

## Appendix 1 – Fixed Penalty Notice Charge Matrix

### Step 1 - Consideration of culpability factors

LEVEL	DESCRIPTION EXAMPLES
Maximum	Where the individual has intentionally and seriously breached, or seriously and flagrantly disregarded the law and knew their actions were unlawful.
Medium	Breach committed through an act or omission which a person exercising reasonable care would not commit.
Minimum	Person has taken reasonable care but is not fully compliant with Regulation standards.

### Step 2 - Consideration of harm outcomes

LEVEL	EXAMPLES
High	<p>High likelihood of harm</p> <ul style="list-style-type: none"> <li>• Serious adverse effects on environment and/or having widespread impact due to the nature and/or scale of the waste.</li> <li>• Waste deposited in the road causing a road safety hazard.</li> <li>• Graffiti of an offensive nature.</li> </ul>
Medium	<p>Medium likelihood of harm</p> <ul style="list-style-type: none"> <li>• Adverse effect on environment</li> <li>• Medium risk of an adverse effect on individuals for example hindering a farmer's access to fields, or impacts on users of a Byway etc.</li> </ul>
Low	<p>Low likelihood of harm</p> <ul style="list-style-type: none"> <li>• Low risk of an adverse effect on environment.</li> <li>• Unsightly and likely to be viewed negatively by the public, but low level of harm.</li> </ul>

Step 3 - Use of culpability and harm to provide a point scale for the fixed penalty range.

<b>CULPABILITY</b>	<b>CLASS OF HARM</b>		
	HIGH	MEDIUM	LOW
MAXIMUM	5	4	3
MEDIUM	4	3	2
MINIMUM	3	2	1

Step 4 - The scale point is then used to provide the penalty banding as below:

1. < £100 but refer to Step 6 below
2. £101 - £200
3. £201 - £400
4. £401 - £600
5. £600 - £1000

Step 5 – Charges shall be set to the maximum point within each band (or at the maximum allowed by the regulations, if the banding maximum calculated results in a level higher than that permitted). If there are relevant mitigating circumstances a downward adjustment within the banding will be considered.

Step 6 - If the banding calculation falls within Level 1 then alternative action, rather than a FPN is likely to be applicable, for example a warning (either verbal or written), education, providing the individual with the option for immediate removal and making good etc.

Step 7 - Fixed Penalty Notices will not be a suitable sanction in all circumstances, either due to the nature of the incident, insufficient evidence being available etc. There will also be occasions where prosecution is considered the correct option. All decisions as to the most appropriate course of action will be in accordance with the guidance contained within the Environmental Crime Enforcement Policy 2023.

Step 8 – East Cambridgeshire’s Public Space Protection Order (PSPO) – Dog Fouling remains in place until January 2025 and identifies the FPN level to be £80. An increase in the FPN charge to a maximum of £100 will be proposed when the PSPO is renewed.

Note – the table below shows the previous and the current ranges of FPN levels, both of which are important.

The new matrix should be used to set the penalty in relation to the offences highlighted **yellow**. Continue to use the ECDC adopted charges (highlighted **green**) if relating to an offence which the updated Regs did not change.

Environmental Offence	ECDC adopted Fixed Penalty Charge.	Range set by Regulations (prior to July 2023).	Range set by The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023
Illegal Waste Deposit	£400	£120- £400	£120 - £1000
Failure to produce a waste carriers' licence or waste transfer documentation	£300	£180 - £300	No change
Breach of householder duty of care	£200 (default charge)	£120 - £400	£120 - £600
Abandoning a vehicle	£200	£120 - £200	No change
Nuisance parking	£100	£60 - £100	No change
Alarm noise	£80	£50 - £80	No change
Littering	£150	£65 - £150	£65 - £500
Graffiti	£150	£65 - £150	£65 - £500
Fly Posting	£150	£65 - £150	£65 - £500
Unauthorised distribution of free literature on designated land	£150	£65 - £150	No change
Breach of the Public Space Protection Order (e.g. failure to clear up dog fouling)	£80	£80	No change