

London Forum of Amenity and Civic Societies

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## **Response to Defra's consultation on the review of fixed penalties for environmental offences and on the introduction of civil penalties for littering from vehicles outside London**

### **Introduction**

This is the response to Defra's consultation document, dated April 2017, on this subject. It is on behalf of the London Forum of amenity and Civic Societies, which represents about 130 civic and amenity societies across London.

As a general point, the London Forum, and the local societies that it represents, are firmly in favour of stronger action to tackle litter, including raising penalties for dropping litter. Litter is a serious blight on people's lives; and the issue of litter, and the need to tackle it more effectively, features prominently on the agenda of local amenity societies.

The rest of this response takes the consultation questions in order, omitting questions 2, 6, 8, 16, 17 and 18, which are for specific organisations only.

Question 1: Should fixed penalties for littering offences be increased (Y/N)?

### **Yes**

Question 3: Which of these options do you prefer? a. Option 1 - increase the minimum, default and maximum fixed penalties to £60, £95 and £100 respectively. b. Option 2(a) – increase only the maximum fixed penalty to £100 c. Option 2(b) – increase only the maximum fixed penalty to £150 d. Option 3 - increase the minimum, default and maximum fixed penalty to £60, £100 and £150 respectively. Please use the free text box to tell us why.

**We favour Option 3 as likely to have the biggest impact on reducing litter.**

Question 4: Do you agree that changes to the range of and default fixed penalties for littering should be applied in the same way to the fixed penalties for: a. Graffiti (y/n) b. Fly-posting (y/n) and c. The unauthorised distribution of free literature in a designated area (y/n)?

**We agree on all three of these changes (graffiti, fly-posting and unauthorised distribution of literature)**

Question 5: Do you agree that all councils should have the ability to spend their income from environmental offences on “any of their functions”? If not, please use the free text box to explain why.

**We agree that councils should have reasonable flexibility on how they use the revenues from environmental offences. But we think that councils should be expected to use at least some of the revenues on environmental improvements and ensuring that there are enough enforcement officers; this will both ensure that penalties can be applied, and also ensure that councils can keep the support of their residents, and avoid accusations of draconian penalties.**

Question 7: Should the Local Government Transparency Code be amended to make it clear that data on enforcement activities against littering and the other environmental offences should be published?

**Yes**

Question 9: Do you agree with the proposal to remove the requirement for training providers for parish council enforcement officers to be approved by the Secretary of State?

**Yes**

Question 10: Do you agree with the proposed exemption for the keeper of public service vehicles, taxis and private hire vehicles when the littering offence is committed by a passenger? a) If no, why?

**Yes**

Question 11: Should the regulations provide for any other exemptions from liability to pay a civil penalty notice (as opposed to grounds for appeal against a civil penalty notice)?

**No**

Question 12: Should councils be able to use the income from civil penalties for littering from a vehicle in the same way as they can spend income from fixed penalties for littering offences? (Y/N) If no, why do you consider that income from the two penalty regimes should be treated differently?

**Yes in principle; but this should be subject to our comments on question 5 above, which should also apply to income from littering from vehicles.**

Question 13: Should the default amount payable under a civil penalty notice be equivalent to the default amount payable under a fixed penalty notice for a littering offence (reflecting any changes to the default level of fixed penalty notices for littering)? (Y/N) . If no, why, and at what level should the default amount payable under a civil penalty notice be set?

**Yes**

Question 14: Do you agree that, to encourage prompt payment, a late payment notice is issued if the amount payable under the civil penalty notice is not paid within 28 days? 34 a. If not, why?

**Yes**

Question 15: Do you agree that the maximum increased civil penalty payable under a late payment notice should be the amount payable under the civil penalty notice increased by 100% (i.e. the amount payable under the civil penalty notice multiplied by 2)? (Y/N) If no, why, and by what factor should the civil penalty be increased?

**Yes**

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