

## **LITTERING FROM VEHICLES**

### **1. Purpose of report**

To advise members of, and to seek a resolution to adopt, regulations which have recently come into force allowing local authorities to give a penalty notice to a person who is the keeper of a vehicle where the Authority has reason to believe that a littering offence has been committed in respect of the vehicle.

### **2. Background**

The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 (the Regulations) came into force on 1 April 2018. They give local authorities the power to give a penalty notice to a person who is the keeper of a vehicle where the Authority has reason to believe that a littering offence has been committed in respect of the vehicle. Effectively, this removes the need to prove which occupier of the vehicle deposited litter before a case can be taken, which was the situation previously.

The regulations give local authorities the power to serve penalty notices on the registered keeper of a vehicle where they believe a littering offence has been committed from the vehicle. The amount of the fixed penalty can be set from a minimum of £50 (from 1 April 2019 this will rise to £65) to a maximum of £150. The default, if no amount is specified by a local authority, is £100. An authority can also specify a reduced amount (minimum £50) if the penalty is paid within 14 days. If a fixed penalty is not paid in full within the payment period, the amount of the fixed penalty increases by 100%. Any unpaid amount of a fixed penalty can be recovered as a civil debt.

Direct costs for cleaning up litter and enforcing the law are borne by the principal litter authorities. In England, these are district councils and the highways agency. It is difficult to quantify the actual cost of sweeping up litter as costs usually include emptying of bins. However, in Broxtowe, approximately ten full time equivalent officers are involved in street sweeping.

### **3. Financial implications**

Sums received by the Authority under these regulations can only be used for very specific purposes related to litter and graffiti.

### **Recommendation**

**Committee is asked to RESOLVE that:**

- 1) The provisions of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 be adopted.**
- 2) The Head of Public Protection be given delegated authority to serve penalty notices and to authorise officers to serve penalty notices**
- 3) That the penalty amounts be set at the same level of those set by the Authority for littering in the street (currently £75 or £50 if paid within 14 days).**
- 4) That evidence for the service of a fixed penalty notice be a written statement from an officer of the Council, or a minimum of two corroborating statements from members of the public.**

Background papers: Nil