

Appendix 2

Frequently Asked Questions: Littering & Fly-Tipping

1. What is considered littering?

Littering is the act of throwing down or leaving waste in public places. This includes items like cigarette butts, fast food packaging, chewing gum, and drink cans. If it's not disposed of in a bin, it's littering.

2. What is fly-tipping?

Fly-tipping is the illegal dumping of rubbish or bulky items on land that isn't licensed to receive waste. This includes anything from black bags and furniture to electrical appliances and construction waste.

3. What is the fine for littering?

A Fixed Penalty Notice (FPN) of up to £500 can be issued for littering. If payment is made within 14 days, then the fine is reduced to £100. If the fine isn't paid, the case may go to court where you could face a larger fine and legal costs.

4. What is the fine for fly-tipping?

Fly-tipping is a more serious offence and can result in a Fixed Penalty Notice of up to £1000. There are two tiers of fines for fly tipping:

Fly tipping tier	Description	Fine	Reduced Fee (If paid within 14 days)
Upper Tier	More than the equivalent of six black bags worth of waste or more than a single item of furniture/electrical item.	£1,000	£500
Lower Tier	The equivalent of up to five black bags worth of waste or a single item of furniture/electrical item.	£500	£200

In Broxtowe, the pricing for fly-tipping offences is determined by the size of the waste deposited. A small fly-tip, defined as the equivalent of one black bag's worth of waste, carries a Fixed Penalty Notice (FPN) of £500. However, if payment is made within 14 days, the fine is reduced to £200. For larger fly-tips classified as more than one black bag's worth of waste, the FPN is £1,000, with a discounted rate of £500 if settled within the same 14-day period. These penalties are in place to deter environmental offences and promote responsible waste disposal.

In serious cases, prosecution in court can lead to fines of up to £50,000 or even imprisonment.

5. What should I do if I see someone littering or fly-tipping?

You can report it to the Council with details such as the time, location, and description of the person or vehicle. Many councils now accept reports online or through dedicated mobile apps. Please do not approach or challenge the person/s who are fly-tipping.

6. What happens if I drop litter accidentally or forget to pick it up?

Even accidental littering can result in a fine. Everyone has a responsibility to properly dispose of their waste in a bin or take it home.

7. I paid someone to take my rubbish. Why am I being fined?

You are legally responsible for checking that anyone you pay to remove waste is a licensed waste carrier. If they dump it illegally, you can still be fined or prosecuted.

8. How can I dispose of bulky items or extra waste legally?

The Council operates a bulky waste collection service. There is an initial non-refundable service charge of £13 per order, plus £10 per item. Further details can be found on the Council's Bulky waste webpage. Alternatively, you can take items to a local household waste recycling centre.

9. If I put items out for the scrap man, will I get fined?

The Environmental Enforcement Team will note any items left out for potential collection. They will not approach the householder or ask for them to bring the item back in. They will wait a further 24 hours, after which they will return to check if the item/s are still there. If the items have gone, no FPN will be issued. If the items remain after this period, officers may consider this a potential fly-tip and will investigate. An FPN may then be issued.

10. Why is littering and fly-tipping such a serious issue?

It harms the environment, costs money to clean up, and creates an eyesore in our communities. It also poses risks to wildlife, public health, and road safety.

11. Can businesses be fined too?

Yes. Businesses must dispose of their waste legally and provide proper documentation. Failure to comply can lead to enforcement action and heavy fines.

12. Challenging your Fixed Penalty Notice (FPN)

Paying an FPN is an invitation for you to discharge your liability to prosecution. This means that while this is not an admission of your guilt, you do agree that an offence has been committed. By paying the fine, no further action will be taken by the Council or on our behalf.

WISE (Stage 1) and the Council (Stage 2) will consider representations made to challenge FPNs, if you do not believe the penalty should have been issued. Whilst

your representation is being considered, the FPN is suspended. This means that no further action will be taken until a decision is made.

The legislation that governs FPNs also means that a person who receives an FPN can appeal this at a Magistrates' Court (Stage 3). Should you wish to appeal the FPN direct to the Magistrates' Court without challenging the FPN at Stage 1 and Stage 2, you are able to do so within 21 days from the date the FPN was issued.

Stage	Appeal process led by	Timeframe
Stage 1	WISE	Response within five days from the date of receiving the representation.
<p>Stage 1: A representation is lodged with a WISE Designated Appeal Officer. The officer will investigate the representation. They will write back to the appellant with an outcome of their appeal. The outcome will be either to uphold the FPN or withdraw the FPN. No reasons will be stated in either case.</p> <p>To lodge your challenge to WISE please email: broxtowe@wasteenforcement.co.uk</p> <p>WISE prefer to be contacted via email, if possible, as this ensures a clear and traceable record (which also details when it has been received) of correspondence.</p> <p>Should a response be issued via letter, it will be posted prior to the expiration of the five-day response period. Once posted, this response will be deemed to have been delivered.</p>		
Stage 2	The Council	Ten days from the date of receiving the representation from WISE.
<p>Stage 2: If the appellant is not satisfied with the outcome of the Stage 1 appeal and wishes the Council to review the decision made at Stage 1, they are then able to make representations to the Council. This will be through WISE. WISE will prepare a pack containing all the information from the investigation and send this across to the Council. The representation will be considered by the Assistant Director – Environmental Services and the Head of Legal (and in their absence, their nominated deputies). The outcome will be to either uphold the decision made at Stage 1 or to withdraw the FPN. They will write back to the appellant with the outcome of their representation. No reasons will be stated in either case.</p> <p>Should a response be issued via letter, it will be posted prior to the expiration of the ten-day response period. Once posted, this response will be deemed to have been delivered.</p>		

Stage	Appeal process led by	Timeframe
Stage 3	Magistrates'	
Stage 3: If the appellant is not satisfied with the outcome of either Stage 1 or Stage 2, then they can lodge an appeal with the Magistrates' Court. This needs to be undertaken within 21 days from the date the FPN was issued. This is the final stage of the process.		
Please note should you wish to appeal the FPN direct to the Magistrates' Court without challenging the FPN at Stage 1 and Stage 2, you are able to do so within 21 days from the date the FPN was issued.		

Please note that the following are not grounds for cancellation:

- You did not know the law and did not know it was being enforced.
- This was the first time you committed the offence.
- You believe the officer issuing the Fixed Penalty Notice was rude or did not behave appropriately (This will be considered as a complaint).
- You have always done this and never received a penalty or warning before.
- There wasn't any signage informing you of the applicable legal requirements.

13. I would like to have a family member/friend act on my behalf. Is this possible?

Yes, that is possible. You will need to complete an authorisation form, which can be found on our website: <https://www.broxtowe.gov.uk/for-you/litter-and-street-cleansing/environmental-enforcement/> . Once the form is completed and submitted to WISE, the individual acting on your behalf will be required to provide valid identification to verify their identity before they can act on your behalf.