

# **WESTMINSTER CITY COUNCIL**

## **STATEMENT OF DECISION**

### **SUBJECT: INCREASED FPN LEVELS**

Notice is hereby given that , Cabinet Member for City Management and Air Quality, has made the following executive decision on the above mentioned subject for the reasons set out below.

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The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 that came into force on the 31st July 2023 have given local authorities the option to increase the fines issued under fixed penalty notices for the unauthorised or harmful deposit, treatment or disposal of waste and duty of care for household waste.  
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### **Summary of Decision**

The Cabinet Member for City Management and Air Quality has authorised the Director of Public Protection & Licensing to implement new rates for Fixed Penalty Notices as set out in option 3 in section 5 below (increase fine levels for all three offence types (Littering, Fly Tipping, Duty of Care (Residential)) to below the maximum amount), with immediate effect.

### **Reasons for Decision**

The option to increase to the maximum fine levels for these offences may, as explained, have a detrimental effect on our ability to enforce, resulting in more court cases being contested which bring the risk of a) lower fines than our current FPN rates b) cases where we are unsuccessful in court.

That a suitable penalty is an appropriate consequence for non-compliance and acts as a suitable deterrent to drive compliance and improve our street scene for those who live, work in and visit our City.

An assessment of other local authorities' intentions would suggest that all are intending to increase fine levels and the risk of us not doing so (the do nothing option) would potentially leave Westminster as an outlier, also potentially increasing the likelihood of people from outside Westminster choosing to fly tip in Westminster due to the lower fine levels.

Therefore, it is felt an increase in line with the thinking and decision of other local authorities would be the optimum decision.

**Stuart Love, Chief Executive,  
Westminster City Hall,  
64 Victoria Street  
LONDON SW1E 6QP**

**Publication Date:**

**Decision Date:** 13 December 2023

**Implementation Date:**

**Reference:**