

Fly-tipping Fixed Penalty Notices (FPNs)

FPN's provide an opportunity for first time non-habitual offenders to avoid court and a possible criminal record. They offer a more efficient and proportionate response to tackling small-scale fly-tipping incidents which will also help ease the burden on the court system.

Local Authorities (LA's) can set the amount of the fly-tipping FPN between £150-£400 with a default of £200 if no amount is specified. An option for early payment of an amount no less than £120 can be made available and Local Authorities can retain the receipts to help contribute to the costs of dealing with fly-tipping. The FPNs can be used on both publicly and privately owned land.

The Unauthorised Deposit of Waste (Fixed Penalties) (Wales) Regulations 2017

<http://www.legislation.gov.uk/wsi/2017/1024/regulation/2/made>

Small Scale

The list below provides guidance on what constitutes small scale and will help LA's achieve a consistent approach to issuing fly-tipping FPN's in Wales. There will be individual circumstances that will need to be considered on occasion but this list should be followed where possible.

- First time non-habitual offenders only
- Non-hazardous waste only
- Up to a car boot load
- Up to 8 black bags
- One or two bulky items (e.g. furniture, white goods)

Fly-tipping and Litter

It should be counted as a fly-tip if the fly-tip waste is too large to be removed by a normal hand-sweeping barrow. In simple terms, a single full bin bag upwards would constitute a fly-tip. Similarly, several carrier bags full of rubbish dumped together would also constitute a single fly-tip.

Recording FPN's

FPN's should not be issued to repeat offenders. Where an offender is taken to court, the fact they have been issued with previous FPN's may influence the court's assessment of the offender's suitability for a particular sentence.

It is, therefore, important information on FPN's issued, are kept centrally so it is accessible to Local Authorities (LA's) and Natural Resources Wales (NRW). As LA's use different enforcement systems, it is recommended the Memex Intelligence system used by NRW, stores this information.

When officers are at the stage in their investigation where they are considering what enforcement action to take, they should first search the Memex system to check any potential offending history. Once FPN's have been issued, this information should be uploaded on to Memex through an agreed process.