Ashford Borough Council

Decisions taken by the Cabinet on 11 July 2019

Minute No	Topic	Decision
73	Householder Duty of Care Fixed Penalty Notice	The Portfolio Holder introduced the report which advised of the duty of care that householders had with regard to waste disposal and their obligation to ensure that controlled waste was correctly disposed of and not fly-tipped. This was particularly relevant following recent decisions by KCC to charge for the disposal of certain waste products. Under Section 34(2A) of the Environmental Protection Act, Local Authorities were now empowered to issue a Fixed Penalty Notice and the report provided options for the level of fine to be applied towards offenders. The Leader re-iterated that powers would be used pragmatically and Officers did have discretion to consider each matter on its merits on a case by case basis. The Council had always operated in a kind and caring way with regard to its waste collection, and he did not want this to become too onerous for elderly and vulnerable residents who may unwittingly engage organised crime gangs or unscrupulous waste disposal representatives. The Leader thought it was worth pointing out that where charges had been levied for waste disposal, no significant increase in the levels of fly-tipping had been recorded. It was also worth emphasising that this Council did now prosecute against fly-tipping and had had three successful prosecutions held up in the courts recently. The Deputy Leader further advised that a recent analysis of fly-tipped waste across the County showed that 90% could have been disposed of free of charge, either at household recycling centres or through the usual weekly collections, so the excuse about charging did not really hold any weight. **Resolved:**

		That a maximum level of default be applied for a Fixed Penalty Notice for a householder failing to comply with their duty of care responsibilities (£400), and that a discounted amount (£300) be applied if the payment is received within 14 days.