

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Street Scene
and Environment Services**

**Decision No:
D160082MEM**

Date: 07 November 2016

Decision(s) and Reason(s)

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016

(Report of Director of Street Scene, Leisure and Technical Services)

The report gave details of the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which allowed fly tipping offences to be dealt with by means of a Fixed Penalty Notice (FPN) and aimed to provide an efficient tool for tackling smaller scale and/or lower impact fly tipping incidents.

Details were given of the proposed penalty and the circumstances in which the FPN would be issued, together with a review of the current FPN process.

Following consideration by the Street Scene and Environment Services Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that with immediate effect:

- (1) delegated authority be granted to the Director of Street Scene, Leisure and Technical Services under the Environmental Protection Act 1990, as amended by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, to make appropriate arrangements for the issue of Fixed Penalty Notices for fly tips;
- (2) the penalty charge of £400 for unauthorised deposits of waste be supported with no early payment reduction and no appeal process;
- (3) the removal of early payment reductions for Duty of Care offences often associated with fly tipping be supported; and
- (4) the cessation of the appeal process for all offences where Fixed Penalty Notices are served be supported.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 7 November 2016.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 11 November 2016

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.