

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....25th January 2018

1. Title of Item/Report

Fly-Tipping Fixed Penalty Notices

2. Record of the Decision

Consideration was given to a report that outlined some of the changes around legislation relating to fly tipping and how the offence was dealt with in Stockton-on-Tees. Last year, Local Authorities in England dealt with over one million fly tipping incidents an increase of 7%. Locally, the Council dealt with thousands of requests for service each year with incidents of fly tipping increasing in line with the national picture. The estimated cost of clearance of fly tipping in England is around £57 million per year.

RESOLVED that:-

1. The issue of Fixed Penalty Notices be authorised for small scale fly tipping offences contrary to section 33 (1) (a) of the Environmental Protection Act 1990.

2. The maximum Fixed Penalty be set at the upper scale of £400 without the option to discount. This would bring Stockton on Tees Borough Council in line with the majority of our neighbouring authority areas.

3. Reasons for the Decision

This sets a clear deterrent factor to would be offenders whilst also taking into account the time and money spent on investigating and removing fly tipping.

The use of a fixed penalty notice should be used instead of Court action, with the exception of the following instances;

- The offender has relevant past convictions for related offences
- The offender is commercial business, or acting on behalf of a business
- The offender has shown no sign of remorse, acceptance or

correcting behaviour

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

N/A

7. Date and Time by which Call In must be executed

Midnight, 2 February 2018

Proper Officer  
29 January 2018