

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and Community Safety

Date: 28/10/2025

Subject: Amendments to Fixed Penalty Notice charges to be issued by the Law Enforcement Team

Report author: Mohammed Basith, Law Enforcement Manager

Responsible Director: Mark Raisbeck, Director of Public Realm

SUMMARY

This report proposes some minor amendments to the value of Fixed Penalty Notices (FPNs) issued for the offences of Littering, Graffiti, Household Duty of Care and Commercial waste receptacle breaches.

It also recommends using the Littering offence (instead of the Fly Tipping offence) if regular household waste is placed on the public highway outside of the allocated times.

RECOMMENDATIONS

1. The existing FPN charge for the offence of leaving litter under section 88 of the Environmental Protection Act 1990 is **increased** from £150 (with an early repayment amount of £100) to £250 (with an early repayment amount set at £200). This is below the maximum permitted charge of £500.
2. To apply an FPN for littering instead of fly tipping when regular household waste (i.e. black bags and small items) is placed on the public highway outside the allocated times. The £1,000 fine for fly tipping will be reserved for items that are not part of the regular household waste collection, such as bulky waste, i.e., mattresses, furniture, white goods, or construction materials.
3. The existing FPN charge for Graffiti and flyposting offences under section 43 & 44 of the Anti-Social Behaviour Act 2003 is **increased** from £100 (with no early repayment option) to the maximum permitted charge of £500 (with an early repayment amount set at £250).
4. The existing FPN charge for breaches of the Household Waste Duty of Care under section 34(2A) of the Environmental Protection Act 1990 is **increased** from £400 (with an early repayment amount set at £250) to the maximum permitted charge of £600 (with an early repayment amount set at £300).
5. The existing FPN charge for Commercial waste receptacle breach under section 47 & 47ZA of the Environmental Protection Act 1990 is **increased** from £110 (with

no early repayment option) to £150 (with no early repayment option). This is the maximum permitted charge.

6. The Council introduces these changes with effect from 1 November 2025.

Wards Affected: All

Our Values	Summary of how this report aligns to the Hammersmith & Fulham Values
Building shared prosperity	Ensuring a clean and tidy public realm by effectively tackling littering and fly tipping will help to promote shared prosperity.
Creating a compassionate council	Effectively tackling littering and fly tipping is a priority for our residents. LET officers are also trained to recognise equalities considerations, vulnerabilities or additional needs of residents when considering enforcement action.
Doing things with local residents, not to them	Effectively tackling waste offences is a priority for our residents.
Being ruthlessly financially efficient	FPN charges for these offences will contribute towards the cost of removing litter and fly tips and taking enforcement action.
Taking pride in Hammersmith & Fulham	Ensuring a clean and tidy public realm by effectively tackling waste offences will create a borough we can be proud of.
Rising to the challenge of the climate and ecological emergency	Tackling waste offences effectively will help to protect our local environment from pollution, deter vermin and promote public health.

Financial Impact

The proposed Fixed Penalty Notices (FPNs) exist to act as a deterrent against littering, graffiti and other highway obstruction offences in the borough. The level of income from the proposed amendments cannot be predicted but will be closely monitored as fines are issued. All funds collected from the FPNs will be used to contribute towards the costs of removing litter and fly tipping and the costs of enforcement. Any costs associated with implementing these amendments and setting of the new FPNs will be contained within the existing Law Enforcement Team revenue budget for 2025/26.

Will Stevens, Finance Manager (Place), 15/08/25

Verified by Andre Mark, Head of Finance (Strategic Planning and Investment, 15/08/25

Legal Implications

The proposed increases in FPN charges across various offences are legally supported by the respective Acts. These adjustments aim to improve compliance, act as a stronger deterrent, and ensure a cleaner and safer environment. In addition, reducing the current level of FPN for littering offences will ensure a more proportionate approach to minor offences. Effective enforcement and public awareness campaigns will be crucial to support and publicise these measures. All fines will be issued by the Law Enforcement Team, who are already authorised under the relevant sections of the Environmental Protection Act 1990 and other applicable legislation. There are no legal impediments to agreeing the recommendations set out in the report.

Legal Implications: Glen Egan Assistant Director, Legal Services 15/08/2025

Background Papers Used in Preparing This Report

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report:

<https://democracy.lbhf.gov.uk/documents/s128187/FPN Cabinet Report 022024 FINAL.pdf>

This report, of 2024, set the following:

- Littering FPN was set at £150 with an early repayment amount of £100.
 - Fly tipping FPN was set at £1000 with an early repayment amount of £500
 - The Council also introduced a Household Duty of Care FPN with the rate set at £400 with an early repayment amount of £250.
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DETAILED ANALYSIS

Proposals and Analysis of Options

1. Changes are proposed to the following Fixed Penalty Notice (FPN) values to address the impact on the community of antisocial behaviour and to reflect the Councils values in tackling matters.
2. **Environmental Protection Act 1990 Section 88: Littering.** The current FPN charge for leaving litter is £150, with an early repayment option of £100. The proposal is to increase this to £250, with an early repayment amount of £200. Section 88 of the Environmental Protection Act 1990 allows for a maximum penalty notice of £500.
3. The FPN can be issued when a person throws down, drops, or otherwise deposits any litter in any public place and leaves it there. This includes streets, parks, and other areas accessible to the public. The higher penalty fine is proposed to further discourage littering of public spaces and help to reduce the substantial costs incurred by the Council in keeping its public spaces free from litter.

4. **Anti-Social Behaviour Act 2003 Sections 43 & 44: Graffiti and Flyposting Offences.** The current FPN charge for graffiti and flyposting offences is £100, with no early repayment option. The proposal is to increase this to £500, with an early repayment amount of £250. Graffiti refers to writing, painting, or drawing on property without the owner's consent. Flyposting involves putting up posters, stickers, or signs without permission, typically for advertising purposes.
5. The Anti-Social Behaviour Act 2003 provides local authorities with the power to issue FPNs for graffiti and flyposting offences. Increasing the charge to the maximum permissible amount aims to reduce the incidence of graffiti and flyposting, thereby improving the aesthetic quality of public and private properties. The Council incurs significant costs, employing a team of 3 officers, to constantly remove graffiti and flyposting around the borough. The increase in FPNs aims to further deter public and private property from defacement, and to maintain a clean and safe environment.
6. **Section 34(2A): Household Waste Duty of Care.** The current charge for breaches of the Household Waste Duty of Care is £400, with an early repayment amount of £250. The proposed increase to £600, with an early repayment amount of £300, is the maximum specified in the Act.
7. The household waste duty of care applies to occupiers of domestic properties and is designed to ensure that household waste is disposed of responsibly to protect public health and the environment. Householders breach this duty if they pay waste contractors to dispose of their waste without conducting checks to ensure their waste will be disposed of legally. For example, if an owner or occupant hires a man and van-type contractor to dispose of their waste, but it is instead fly-tipped in the borough.
8. Enforcement action would always be initially taken against the contractor, however, if there is no evidence to support this enforcement action, an FPN can be imposed against the owner or occupier to cover the investigation and cleanup costs. It is the owner or occupier's legal obligation to ensure that they take all reasonable steps to ensure their waste is only transferred to an authorised person by checking the contractor's credentials and verifying that they are a registered waste carrier with the Environment Agency. They must also obtain the waste carrier's registration number and a waste transfer note (receipt) and take all steps to ensure that the waste they transfer is disposed of legally.
9. The ability to issue an FPN at the increased rate for breach of the Household Waste Duty of Care will help address issues relating to fly-tipping and the illegal dumping of waste to protect public health and reduce environmental hazards.
10. **Section 47 & 47ZA: Commercial Waste Receptacle Breach.** The proposal to increase the FPN charge for commercial waste receptacle breaches from £110 to £150, with no early repayment option, is within the permissible range under the Environmental Protection Act 1990.
11. Commercial waste receptacle breach refers to a failure by a business or trader to comply with legal requirements regarding the storage and presentation of commercial waste. The Council issues a formal notice to businesses setting out how commercial waste must be stored and presented for collection. This includes

the type of receptacle, for example, a bin or trade waste bags, the location of the receptacle, the time and manner of presentation, and measures to prevent nuisance, such as failing to secure lids or avoiding overflow.

12. A breach occurs when a business fails to follow the instructions in the notice. Examples include using incorrect containers such as black sacks instead of designated trade waste bags, leaving waste outside designated collection times, allowing waste to overflow or spill, placing bins in unauthorised or obstructive locations or failing to secure waste, which leads to littering or vermin.
13. A summary of the proposed increases to these FPNs, the first since 2017, is shown in the table below.

Offence	Existing FPN charge – in place since 2017	Proposed FPN charge – to implement from 01/08/2025 due to associated increases in waste disposal and investigation costs for the Council
Littering	£150 (with an early repayment amount of £100)	£250 (with an early repayment amount of £200)
Graffiti & Flyposting	£100.00 (with no early repayment option)	£500 (with an early repayment amount of £250)
Household Duty of Care	£400 (with an early repayment amount of £250)	£600 (with an early repayment amount of £300)
Commercial waste receptacle breach	£110 (with no early repayment option)	£150 (with no early repayment option)

14. LET officers undergo extensive training to determine when enforcement action is suitable and fair, while also considering the vulnerabilities or additional needs of residents. This training equips officers to engage effectively with individuals who have committed an offence and to explain the reasons behind the issuance of FPNs.
15. The LET is committed to maintaining high standards of enforcement that align with the Council's values. They utilise an intelligence-led approach to enforcement, guided by the 4E principles: Engagement, Education, Encouragement, and Enforcement.

Amended Process for Applying Fly tipping FPNs

16. Fly tipping offences attract a £1000 FPN discounted to £500 if paid within 10 days, which could be issued to households if waste is not presented correctly.
17. Following a review, it is proposed to reserve the £1,000 fly tipping fine for waste placed in public spaces that is not part of the regular household waste collection

service, such as bulky waste, i.e., mattresses, furniture, white goods, or construction materials. The littering offence (£250 discounted to £200 for early payments) will be used if normal household waste is not presented at the correct times for the weekly waste collection service (i.e., black bags and small household items). This balanced approach to enforcement aims to ensure streets remain clear of waste for the maximum amount of time, whilst not being overly burdensome.

Reasons for Decision

18. Under the Environmental Protection Act 1990 and the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016 as well as the Anti-Social Behaviour Act 2003, Cleaner Neighbourhoods and Environmental Act 2005 and London Local Authorities Act 1990 & 2004 the council may specify the amount of the FPN payable for offences under the act and should formally agree these.
19. This report seeks to update the FPN charges in line with the upper limits of the legislation parameters so that it is in line with other boroughs locally such as Lambeth and Ealing and reflects the severity of the offending and how seriously it is taken in Hammersmith & Fulham.

Equality Implications

20. The main equalities consideration associated with this report relates to the affordability of the new FPN charges. To manage this the LET will be prioritising engaging and advising residents about waste offences and the correct disposal methods to prevent these issues arising, by improving compliance and awareness. This engagement work will also support our climate ambitions by helping to promote recycling.
21. However, FPNs will be issued where necessary and proportionate to provide a strong, simple, and consistent deterrent and to effectively tackle persistent littering and fly tipping in the borough. Most residents and visitors comply with the law, present their waste properly and do not litter or dump waste.

Risk Management Implications

22. The report sets out the legal basis for increasing the full and early payment charges in respect of Fixed Penalty Notices with the recommendations proposed being aimed at improving compliance and cleanliness within the borough, which is in line with the Council's objectives. The fee rates proposed are in line with the objective of being ruthlessly financially efficient and income generated is intended to be used to improve the cleanliness of streets and environment across the borough.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk, and Insurance, 15/08/2025

Climate and Ecological Emergency Implications

23. There are no climate and ecological emergency implications associated with this report.

Implications verified by: Charlotte Slaven, Head of Climate Strategy & Engagement, 15/08/2025

List of Appendices

Appendix 1 - Proposed FPN levels