

## **A.7 APPENDIX**

Notes re draft set of FPN offences, legislation, penalty amounts  
and maximum fine on conviction

|    | <b>Description of offence</b>                      | <b>Act</b>   | <b>Amount of penalty</b> | <b>Maximum penalty on conviction</b>                              | <b>Notes (To be recorded on inside of the front cover of the booklets for officers guidance)</b> |
|----|--|--|--------------------------|---|--|
| 1  | Fail to comply with Public Spaces Protection Order | Ss. 67 and 68 Anti-social Behaviour Crime and Policing Act 2014      | £100                     | Max on conviction level 3 - £1,000                                |  |
| 2. | Failure to comply with Community Protection Notice | Ss. 48 Anti-social Behaviour Crime and Policing Act 2014             | £100                     | Level 4 on standard scale - Individual - £2,500<br>Body - £20,000 |  |
| 3. | Depositing litter                                  | S.87 (leaving litter) Environmental Protection Act 1990 (as amended) | £75                      | Level 4 standard scale - £2,500                                   |  |

|    |   |   |      |                                 |   |
|----|---|---|------|---------------------------------|---|
| 4. | Abandonment of vehicle i.e. unauthorised dumping – and see 2(1)(b) – NOT a vehicle      | S.2/2a Refuse Disposal (Amenity) Act 1978   | £200 | £2,500*                         | <ol style="list-style-type: none"> <li>1. Section 2A (10) provides for a reduced fee.</li> <li>2. S.2B – power to require name and address – offence to fail to do so or to provide false/inaccurate details. Summary conviction – fine not exceeding Level 3.</li> <li>3. S.2C – use of monies from FPNs restricted.</li> <li>4. * See 2(1) – penalty level 4 standard scale but 2<sup>nd</sup> or subsequent conviction level 4 and/or term not exceeding 3 months (check term for offences in mags)</li> </ol> |
| 5. | Nuisance parking i.e. exposing vehicles for sale; and<br>- repairing vehicles on a road | S.3-9 Clean Neighbourhoods and Environment Act 2005   | £100 | Level 4 standard scale - £2,500 | <ol style="list-style-type: none"> <li>1. S.3 is “exposing vehicles for sale” – check all sections quoted.</li> <li>2. S.4 repairing vehicles on road<br/>S.7 power to require name and address – failure to provide an offence</li> </ol>  |
| 6. | Fly posting   | SS. 131(2) & 132(1) Highways Act 1980<br>- S.224(3) Town and Country Planning Act 1990<br>- SS. 43 – 47 ASB Act 2003 as amended by Part 4, CNEA 2005 (which | £100 | £2,500                          |   |

|     |                                 |   |        |        |  |
|-----|---------------------------------|---|--------|--------|--|
|     |                                 | repealed S.43(10) and (11)  |        |        |  |
| 7   | Graffiti                        | S.1 Crim Dam Act 1971 and<br>SS. 43 – 47 ASB Act 2003 as amended by Part 4 CNEA 2005<br>- SS. 54 and 54A ASB Act as amended by S.32 CNEA 2005 | £100 * | £2500  | * reduced to £50 if paid within 14 days.<br><br>1. S.43B – power to require name and address<br>2. S.43B(2) offence if fail to give name and address – summary conviction – level 3 fine |
| 8.  | Cycling on a footpath           | S.54 Road Traffic Offenders Act 1988 in respect offence under S.72 Highways Act 1835 (riding on a footpath)                                   | £30    | £1,000 |  |
| 9.  | Possession of firework under 18 | Fireworks Regulations 2004 under S.11 Fireworks Act 2003  | £90    | £5,000 |  |
| 10. | Throwing fireworks              | S.80 Explosives Act 1875 in a designated public   | £90    | £5,000 |  |

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|-----|--|---|------|--|--|
|     |  | place (CJ Police Act 2001)  |      |  |  |
| 11. | Sale of alcohol to under 18 / for under 18 / delivery under 18 | S.146(1) / S.149(3a) and S.151(1) Licensing Act 2003                    | £90  | £200 or * unlimited at Magistrates' Court                    | *This relates to staff only- licensees should be subject of a summons according to the Sentencing Council  |
| 12. | Failure to produce waste documents                             | S.34(1-7) – Environmental Protection Act 1990                           | £300 | Level 5 on standard scale - £5,000 / unlimited on indictment | <ol style="list-style-type: none"> <li>1. S.34(1) &amp; (1A) – requirements on “any person who treats or disposes etc. of controlled waste”<br/>S.34(2A) duty on householder to ensure waste removed by authorised persons</li> <li>2. Penalty for s.34 (1), (1A) or (2A) {or any regs made under s-s(5)} on summary fine not exceeding statutory maximum or on indictment a fine.</li> <li>3. S.34A(2) failure to produce waste transfer note</li> <li>4. power to issue FPN = S.34ZA for offences under S.34(6) relating to s.34(2A), i.e. householder,</li> </ol> |
| 13. | Failure to produce authority to transport waste                | S.5/5B Control of Pollution (Amendment) Act 1989 and S.34 Environmental | £300 | Level 5 on standard scale - £5,000                           | <ol style="list-style-type: none"> <li>1. S.5C – use of monies for certain functions only – and see S.5C (3)(b) and (4).</li> </ol>  |

|     |  |  |      |        |   |
|-----|--|--|------|--------|---|
|     |  | protection Act 1990  |      |        |   |
| 14. | Unauthorised distribution of free printed material | Schedule 3A paras 1(1) and 7 – Environmental Protection Act 1990 | £100 | £2500  |   |
| 15. | Failure to remove dog waste                        | S.4 Dogs (Fouling of Land) Act 1996                              | £75  | £1,000 | <p>1. DFLA 1996 repealed BUT where no “dog control orders” made this Act is still applicable</p> <p>2. Act does not apply to land with the following descriptions:</p> <p>(a) land used for agriculture or for woodlands;</p> <p>(b) land which is predominantly marshland, moor or heath; and</p> <p>(c) common land to which the public are entitled or permitted to have access otherwise than by virtue of section 193(1) of the Law of Property Act 1925 (right of access to common land), or</p> <p>(d) land comprised in or running alongside a highway which comprises a carriageway unless the driving of motor vehicles on the carriageway is subject, otherwise than</p> |

|     |  |   |      |        |  |
|-----|--|---|------|--------|--|
|     |  |   |      |        | temporarily, to a speed limit of 40 miles per hour or less.<br>3. The Neighbourhoods & Environment Act 2005, s.61 gives a power to require name and address where notice given under s.59, i.e. the FPN. Failure to give details an offence, summary conviction, fine level 3 on standard scale. |
| 16. | Failure to display correct signage (smoking) | S.6(5) Health Act 2006 – smoke free legislation         | £200 | £1,000 |  |
| 17. | Smoking in a smoke free place or vehicle     | S.7(2) Health Act 2006 – smoke free legislation         | £50  | £20    |  |
| 18. | Fly tipping                                  | Part II EPA 1990 as amended by Part 5, Chap 2 CNEA 2005 | £200 | £1000  |  |