
Littering from Vehicles

Relevant Portfolio Holder	Councillor Kit Taylor Councillor Peter Whittaker
Portfolio Holder Consulted	Yes
Relevant Assistant Director	Simon Wilkes, Head of Worcestershire Regulatory Services
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Wards Affected	ALL
Ward Councillor(s) consulted	N/A
Relevant Council Priority	Environment
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Cabinet Committee RECOMMEND that:-

- 1) Civil enforcement of Littering from Vehicles be introduced.**
- 2) The Civil Enforcement Team be given delegated authority to issue Litter Penalty Charge Notices.**
- 3) The parking administration team be authorised to deal with appeals and enforcement matters in respect of Litter Penalty Charge Notices.**
- 4) The Penalty Notice Charge be set at the level set by Council for Criminal offences where a Fixed Penalty Notice is served for Depositing Litter (section 87/88 of the Environmental Protection Act 1990) which for 2026/27 subject to Council approval are proposed to be set as:
 - a) £250; and**
 - b) £125 for prompt payment (within 14 days).****
- 5) Authority be delegated to the Assistant Director Regeneration & Property to issue Penalty Notice Charges for Littering from Vehicles under The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.**

2. BACKGROUND

- 2.1 Currently littering from vehicles is only enforced as a criminal offence and since June 2024 has been enforced by Worcestershire Regulatory Services (WRS). In line with the existing policy, enforcement has been discharged through informal action, Fixed Penalty Notices or consideration for prosecution. However, when littering occurs from a vehicle, to take formal enforcement action, there is a requirement to prove beyond reasonable doubt who committed the offence. Consequently, it can be difficult to identify the offender with sufficient certainty to take enforcement action.
- 2.2 On 1st April 2018, The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 gave powers to litter authorities to issue Penalty Charge Notices to the keeper of a vehicle when the Council has reason to believe that litter was thrown from that vehicle onto land within the Council's control. This includes any highways within the district for which Bromsgrove District Council are the litter authority.
- 2.3 It is recommended that the Council introduces Litter Penalty Notices at the earliest opportunity and that the Civil Enforcement Team are given delegated authority to issue Litter Penalty Charge Notices and the parking administration team are authorised to deal with all appeals and enforcement matters in relation to these. Should Cabinet be mindful to introduce this proposal, communications to residents regarding the policy will ensue.

3. OPERATIONAL ISSUES

- 3.1 The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 is a civil route based on the same model as the issue of a Penalty Charge Notice used for parking enforcement in Bromsgrove. Civil Enforcement Officers are in the District undertaking this duty on a day-to-day basis. If they are also able to issue a Penalty Notice Charge to a person depositing litter, this would be an effective use of time and resource whilst they are undertaking their parking enforcement duties.
- 3.2 Civil Enforcement Officers will only issue a Penalty Charge Notice if they witness the incident and will process this in a similar way to a system that is already in place (please see appendix 1 – flow chart).
- 3.3 Civil Enforcement Officers and parking administration team are already undertaking this service on behalf of Wychavon District Council.

- 3.4 These recommendations only concern littering from vehicles witnessed by Civil Enforcement Officers. All other officers of the Council or members of the public who witness littering from vehicles should report this to WRS using the report it form on the Council or WRS' websites or call WRS directly for investigation. Such reports will be investigated through the criminal route.
- 3.5 The legislation sets out that the Civil Penalty Notice Charge should be set the same as that level set by Council for Criminal offences where a Fixed Penalty Notice is served for Depositing Litter (section 87/88 of the Environmental Protection Act 1990). Subject to normal Council fees and charges setting processes the level is £250.00 reduced to £125.00 for prompt payment (within 14 days) from 1st April 2026.

4. FINANCIAL IMPLICATIONS

- 4.1 The provision of Civil Enforcement Officers in Bromsgrove is through a contract with Wychavon District Council, managed by the Assistant Director of Economic Development, Property and Regeneration. The proposal is to expand the current Service Level Agreement (SLA) to include issuing of Penalty Notices for littering from vehicles The SLA variation itself will not incur any cost.
- 4.2 The Civil Enforcement Officers will be able to utilise their existing handheld devices, DVLA link and systems that they use. There are no additional equipment costs and only a small software set up cost which will be covered by the existing WRS Envirocrime budget.
- 4.3 The cost of each additional Penalty Notice that is served is negligible at 35 pence each. For any Penalty Notices that are unpaid, there is an additional £10 charge for debt recovery in line with the existing Service Level Agreement (SLA) arrangements for parking charges and will be covered by the current budget arrangements.
- 4.4 The current SLA arrangements set a contractual limit on Penalty Charges issued without additional costs. It is not anticipated that this limit will be exceeded. Publicity around the introduction of the enforcement will similarly reduce the likelihood of this.
- 4.5 The current team of Civil Enforcement Officers will be used and will be trained to monitor and report incidences of littering from vehicles during their parking duties. The parking administration team will be trained on the recovery of unpaid littering penalties with an added volume of correspondence to manage.

- 4.6 Intelligence collated in the course of the service delivery will be used to inform the targeted approach to the wider enviro-crime enforcement by WRS.

5. LEGAL IMPLICATIONS

- 5.1 The Littering from Vehicles (Outside London) Regulation 2018 derives from Section 88A of the Environmental Protection Act 1990 which provides that the Secretary of State has the discretion to make regulations which may oblige the keeper of a vehicle to pay a fixed penalty to a litter authority where there is reason to believe that there has been littering in respect of the vehicle.

- 5.2 The legislation can be enforced by a local authority or charging authority for the offence of littering from a vehicle under Section 87 of the Environmental Protection Act. A person may be pursued through civil proceedings, where they throw down, drop or otherwise deposit any litter in respect of the vehicle and enforcement will be to a civil standard.

6. OTHER - IMPLICATIONS

Local Government Reorganisation

- 6.1 None, other than the introduction of the enforcement of this legislation is consistent with neighbouring Wychavon District Council.

Relevant Council Priority

- 6.2 This proposal supports the Council's environmental priority as it will contribute to safeguarding the natural environment. The priority specifically advises that increased environmental enforcement to protect the environment of the district key and that we will not tolerate environmental crimes such as fly tipping. This proposal will assist the Civil Enforcement Officers to deliver on this priority.

Climate Change Implications

- 6.3 No direct implications, however raising the profile of appropriate behaviour with regard to the environment helps support our Climate Change priorities.

Equalities and Diversity Implications

- 6.3 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

- 7.1 There is a risk of dilution of the CEO's parking duties. Although reporting littering from vehicles can be undertaken during the course of their current duties, it may distract from parking enforcement. The impact of this will be monitored.

8. APPENDICES and BACKGROUND PAPERS

Appendix 1 – Operational Flow Diagram.
Appendix 2 – FAQs

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Kit Taylor PFH WRS Peter Whittaker PFH Env Services	Consulted
Lead Director / Assistant Director	Simon Wilkes	Consulted
Financial Services	Debra Goodall	Consulted
Legal and Democratic Services	Nicola Cummings, Principal Solicitor – Governance And Jess Bayley-Hill, Principal Democratic Services Officer	25.02.26