

Fixed Penalty Notices Q & As

The issuing of Fixed Penalty Notices is one of the means by which the problem of littering is being tackled within Carmarthenshire. Set out below are some of the more common Questions & Answers associated with Fixed Penalty Notices.

I have been issued a Fixed Penalty Notice for littering - I have heard that I don't have to pay the full amount if I pay it quickly?

That is correct, the standard cost of a Fixed Penalty Notice for littering is £75, but if this is paid within 10 days of issue then the cost is £50.

Can I appeal against a Fixed Penalty Notice I have been issued?

There are no formal grounds of appeal against a Fixed Penalty Notice. This is because a Fixed Penalty Notice is an invitation for you to effectively cancel your liability to prosecution. In essence this means that if you agree that an offence has been committed by you, then by paying the sum of money specified, no further action in the form of a prosecution for the offence will be undertaken by the council. This method of dealing with offences not only saves the time involved for everyone (including the offender) in prosecuting cases at court, but the cost associated with a Fixed Penalty Notice is likely to be substantially lower than any fine imposed by the courts. For example, the maximum penalty which can be imposed by the courts for littering is £2,500.

But I don't agree that I committed the offence for which I have received a Fixed Penalty Notice?

If you do not agree that you committed the offence for which you received the Fixed Penalty Notice then the matter will be dealt with through formal prosecution via the courts. It will then be up to the court, on receiving evidence, to determine whether or not an offence was committed and therefore whether or not any penalty should be imposed. Effectively this means that the formal court route becomes the mechanism for those wishing to appeal a Fixed Penalty Notice. It should be noted that the financial penalty imposed by the courts can be significantly greater than that which is imposed through a Fixed Penalty Notice.

I don't see why I should pay if there are no signs about littering in the area where I dropped it?

The council is not required to place signs in every street, road, highway or open park/space to tell people not to litter or to inform them that litter patrols are operating in the area. Litter legislation has been in force for many years and littering in many parts of the UK is at such levels that local authorities right across the country are now actively issuing Fixed Penalty Notices in order to drive the message home to those who spoil our towns and cities by carelessly discarding their rubbish.

Why should I pay a Fixed Penalty Notice when there were no litter bins nearby at the time?

As with signage it is just not feasible for the council to place litter bins in every street, road and highway in the county, though of course every effort is made to place bins where they are most needed and where there are the greatest levels of pedestrian footfall, such

as in town centre, school routes and major shopping areas. Where bins are not available then it is up to everyone to act responsibly and make arrangements to either take their litter home or carry it until a litterbin is available.

I received a Fixed Penalty Notice for stubbing out a cigarette on the ground or discarding it, surely that can't be considered littering?

Wrong, litter includes not only cigarette butts but chewing gum also. In many ways these items are more of a nuisance and more expensive to clean up than other items of rubbish.

But cigarette stubs aren't really waste as they can't be placed in litter bins because they will catch fire?

Smokers are responsible for ensuring that they completely extinguish their cigarettes before placing them in the bin. Cigarette waste is the same as any other waste in terms of litter laws and you can be issued with a Fixed Penalty Notice for not disposing of cigarette stubs properly. Obviously care should be taken to avoid any risk of fire and in particular cigarette ends should be completely extinguished on the stubbing plates provided on many litterbins before the stub is thrown into the bin. There is also no reason why smokers (who are well aware that their habit means that they will be faced with disposing of their cigarette waste) cannot carry portable ashtrays with them or create their own by placing some soil or sand in a small tin. Information on types of portable butt bins can be found at: www.keepbritaintidy.org/Campaigns/pastcampaigns/cigarette/portableashtray/Default.aspx

But I wasn't given a warning, surely that is not fair?

Our education campaign in terms of the litter problem has been continual in recent years through poster campaigns, information leaflets, press articles and schools litter education, ensuring that our young people are informed and engaged. Furthermore, organisations such as Keep Britain Tidy do an excellent job in helping us get the anti-littering message over. Of course all the publicity in the world is of no use whatsoever if the message is being ignored. So we must take our enforcement duties seriously as well and back up what is a serious and important message with real action. This is the aim of our enforcement patrols which seek to target those who choose to ignore the littering laws which the rest of us abide by.

If I am caught I will just pick the litter up at that time and nothing will happen then will it?

Wrong, whether you volunteer to pick up your litter or not, you have committed an offence and will be issued with a Fixed Penalty Notice.

This is all a bit petty isn't it, what's the big deal about a few crisp packets and cigarette stubs anyway?

Littering is not only a serious blight on our environment but very costly to the council as well. Here are a few facts and figures:

- £858 million is spent each year in England and Wales keeping the streets clean. That is £2.3M per day.
- In Carmarthenshire it costs £2.1 million per year to clean the streets of litter and dog fouling.
- We collect an average of 40 tonnes of litter per week.