

Fixed Penalty Notice FAQ's

Who will be issuing Fixed Penalty Notices?

Fixed Penalty Notices will be issued by legally authorised officers of the council who will be able to identify themselves with their ID badge.

What is littering?

There is no legal definition of litter which can be anything that is dropped, thrown or otherwise deposited and left in areas where the law applies. This will include cigarette butts and cans but can also include urinating and spitting.

Do I have to give my personal details to a council officer as they are not police officers?

Under Section 88(8A) Environmental Protection Act 1990, if an authorised officer of the council proposes to give a person a Fixed Penalty Notice under this section, the officer may require the person to give them their name and address. It is an even more serious offence to give false details such as a different name or an address you don't currently live at.

How much is a Fixed Penalty Notice?

Fixed Penalty Notices issued will vary depending on offence but will be between £50 to £300. However if you do not pay this you could end up in Court and be faced with a conviction and a much higher fine.

Can I Appeal against a Fixed Penalty Notice I have been issued?

You cannot appeal a fixed penalty notice as it is simply an opportunity for you to effectively avoid any liability to prosecution. This means that if you agree that an offence has been committed by you and you pay the penalty in full no further action will be taken. This method of dealing with offences not only saves the time involved for everyone (including the offender), but the cost associated with a Fixed Penalty Notice is likely to be substantially lower than any fine imposed by the courts. For example the maximum penalty which can be imposed by the Courts for littering is £2,500 along with a criminal conviction against the person.

What happens if I don't agree that I committed the offence for which I have received a Fixed Penalty Notice?

In this case the matter will be dealt with through formal prosecution in the court. It will then be up to the Court, to determine whether or not an offence was committed and whether or not any penalty should be imposed. The financial penalty imposed by the courts can be significantly greater than that which is imposed through a Fixed Penalty Notice.

Why should I pay, if there are no signs about littering in the area where I dropped it?

We are not required to place signs in every street, road, highway or open park/space to tell people not to litter. Litter legislation has been in force for many years. Littering in many parts of the UK is at such levels that local authorities across the country are now using Fixed Penalty Notices to drive the message home to those who spoil our towns and cities by carelessly discarding their rubbish.

Why should I pay a Fixed Penalty Notice when there were no litter bins nearby at the time?

It is not possible to place litter bins in every street, road and highway in the city. Of course every effort is made to place bins where they are most needed and where there are the most people, such as in town centres and major shopping areas. It is also a littering offence to deposit litter down a drain in the road. Where bins are not available then it is up to everyone to act responsibly and make arrangements to either take their litter home or carry it until a litter bin is available.

I received a Fixed Penalty Notice for discarding a cigarette, surely that can't be considered littering?

Wrong, litter includes not only cigarette butts but chewing gum also. In many ways these items are more of a nuisance and more expensive to clean up than other litter.

Cigarette stubs can't be placed in litter bins because they will catch fire?

This is not true. You are responsible for ensuring you completely extinguish your cigarette before placing them in the bin. There is also no reason why smokers cannot carry portable cigarette bins with them.

You need to give me an opportunity to pick the litter up at the time?

This is not true. The offence relates to the dropping, throwing or depositing of litter and leaving it. So whether or not you subsequently volunteer to pick up your litter afterwards or not you have committed an offence and will be issued with a Fixed

Penalty Notice. We appreciate it when you do remove the litter though, otherwise someone else has to.