

Appendix 2

Frequently Asked Questions

❖ **Why do you need this route when you have the criminal route for littering?**

The criminal route requires the person who littered. In the criminal route, if the person who littered was the passenger and the registered keeper does not supply the details we are unable to issue a Fixed Penalty Notice (FPN). This proposal seeks to empower the civil littering route where this clarification is not required. If a Civil Enforcement Officer (CEO) witnesses a littering from the vehicle, the registered keeper of the vehicle is responsible and would receive a Penalty Notice.

❖ **Will only Civil Enforcement Officers be able to issue Penalty Notices (PN)?**

Yes at this time.

❖ **What is the difference between a PN and FPN?**

Nothing as in effect they are the issuing of a fine.

❖ **Who will pursue the individual if left unpaid?**

The recovery of a PN is a set legislative process which is not dissimilar to that of a Penalty Charge Notice (PCN). There is a dedicated process and debt management system already in operation to process nonpayment of PCNs for parking charges a similar route will be used for the recovery of PNs. No investigation is required as the registered keeper is liable for the PN.

❖ **Are staff (CEOs) willing to issue PNs for littering offences?**

Staff are very willing and are currently frustrated that they are unable to issue Notices for the act of littering from vehicles when they see it on their patrols.

❖ **Will this proposal also cover people seen littering on the street?**

No, this proposal only applies to littering from vehicles. Any other littering witnessed would be reported to WRS to investigate via the criminal route.

❖ **Will there be scope to enable other Council Officers to use this route of compliance?**

Not at this time however if this proposal is approved it is something that could be considered in the future.

❖ **What is the additional cost?**

A small fee of 25p per PN will be due to fund the adjudication service (Traffic Penalty Tribunal) for cases that proceed to the independent tribunal service plus a DVLA enquiry cost per PN issued. If the PN is left unpaid and progresses, it will be

registered as a debt with the County Court at a cost of £10 per case. This amount is then added to the overall debt. It is not anticipated that many of these Notices will be issued (in Wychavon in 2025 only 5 were issued) but by approving the concept it gives Officers the option to issue.