

Detailed guide: Fixed penalty notices: issuing and enforcement by councils

Updated: Updated what the fly-tipping fixed penalty notice money can be spent on to 'waste on land'.

Fixed penalty notices (FPNs) can be issued to deal with environmental offences like:

- littering
- fly-tipping
- dog control offences
- graffiti
- fly-posting
- nuisance parking (people selling or repairing cars on the road)
- abandoned vehicles
- leafleting without permission on land where leafleting is restricted ('designated land')
- failing to nominate a key holder or give the council key holder details in an alarm notification area
- failing to provide a [waste carrier licence](#) (for businesses transporting their own waste)
- failing to provide a [waste transfer note](#) when moving non-hazardous waste
- [household bins causing or likely to cause a nuisance to the local amenity](#)

Who can issue fixed penalty notices

Different authorities have the power to issue FPNs for specific offences.

| Authority | Offence |
|--|--|
| District council, London Borough council, Council of the City of London, Unitary authority | Littering, fly-tipping, graffiti, fly-posting, dog control offences, alarm noise (no nominated keyholder), Noise Act offences, nuisance parking, unauthorised distribution of free literature on designated land, abandoning a vehicle, waste receptacle offences, failure to produce a waste transfer note or waste carrier's licence |
| County council | Unauthorised distribution of free literature on designated land Only if designated: littering, graffiti, fly-posting |
| Common Council of the Isles of Scilly | Littering, graffiti, fly-posting, dog control offences, alarm noise (no nominated keyholder), Noise Act offences, nuisance parking, unauthorised distribution of free literature on designated land |
| Parish council | Littering, graffiti, fly-posting, dog control offences (under its own Dog Control Orders) |

| Authority | Offence |
|--|---|
| Police Community Support Officers (on behalf of district council or unitary authority) | Littering, dog control offences Only if authorised: graffiti, fly-posting |
| Environment Agency | Failure to produce a waste transfer note or waste carrier's licence |
| Broads Authority | Littering, graffiti, dog control offences |
| National Park Authority | Littering, abandoning a vehicle (in areas where the National Park authority is also the planning authority) |

What to include on fixed penalty notices

FPNs must state all of the following:

- the alleged offence, for example, littering or graffiti
- details about the offence, for example, what sort of litter was dropped
- where and when the offence took place
- how the FPN has been issued (in person or by post)
- the fine imposed (and if there's a discount for paying early)
- when the fine must be paid by (this must be at least 14 days)
- how the fine can be paid

If you have an appeals process, you should also include instructions for how to appeal.

Set penalty levels

Depending on the offence, you can charge penalties within certain limits.

| Offence | Default penalty | Minimum full penalty | Maximum full penalty | Minimum discounted penalty |
|--|-----------------|----------------------|----------------------|----------------------------|
| Littering | £100 | £50 | £150 | £50 |
| Littering from vehicles | £100 | £65 | £150 | £50 |
| Dog control offences | £75 | £50 | £80 | £50 |
| Graffiti | £100 | £50 | £150 | £50 |
| Fly-posting | £100 | £50 | £150 | £50 |
| Unauthorised distribution of free literature on designated land | £100 | £50 | £150 | £50 |
| Alarm noise: failure to nominate key-holder or to notify local authority of key-holder's details | £75 | £50 | £80 | £50 |
| Nuisance parking | £100 | £100 | £100 | £60 |
| Abandoning a vehicle | £200 | £200 | £200 | £120 |
| Fly-tipping | £200 | £150 | £400 | £120 |

| Offence | Default penalty | Minimum full penalty | Maximum full penalty | Minimum discounted penalty |
|---|-----------------|----------------------|----------------------|----------------------------|
| Failure to produce a waste transfer note | £300 | £300 | £300 | £180 |
| Domestic waste receptacle offences | £60 | £60 | £80 | £40 |
| Industrial and commercial waste receptacle offences | £100 | £75 | £110 | £60 |
| Noise exceeding permitted level – domestic premises | £100 | £75 | £110 | £60 |
| Noise exceeding permitted level – licensed premises | £500 | £500 | £500 | £500 – no discount allowed |

Parish councils can set their own level for dog control offences, but must use the levels set by their district council for other offences.

Getting payment

You can demand payment within 14 days.

You can also accept payment in instalments, if people can't afford to pay the full amount.

Sending reminder letters

If you decide to send out reminder letters to ask for payment you should wait at least 7 days from the date the FPN was issued.

These should tell the recipient all of the following:

- how much they must pay
- when they must pay by
- what happens if they don't pay
- how they can appeal (if they can appeal)

Authorising enforcement staff

Enforcement officers must be authorised in writing by the authority they issue FPNs for.

Parish council enforcement staff must also complete a suitable training course.

All enforcement officers should also:

- receive appropriate training
- have a uniform, identification and a Police and Criminal Evidence Act (PACE) notebook

They should follow guidance on [how to issue FPNs](#).

Appeals

If you have an appeals system, include the following information about how to appeal against the FPN:

- how, when and where to appeal
- what happens if the appeal is successful (no further action will be taken and the FPN will be cancelled)
- what happens if the appeal is rejected and the offender doesn't pay
- how to complain

Taking offenders to court for non-payment

You should take offenders to court if penalties aren't paid.

You must wait 14 days after issuing an FPN before you can take legal action.

You must begin legal proceedings within 6 months of the offence.

Keeping records

You must keep records of both:

- FPNs issued, from issue through to payment or prosecution
- any evidence in case the FPN goes to court

Issuing FPNs to young people

You can't issue FPNs to anyone younger than the age of 10.

You can contact the parents or legal guardians of offenders younger than the age of 10, to make them aware of their child or ward's behaviour.

Your enforcement officers should use special procedures for offenders aged younger than 18 and work with both the youth offending team and children's services. Find out about special procedures for juveniles in the [guidance for authorised enforcement officers](#).

Income from FPNs

There are rules for how different authorities can use income from FPNs.

Councils

Councils must use income from FPNs as set out in this table.

Offence

FPN money can be spent on functions relating to:

[Litter](#)

Litter, dog control, graffiti and fly-posting

| Offence | FPN money can be spent on functions relating to: |
|---|--|
| Graffiti | Litter, dog control, graffiti and fly-posting |
| Dog control | Litter, dog control, graffiti and fly-posting |
| Fly-posting | Litter, dog control, graffiti and fly-posting |
| Unauthorised distribution of free printed material on designated land | Litter, dog control, graffiti and fly-posting |
| Nuisance parking | Road traffic, litter and refuse |
| Abandoning a vehicle | Road traffic, litter and refuse |
| Fly-tipping | Waste on land |
| Noise exceeding permitted levels – domestic premises | Statutory noise nuisance, noise at night and audible intruder alarms |
| Noise exceeding permitted levels – licensed premises | Statutory noise nuisance, noise at night and audible intruder alarms |
| Alarm noise – no keyholder | Statutory noise nuisance, noise at night and audible intruder alarms |
| Failing to show waste documents | Waste on land |

Exceptions

There are no restrictions on how the following councils can use income from these FPNs:

- councils rated as 'excellent', 'good' or 4, 3 or 2 stars
- a parish council approved as a Quality Parish Council

There are no restrictions on how councils can use income from fly-tipping FPNs.

Other authorities

National Park authorities can use FPN receipts for their own litter enforcement.

The Broads authority can use FPN receipts for functions relating to litter and anti-social behaviour.

The Environment Agency must pay its FPN receipts to the Secretary of State.

PCSOs must pay their FPN receipts to their local authority.

Publishing your enforcement strategy

You should make your enforcement strategy publicly available and include details of:

- offences included in your FPN scheme

- how much you'll fine people for each offence
- details of any early payment discounts
- how FPNS are issued
- how you deal with juvenile offenders
- what you'll do if offenders don't pay
- how to appeal (if you offer that option)
- how you'll spend money received from FPNS
- records you'll keep

Legislation

This legislation relating to fixed penalty notices includes:

- [Environmental Protection Act 1990](#)
- [Clean Neighbourhoods and Environment Act 2005](#)
- [Anti-social Behaviour Act 2003](#)
- [Anti-social Behaviour, Crime and Policing Act 2014](#)
- [Refuse Disposal \(Amenity\) Act 1978](#)
- [Environmental Offences \(Fixed Penalties\) \(Miscellaneous Provisions\) Regulations 2007](#)
- [Environmental Offences \(Fixed Penalties\)\(England\) Regulations 2018](#)
- [Unauthorised Deposit of Waste \(Fixed Penalties\) Regulations 2016](#)