anti-social behaviour offences that the council is likely to consider using in local enforcement. The council's existing levels of FPN charges have been reviewed against the legal minimum, default, and maximum level that can be imposed as provided in each area of legislation and judicial practice. Similarly, the council's existing levels of early payment reduction in fixed penalty charges have been reviewed. These are listed in Appendix 1.
- 3.2 Key FPN enforcement policy considerations have been considered by the portfolio holder for Environmental Excellence and the Environmental Excellence Policy Development Panel to assist the consideration of suggested approaches relating to areas of fixed penalty notice enforcement. The general view favoured robust enforcement for environmental and anti-social behaviour offences. Specific policy matters, such as the circumstances when a FPN will or will not be offered, and minimum ages for recipients of FPNs, will be brought forward in a subsequent report about the council's regulatory enforcement policy.
- 3.3 Whilst the Environmental Excellence Policy Development Panel considered whether the maximum legally permissible levels of FPN charges should be

preferred, its general view favoured the proposals contained in Appendix 1. Where any proposed FPN charge differs from the existing level, this is indicated in bold text.

- 3.4 The council's professional and enforcement officer experiences have been taken into account to inform members, based on local experience, of what may be the most helpful approach and advice when members consider the review of environmental and anti-social behaviour FPN charges. These practitioner experiences were reflected in the proposals considered by the policy panel.

#### **4. Proposed action**

- 4.1 Broadland and South Norfolk district bear witness to similar profiles of environmental and anti-social behaviour offending, and the respective policy views on enforcement are similar. In view of these factors, the two councils' collaboration and shared single service delivery structure across the two districts, the proposals as presented offer a common set of fixed penalty charges. This reflects the broadly similar circumstances of offending in each district, the services' dealings with offenders and their impacts, and the desired corrective and deterrent effects.
- 4.2 The review has provided for reaffirmation and changes in FPN charges as proposed in Appendix 1 to reflect:
- a) Updating the council's decisions about setting levels for these fixed penalty charges to support robust engagement and enforcement with offenders.
  - b) Setting updated fixed penalty full charges at no less than existing levels (which are in some cases the legal default), or at increased levels.
  - c) Setting reduced penalty charges for early payment (where permitted by law) to maximise the decriminalised resolution of offending behaviours. Early payment reductions proposed for offences primarily committed by residents are typically in the order of 40% (less for fly-tipping which is costly to clear up). Early payment reductions proposed for offences primarily committed in the course of a trade or business are typically in the order of 20%. A pragmatic view of practical experience, informed by existing charge levels, has been taken in reaching the specific proposals in each case.
  - d) Pragmatic alignment between Broadland District Council and South Norfolk Council on the agreement of updated fixed penalty charges given the common positions in both districts and the single service structure for enforcement delivery, assuming that both councils agree the same charge levels.
- 4.3 There has been an increase in environmental and anti-social behaviour fixed penalty enforcement of late and officers expect to make good use of FPN enforcement powers in the future. In line with Defra guidance, it is proposed that the proceeds of paid FPN charges are reinvested in the respective service area's revenue expenditure budgets to support further service delivery.

## 5. Other options

- 5.1 Members could choose to make no change to existing full and early payment FPN charge levels or could choose to set revised penalty charges at different levels to those proposed in this report.

## 6. Issues and risks

- 6.1 **Resource Implications** – The proposals take forward existing areas of FPN enforcement at no change in cost to the council and with no significant budget implications. The reinvestment of paid penalty charges, which are not expected to total significant amounts, into service budgets would help to support future investigation/enforcement.
- 6.2 **Legal Implications** – Given the nature of the proposals, routine legal advice has been obtained and is reflected in this report. Were any different penalty charge levels to those proposed in Appendix 1 to be agreed, then it should be noted that lower charges may fail to deter offending (and ultimately could require greater resources to investigate and enforce), whilst higher charges may encourage more offenders to decide not to pay fixed penalties and instead require prosecution at greater cost. Otherwise, the review and updating of FPN charges within permissible ranges and as proposed carries no significant legal implications.
- 6.3 **Equality Implications** – Environmental and anti-social behaviour offending and enforcement by way of FPN charges does not impact differently on individuals/groups on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex or sexual orientation. No equality implications have been identified. It should be noted, however, that offenders on low incomes may have difficulty cooperating with fixed penalty enforcement if unable to pay, and this will be considered in a subsequent report on regulatory enforcement policy. The present proposals simply address the levels at which fixed penalty charges are set.
- 6.4 **Environmental Impact** – Enforcement by way of FPNs at the levels proposed in this report has a positive environmental impact as it provides for dealing efficiently and successfully with offenders and deterring offending.
- 6.5 **Crime and Disorder** – Enforcement by way of FPNs at the levels proposed in this report has a positive impact on crime and disorder, both in dealing efficiently and successfully with offenders and deterring offending, and in offering reassurance to local communities impacted by offending.
- 6.6 **Risks** – Local setting of FPN levels as proposed in this report will, as described, benefit communities in Broadland and South Norfolk although the fixed penalty levels will, in places, differ from other councils in Norfolk. Setting the right charge levels locally is proposed as being more beneficial than seeking consistency of charges with other local authorities, each of which will have set individual charges for their own reasons. It would require a substantial piece of work to map all prevailing penalty charges across Norfolk and, ultimately, the outcome would be unlikely to assist local decision-making greatly. Occasionally, an unwritten

consistency on individual FPNs may have been discussed at officer level between councils in Norfolk however no relevant formal decisions have been taken between councils.

## **7. Conclusion**

- 7.1 The proposed FPN charge levels for environmental and anti-social behaviour offending as presented in this report offer a sound review and updating, in the interests of desirable enforcement outcomes and the drive to prevent and minimise offending.
- 7.2 If agreement is reached on a common set of FPN charge levels between Broadland District Council and South Norfolk Council, this will suitably reflect the broadly similar circumstances of offending in each district, the services' dealings with offenders and their impacts, and the desired corrective and deterrent effects.

## **8. Recommendations**

- 8.1 The recommendations are:
  - 1. Cabinet to agree the setting of fixed penalty notice charge levels for specified environmental and anti-social behaviour offences as proposed in Appendix 1.
  - 2. Cabinet to agree that the proceeds of paid fixed penalty notice charges be reinvested in the respective service area's revenue expenditure budgets to support further service delivery.

## **Background papers**

Defra [Policy paper: Guidance for local authorities on household waste duty of care fixed penalty notices](#), updated 11<sup>th</sup> December 2018.

The Anti-social Behaviour, Crime and Policing Act 2014.

The Deregulation Act 2015.

The Environmental Offences (Fixed Penalties) (England) Regulations 2017.

# Appendix 1

## Existing and proposed fixed penalty charges for environmental / anti-social behaviour offences (*Broadland District Council*)

Offence	Legislation	Existing FULL penalty amount	Proposed FULL penalty amount	Existing REDUCED early payment penalty amount if paid within 10 working days	Proposed REDUCED early payment penalty amount if paid within 10 working days	Maximum / minimum / permitted and default (if any) penalty	Maximum penalty on conviction (if a fixed penalty charge has not been offered, or goes unpaid)
Littering *	Environmental Protection Act 1990 Sections 87-88	£80	<b>£100</b> <i>an increase of £20</i>	£60	£60 <i>no change</i>	Maximum: £150 Minimum: £50 Default: £100	£2,500 Level 4
Graffiti *	Anti-social Behaviour Act 2003 Section 43	The primary enforcement provision has changed	<b>£100</b>	The primary enforcement provision has changed	<b>£60</b>	Statutory Range £50-150 Minimum: £50 Default: £100	£2,500 Level 4
Flyposting *	<i>(Previously Town &amp; Country Planning Act 1990 Section 224)</i>  Anti-social Behaviour Act 2003 Section 43	<i>(£80)</i>  The primary enforcement provision has changed	<b>£100</b>	<i>(£60)</i>  The primary enforcement provision has changed	<b>£60</b>	<i>(£100)</i>  Statutory Range £50-150 Minimum: £50 Default: £100	  £2,500 Level 4
Unauthorised distribution of free literature on designated land	Environmental Protection Act 1990 Section 88	Requires confirmed charge setting now	<b>£100</b>	Requires confirmed charge setting now	<b>£60</b>	Statutory range £50 to £150 Minimum: £50 Default: £100	£2,500 Level 4
Alarm Noise: failure to nominate key holder or to notify local authority of keyholder details	Clean Neighbourhoods and Environment Act 2005 Section 73	Requires confirmed charge setting now	<b>£75</b>	Requires confirmed charge setting now	<b>£50</b>	Statutory range £50 to £80 Minimum: £50 Default: £75	

Offence	Legislation	Existing FULL penalty amount	Proposed FULL penalty amount	Existing REDUCED early payment penalty amount if paid within 10 working days	Proposed REDUCED early payment penalty amount if paid within 10 working days	Maximum / minimum / permitted and default (if any) penalty	Maximum penalty on conviction (if a fixed penalty charge has not been offered, or goes unpaid)
Abandoning a vehicle	<i>(Previously Refuse Disposal (Amenity) Act 1978 Sections 2 and 2A)</i>  Clean Neighbourhoods and Environment Act 2005 Section 10	Requires confirmed charge setting now	<b>£200</b>	Requires confirmed charge setting now	<b>£150</b>	Statutory range £200 Minimum: £120 Default: £200	£2,500 Level 4 and/or 3 months imprisonment
Fly-tipping	Environmental Protection Act 1990 Section 33(1)(a)	£300	£300 <i>no change</i>	£230	£230 <i>no change</i>	Statutory range £150 - £400 Minimum: £120 Default: £200	£50,000 and/or 5 years imprisonment
Household waste duty of care	Environmental Protection Act 1990 Section 34(2A)	£200	£200 <i>no change</i>	£150	£150 <i>no change</i>	Statutory range £150 - £400 Minimum: £120 Default: £200	£5,000 at Magistrates' Court or unlimited fine at Crown Court
Failure to produce waste transfer note	Environmental Protection Act 1990 Section 34A	£300	£300 <i>no change</i>	£180	<b>£230</b> <b><i>an increase of £50</i></b>	Statutory range £300 Minimum: £180 Default: £300	£5,000 at Magistrates' Court or unlimited fine at Crown Court
Failure to produce documentation (waste carriers' licence)	Environmental Protection Act Section 34A	Requires confirmed charge setting now	<b>£300</b>	Requires confirmed charge setting now	<b>£230</b>	Statutory range £300 Minimum: £180 Default: £300	£5,000 Level 5 or on indictment an unlimited fine
Domestic, Industrial and commercial waste receptacle offences	Environmental Protection Act 1990 Sections 34, 36 or 47(2A)	Requires confirmed charge setting now	<b>£80</b>	Requires confirmed charge setting now	<b>£60</b>	Domestic: maximum £80 Non-domestic: Statutory range £75 - £110 Minimum: £60 Default: £100	£1,000 Level 3



Offence	Legislation	Existing FULL penalty amount	Proposed FULL penalty amount	Existing REDUCED early payment penalty amount if paid within 10 working days	Proposed REDUCED early payment penalty amount if paid within 10 working days	Maximum / minimum / permitted and default (if any) penalty	Maximum penalty on conviction (if a fixed penalty charge has not been offered, or goes unpaid)
Noise exceeding permitted level – domestic premises	Noise Act 1996 Section 8a(2)(a) & (b) As amended by the Clean Neighbourhoods & Environment Act 2005 And the Anti-social Behaviour Act 2003	Not set previously	<b>£100</b>	Not set previously	<b>£60</b>	Statutory range £75 - £110 Minimum: £60 Default: £100	£1,000 Level 3
Noise exceeding permitted level – licensed premises	Noise Act 1996 Section 8A(2A) As amended by the Clean Neighbourhoods & Environment Act 2005 And the Anti-social Behaviour Act 2003	Requires confirmed charge setting now	<b>£500</b>	No discount allowed	No discount allowed	Statutory range £500 No discount allowed Default: £500	£5,000 Level 5
Breach of Public Space Protection Order (includes dog fouling)	Anti-social Behaviour, Crime & Policing Act 2014 Section 68	£100	£100 <i>no change</i>	No reduction for early payment previously offered	<b>£60</b>	Statutory range up to £100 No statutory minimum	Up to Level 3 fine, (or Level 2 for breach of alcohol prohibition)
Repairing a vehicle on the road	Clean Neighbourhoods & Environment Act 2005 Section 4	£100	£100 <i>no change</i>	£60	<b>£80</b>		£2,500 Level 4
Exposing vehicles for sale on a road	Clean Neighbourhoods & Environment Act 2005 Section 3	£100	£100 <i>no change</i>	£60	<b>£80</b> <i>an increase of £20</i>		£2,500 Level 4
Breach of Community Protection Notice	Anti-social Behaviour, Crime & Policing Act 2014 Section 52	£100	£100 <i>no change</i>	No reduction for early payment previously offered	<b>£60</b>	Statutory range up to £100 No statutory minimum	Up to Level 4 fine, plus, costs of remedial work & forfeiture or seizure of items
Failure to comply with Litter Clearance Notice	Environmental Protection Act 1990 Sect 92 (A/C), 94	Requires confirmed charge setting now	<b>£100</b>	Requires confirmed charge setting now	<b>£80</b>		£2,500 Level 4

\* A Community Protection Notice may be issued as an alternative method of enforcement where offences in the first column are marked with an asterisk.

## Work Programme 202/22

Date	Subject of Report	Responsible Officer	Notes
18 Nov	Review of Environmental Enforcement Policies	N Howard	
	Benefits of using Hydrogenated Vegetable Oil Fuel to deliver Environmental Services Contract from April 2022	S Phelan	
	Environmental Strategy Update	N Howard	
27 Jan 2022	Licensing Services commercialisation options	N Howard/L Chant	
	Food Safety Services commercialisation options	N Howard/L Chant	
14 Apr	Regulatory Enforcement Policy	N Howard	