

Transport and Environment Committee

10:00 am, Tuesday, 2 June 2015

Impact of the Increases to Fixed Penalty Notice Amounts

Item number	7.13
Report number	
Executive/routine	Executive
Wards	All

Executive summary

On the 1 April 2014, the Scottish Government increased the prescribed amounts for litter and flytipping Fixed Penalty Notices (FPN's) from £50 to £80 for littering, and from £50 to £200 for flytipping. This report details the impact of these changes in Edinburgh as requested by the Transport and Environment Committee on 18 March 2014.

Links

Coalition pledges	P44
Council outcomes	CO17 CO19
Single Outcome Agreement	SOA4

Impact of the Increase to Fixed Penalty Notice Amounts

Recommendations

It is recommended that Committee:

- 1.1 Note the content of this report;
- 1.2 Discharges the remit from the 18 March 2014 Committee to report back on the impact of the Fixed Penalty Notice (FPN) changes in terms of revenue and payment rates; and
- 1.3 Agrees to receive a further report in 6 months regarding discussions with the Procurator Fiscal and the enforcement of fixed penalty notices.

Background

- 2.1 Following research published in 2013 by Zero Waste Scotland, enforcement was highlighted as an effective tool in deterring offending around all environmental crime, including littering and flytipping.
- 2.2 The Scottish Government conducted the National Litter Consultation over the summer of 2013, which aimed to consider the best ways of reducing littering and flytipping, while also boosting recycling in Scotland.
- 2.3 Responses to the National Litter Consultation demonstrated that over two thirds of respondents were in favour of increasing the amounts of FPN's for flytipping and littering.
- 2.4 The Scottish Government has now published its first National Litter Strategy; "Towards a Litter free Scotland – A Strategic Approach to Local High Quality Environments". The strategy aims to address litter and flytipping through a range of measures, including the recent changes to the prescribed FPN amounts for litter and flytipping. The FPN changes were implemented on the 1 April 2014, when the pending amount for littering increased from £50 to £80, and the FPN for flytipping increased from £50 to £200.

Main report

Impact of FPN Increases

3.1 The table below details the impact of the FPN increase in Edinburgh.

Impact of FPN increases in Edinburgh			S33 Flytipping		S87 Littering	Total
			Domestic	Trade		
2012/13	34	FPN's	388	844	1575	2807
		Paid	183	633	979	1795
		% Paid	47.2%	75.0%	62.2%	61.4% Average
		Revenue	£9,150	£31,650	£48,950	£89,750
2013/14	44	FPN's	760	1227	1839	3826
		Paid	405	884	1210	2499
		% Paid	53.3%	72.0%	65.8%	63.7% Average
		Revenue	£20,250	£44,200	£60,500	£124,950
2014/15	33.5	FPN's	500	861	629	1990
		Paid	177	505	424	1106
		% Paid	35.4%	58.7%	67.4%	53.8% Average
		Revenue	£35,400	£101,000	£33,920	£170,320

3.2 Since the introduction of the increased FPN rates in 2014/15 there has been a reduction of just under 10% in payment of FPNs compared with 2013/14 figures.

3.3 In the same period revenue from these penalties has increased by £45,370, 36.3%.

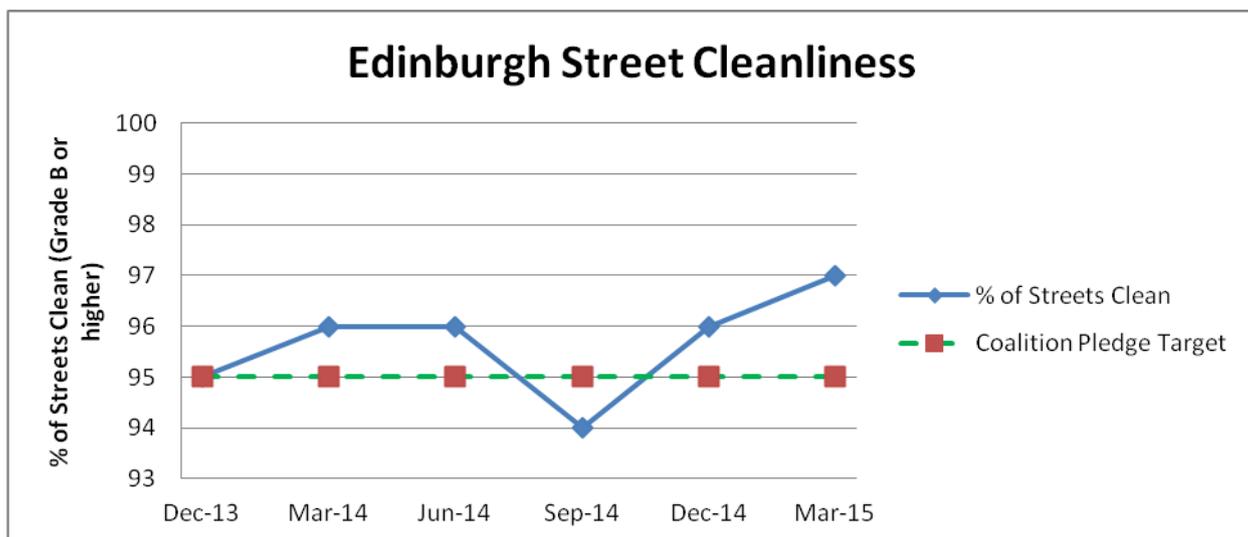
3.4 The number of FPNs issued in 2014/15 has reduced to 1990. There are a number of factors contributing to this:

- the end of the Edinburgh Wardens temporary project, this additional team of wardens accounted for a total of 1474 FPN's issued between July 2013 and August 2014;
- a wide range of priorities for environmental wardens; and
- an increased requirement for reports to be submitted to the Procurator Fiscal as a result of the drop in payments made.

A recent priority for Environmental Wardens has included the expansion of the Trade Waste project across the city. This project is led by the Council's Environment Division and is driven by a recent change to the Environmental

Protection Act 1990 which gives local authorities powers through service of statutory notice to control the placement of commercial waste containers for emptying, including specifying the time when they must be placed and removed. The Neighbourhood Environmental Teams are taking an enforcement role as the project is rolled out in phases across the city.

Edinburgh Street Cleanliness



3.5 The percentage of Edinburgh’s streets recorded as B grade or higher has risen since the introduction of the increased FPN amounts. While it is not possible to directly relate this improvement to the charges in FPNs, trends will continue to be monitored.

Procurator Fiscal

3.6 The Council is currently in dialogue with the Procurator Fiscal discussing ways in which processes can be streamlined to ensure that robust action will be taken against those who are issued with a FPN.

Conclusion

- 3.7 The increase in FPN amounts introduced by the Scottish Government on 1 April 2014 can be linked to the following impacts in Edinburgh during 2014/15;
- i. A negligible change in littering FPN payment rates (1.6%), most likely due to the relatively small increase from £50 to £80;
 - ii. A significant decrease in flytipping payment rates of 15.6% (17.9% for Domestic and 13.3% Trade), potentially due to the large (300%) increase in FPN amount from £50 to £200; and
 - iii. An overall increase in revenue of £45,370, which is largely due to the increase in flytipping FPN amount.

Measures of success

- 4.1 An increase in CIMS scores recorded, reflecting cleaner streets in Edinburgh.
- 4.2 A reduction in littering complaints recorded.
- 4.3 A reduction in flytipping complaints recorded.
- 4.4 The changes in FPN amounts were published by the Scottish Government on 17 January 2014. The changes required for the implementation included:
 - a. briefing and training all staff;
 - b. sourcing and updating the affected FPN books; and
 - c. updating our electronic recording systems.

The required changes were implemented in full and were in place ready for enforcement to commence as scheduled on 1 April 2014.

Financial impact

- 5.1 The increase in FPN amounts has resulted in an increase in revenue received from FPN's in Edinburgh of £45,370 for the financial year 2014/15.

Risk, policy, compliance and governance impact

- 6.1 The contents of this report cover the impact of national changes to legislation by the Scottish Government. The changes do not have any impact on risk, policy, compliance or governance in Edinburgh.

Equalities impact

- 7.1 A full ERIA was carried out by the Scottish Government as part of the National Litter Strategy, and is attached as Appendix 1.

Sustainability impact

- 8.1 The change in FPN amounts by the Scottish Government is intended to increase sustainability by reducing littering and flytipping offences. This will increase Sustainability and recycling in conjunction with the other aspects of the National Litter Strategy, in Edinburgh and nationally across Scotland.

Consultation and engagement

- 9.1 The Scottish Government carried out the National Litter Consultation to engage with stakeholders and members of the public, using feedback to form the

National Litter Strategy for Scotland. Both documents are listed below under background/external references.

Background reading/external references

[Increase in Littering and Flytipping Fixed Penalty Notice Amounts – Item 7.11 March Transport and Environment Committee](#)

[Towards a litter free Scotland: A strategic approach to high quality local environments](#)

[The Scottish Government’s Litter and Flytipping Strategy: Analysis of Responses to the Public Consultation](#)

[Item 7.14, Trade Waste – Pilot Evaluation and Policy Recommendations Transport and Environment Committee](#)

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Links

Coalition pledges	P44 – Prioritise keeping our streets clean and attractive.
Council outcomes	CO17 – Clean – Edinburgh’s streets and open spaces are clean and free of litter and graffiti CO19 – Attractive Places and Well Maintained – Edinburgh remains and attractive city through development of high quality buildings and spaces and the delivery of high standards
Single Outcome Agreement	SOA4 – Edinburgh’s communities are safer and have improved physical and social fabric