

## **The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016**

**Department for Environment, Food and Rural Affairs**

**RPC rating: validated**

### **Description of proposal**

The proposal is to introduce secondary legislation to enable local authorities to issue a fixed penalty notice (FPN) for small-scale fly tipping of waste. The measure will allow local authorities to tackle offenders without the need to take them to court. As a result of this, local authorities will be more likely to take enforcement measures which will act as a deterrent to small scale fly-tipping.

### **Impacts of proposal**

The impact assessment (IA) explains that there will be no costs to businesses that carry out their waste activities legitimately. Businesses that carry out waste activities illegally (fly tipping waste) will experience costs from either finding legitimate disposal routes or being issued an FPN. The IA explains that, by deterring fly tipping, the measure will help level the playing field for compliant businesses dealing with waste.

The measure does not place an obligation on local authorities to issue FPNs. Local authorities that choose to use them will incur small set-up costs for staff training and developing a suitable enforcement notice form. However, the IA explains that local authorities already have the ability to issue FPNs for a range of offences and, therefore, it is envisaged that those that make use of the new powers will do so at limited additional cost. These costs are not monetised.

The measure will reduce enforcement costs for local authorities tackling offenders by allowing them to recover some of the enforcement and clearance costs without having to take a case to court. The IA estimates this saving to be between £52 and £182 per case. Additionally, the IA estimates that the introduction of FPNs will lead to a decrease in prosecutions for small-scale fly tipping in magistrates' courts, saving resources for both local authorities and HM Courts & Tribunals Service.

Furthermore, the IA states that any subsequent reduction in fly tipping incidents, resulting from the introduction of FPNs would increase the quality of the local environment and generate associated improvements in public perception, health,

civil pride and inward investment. The IA states that these benefits are difficult to quantify.

The IA states that, as the measure will not impose direct costs or benefits on businesses that comply with waste legislation, the equivalent annual net cost to business (EANCB) is zero. On this basis, the Regulatory Policy Committee (RPC) can validate the EANCB of zero.

### Quality of submission

The IA provides a sufficient assessment of the impacts of this proposal and provides sensitivity analysis for the potential cost savings per case for local authorities.

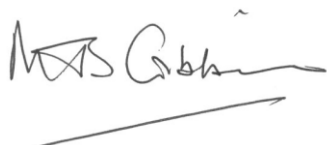
The IA would benefit from further analysis on how many FPNs are likely to be issued and the resulting benefits to local authorities from the difference between FPN receipts and the costs associated with issuing an FPN.

### Departmental assessment

Classification	Not provided
Equivalent annual net cost to business (EANCB)	Zero
Business net present value	Not provided

### RPC assessment<sup>1</sup>

Classification	Qualifying regulatory provision
EANCB – RPC validated	Zero
Small and micro business assessment	Not required (fast track low-cost regulation)



Opinion: final stage IA  
Fast track: EANCB validation  
Origin: domestic  
RPC reference number: RPC-3242(1)-DEFRA  
Date of implementation: 6 April 2016

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**Michael Gibbons CBE**, Chairman