

► London Councils response

► Defra consultation on littering penalties

London Councils represents London's 32 borough councils and the City of London. It is a cross-party organisation that works on behalf of all of its member authorities regardless of political persuasion.

Consultation questions

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

Yes, London Councils supports an increase in littering penalties. We agree that these penalties have not followed pace with inflation or penalties set in other parts of the UK. Littering is an anti-social behaviour and is costly for councils to tackle. It blights communities and affects the economic and social amenity of an area.

2. For local council respondents only: What impact would an increase in these fixed penalties have on your council? Please consider both costs and benefits, and provide evidence to support your response (e.g. number and level of fixed penalties that you currently issue per year and payment rate, costs of enforcement, prosecutions and implementation of any changes etc.)

Individual London boroughs are best placed to respond to this question.

3. Which of the below options do you prefer?

- a. Option 1 - increase the minimum, default and maximum fixed penalties to £65, £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 £65, £100 and £150 respectively.

Please use the free text box to tell us why.

Members are asked to give their views on which of these they would support London Councils stating in its response. For reference, the penalties for littering are currently a minimum of £50, maximum of £80 and default £75 if not set. In London in June 2006 TEC supported a proposal to set the littering penalty at £80. However this is not a penalty that TEC is required to set and so this is merely advisory. Individual boroughs may have set their littering penalty at a different level or introduced a discounted penalty for early payment.

Option 1 would increase the penalties in line with inflation. Option 3 would see the increase of the maximum penalty to £150 which would bring England into line with penalties in Wales.

Officers recommend that Option 3 is supported by TEC. The disadvantage of this would be that all local authorities would have to change their penalties whereas under Options 2(a) or 2(b) any council wanting to retain lower penalties would not have to do anything.

- 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**
 - b. Fly-posting and**
 - c. The unauthorised distribution of free literature in a designated area**

London Councils supports Defra's proposals that penalties for these offences should also be increased to the same levels as for littering, to continue the consistency in penalties for these offences, as now.

- 5. Do you agree that all councils should have the ability to spend their income from environmental offences on "any of their functions"?**

We strongly support Defra's approach to this. Given performance assessments of local authorities no longer exist, and given the majority of councils enjoyed spending flexibility as they were classified as 'excellent' or 'good', the current spending flexibility should be maintained. This is in line with the general view that a lack of ring-fencing of local government funds helps maximise opportunities for local authorities to provide its functions in a holistic and efficient manner.

- 6. For local council and parish council respondents only: Do you currently issue fixed penalty notices for environmental offences, and if so, how do you spend the income from these fixed penalty notices?**

Individual London boroughs are best placed to respond to this 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?**

London Councils supports efforts to improve transparency, as long as the time involved to publish the information is justified by the benefit it brings. Individual boroughs will be able to indicate whether Defra's proposals regarding the level of information to be published are proportionate.

- 8. For local council respondents only: Do you publish this data already? If so, where?**

Individual London boroughs are best placed to respond to this 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?**

London Councils does not have a view on this.

Questions 10-16 relate to the introduction of littering from vehicles penalties in the rest of England. London already has these powers under the London Local Authorities Act 2007.

17. For councils in London only: We propose that the new powers should only be available to councils outside London, on the basis that London councils already have similar powers under the London Local Authorities Act 2007. Do you agree?

We support this approach. The enforcement system is already established in London together with the tribunal service provided by London Tribunals. Changing the legislative basis for this enforcement would be time-consuming and costly, for no noticeable benefit. We note that in paragraph 97 of the consultation document Defra proposes that the penalties for littering from vehicles will be mirrored by those for littering, which may increase following this consultation. Under section 66 of the LLAA 2007, the London Councils Transport and Environment Committee is the joint committee responsible for setting penalty levels, including for littering from vehicles. Members may decide in due course that the littering from vehicles penalty in London should be increased if the maximum penalty level outside London is increased.