

Offence	Explanation	Act	DBC Current Penalty	Maximum Penalty allowed and DBC Proposed Penalty	Proposed DBC discounted Full Penalty	New Minimum penalty that can be set
<b>Littering</b>	A person is guilty of an offence if they throw down, drop or otherwise deposit and litter in any place in the area of a principle litter authority which is open to the public, accessible to the public and they leave it. Litter includes discarded cigarette ends and chewing gum.	Section 87 Environmental Protection Act 1990. (Offence of littering). Section 88 Environmental Protection Act 1990 (FPN for littering). Section 98 Environmental Protection Act (definition of litter).	£150 £75 if paid within 7 days	£500	£150	£65
<b>Graffiti</b>	An offence is committed where a person without lawful excuse destroys or damages any property belonging to another or is reckless as to whether the property is damaged or destroyed. This includes the painting or writing on, or the soiling or marking or other defacing of, any property by whatever means (criminal damage).	Section 43 ASB Act 2003 (Penalty notices for graffiti) Section 43A ASB Act 2003 (amount of penalty – inserted by s.28 Clean Neighbourhoods and Environment Act 2005). Section 44 ASB Act 2003 (definition of a relevant offence for purposes of s.43). Section 132 Highways Act 1980 (description of the offence).	£150 - reduced to £75 if paid within 7 days	£500	£150	£65
<b>Duty of Care</b>	Sec 34 of the Environmental Protection Act 1990 imposes a Duty of care on any persons who imports, produces, carries, keeps, treats or disposes of controlled waste or as a broker, has control of such waste. This includes householders who have a responsibility to dispose of their waste in the correct manner and to hire a reputable firm if using a third party to dispose of waste.	section 34(2A) of the EPA 1990	£250– no discount	£600	No discount	£150
<b>Fly Tipping</b>	It is an offence to deposit controlled waste or extractive waste or knowingly cause or knowingly permit controlled waste or extractive waste to be deposited in or on any land unless an environmental permit authorising the deposit is in force and the deposit is in accordance with the permit.	Section 33(1)(a) Environmental Protection Act 1990 (offence of fly tipping). Section 33ZA Environmental Protection Act 1990 (fixed penalty notices for contravention of 33 (1)(a).	£400– no discount	£1000	No Discount	£150

## **FIXED PENALTY NOTICES AND APPROACH TO YOUNG PEOPLE**

1. In relation to issuing an FPN, different arrangements will apply to those under 18 years of age who commit these offences.

### **10 - 13 Year Olds**

2. FPNs will not be issued to persons under the age of 14 where an offence is witnessed but they should still be requested to stop the activity and both the juvenile and their parent/guardian will be sent a formal warning so that the parent/guardian is aware of the situation.

### **14 and 15 Year Olds**

3. If an offence is committed by a person who is 14 or 15, in the first instance they would be requested to stop the activity. If the request is complied with, a formal warning would be given, verbally at the time, and followed up in writing to both the juvenile and their parent.
4. If the activity is not stopped, then an FPN would be issued to the individual and the parent/guardian informed.
5. Prior to the FPN being issued, consultation will take place with the Young People's Engagement and Justice Service as to whether this is an appropriate course of action. FPNs would only be issued if absolutely necessary and other more appropriate action would be sought.

### **16 and 17 Year Olds**

6. If an individual who is 16 or 17 commits an offence, then the individual will be issued with a FPN, and the parent/guardian informed. Consultation again will take place with the Young People's Engagement and Justice Service as to whether this is an appropriate course of action, before the FPN is issued.
7. In every instance where an FPN is issued to an under 18, consideration can be given to reparation, such as a supervised litter pick, as an alternative to payment of the FPN.
8. This option will be communicated to under 18s and their parent/guardian at the time of the FPN being sent out to them.