

What is a Fixed Penalty Notice?

A Fixed Penalty Notice (FPN) is a fine issued by the council in respect of low-level environmental or public health crime. If an authorised officer of the council believes that you have committed an offence, then they may decide to offer you a FPN.

A FPN is a fine that can be issued to an individual or business for a range of environmental or public health offences as an alternative to prosecution at court.

Offences include:

- Littering (e.g. cigarette butts, chewing gum, packaging)
- Failure to clear up after a dog fouled.

I have been issued with a Fixed Penalty Notice for littering - I have heard that I don't have to pay the full amount if I pay it quickly?

The full £80 is payable within 28 days of the issue of notice.

Who issues FPNs?

FPNs can only be issued by Council officers or agents of the Council that have been specifically authorised to do so. East Hampshire District Council have authorised officers to issue FPNs. The officers are tasked to areas of highest demand but will patrol wherever there is evidence of littering. It has been shown that town centres are hotspot areas and cigarette butts are the most common litter issue.

What happens if I fail to pay the FPN?

Reminder letters will be sent. Failure to pay will mean that you are very likely to receive a summons to attend a magistrates court hearing.

What happens when a FPN is paid?

Payment of a FPN means that no further action will be taken for that particular offence.

What happens if I wish to challenge the issue of a FPN?

There is no formal right of appeal, authorised officers of the council will only issue a FPN where they consider that there is adequate evidence of an offence that will support a prosecution in court. However, if you believe that you did not commit the offence in question or that the issue of the FPN was incorrect, you can challenge the council in two ways:

- If you wish to make representations relating to the issue of this Fixed Penalty you can do so by writing within 14 days of the issue of the FPN, to the EH Commercial Services Ltd, Penns Place, Petersfield Hants, GU31 4EX or Email to environmental.enforcement@easthants.gov.uk quoting the reference number.
- Opt not to pay the FPN and attend court, if summonsed, to present your case.

Should the case proceed to court the council will, in addition to any fine imposed, seek to recover its costs associated with the prosecution. The Council retains the right to review any FPN issued before prosecuting. However, in most cases the Council will proceed to prosecute for non-payment of FPNs.

What happens to the FPN payments?

Monies received from FPNs will be re-invested by the council to provide environmental enhancements and to maintain a cleaner, safer environment within the District.

Why did the officers not give me the opportunity to pick my litter up?

There is no requirement within the Environmental Protection Act 1990 that requires the officers to provide this opportunity. East Hampshire District Council operates a zero-tolerance policy.

Other people in the vicinity were smoking and dropping their cigarette ends, why did the officers only pick on me? I feel I was targeted.

Officers act fairly, based on their observations. Personal information is obtained during the process of issuing a Fixed Penalty Notice and as such they can only deal with one situation at a time.

There were no bins available in the vicinity.

There are an adequate number of bins located throughout the district. Where no bin is within eyesight, there is a moral expectation placed on individuals to retain their litter until an appropriate waste receptacle is found. Failure to comply constitutes an offence under the Environmental Protection Act.

Dog poo once bagged can be placed in any litter bin, not only the designated dog poo bins.

Where bins are not available then it is up to you to act responsibly and carry your litter to a bin or take your litter home.

I placed my cigarette end on a bollard, which looked like an ashtray; there was other cigarette on it so why did I get a Fixed Penalty Notice?

Some security bollards and other items of street furniture are incorrectly used as 'ashtrays'. This constitutes an offence under the Environmental Protection Act.

I'm not from East Hampshire and I didn't know it was an offence to drop litter; it isn't an offence where I come from.

The Environmental Protection Act 1990 states that it is an offence to drop litter in any part of the U.K. Not all council areas, parishes or districts choose to enforce this law. In addition, many cities throughout the world impose penalties in relation to dropping litter.

The officer who approached me wasn't wearing a uniform, were they legitimate?

Plain clothes operations are occasionally undertaken. If you wish to question the legitimacy of the officer, please telephone 01730 234131 quoting the officer name and it can be confirmed for your peace of mind.

I did not see any signs warning me that it is an offence to drop litter.

There is an expectation that an individual should dispose of their litter in an appropriate receptacle. There is no requirement within the Environmental Protection Act that requires a council to erect warning signs.

Cigarette stubs aren't really waste as they can't be placed in litter bins because they will catch fire.

All cigarette butts are considered litter if dropped. They must be stamped out and immediately picked up and placed in an appropriate receptacle. You can use bins without ashtrays, extinguish the cigarette first, then place it in the bin.