

THE LITTERING FROM VEHICLES OUTSIDE LONDON (KEEPERS: CIVIL PENALTIES) REGULATIONS 2018

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Oliver Nelson
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	Recommendation 1: Yes Recommendation 2: No
If yes, reason urgent decision required:	The maximum permissible time to issue civil penalty expires before the end of the usual scrutiny call in period.
Appendices (attached):	Appendix 1 – Schedule of proposed delegations

Summary

To seek authority to issue a penalty notice under regulation 4 of The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 generally and specifically in one particular instance.

Recommendation (s)

The Committee is asked to:

- (1) Nominate and authorise the Public Protection Manager to issue a penalty notice under regulation 4 of The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 in respect of a particular incident detected on 13 September 2025.**
- (2) Nominate and authorise the list of Officer roles in appendix one of this report to issue future penalty notices under regulation 4 of The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 and any subsequent or successor provisions.**

1 Reason for Recommendation

- 1.1 A routine screen of footage from the Epsom Town Centre CCTV system highlighted a littering offence arising from a parked vehicle in the early hours of 13 September 2025.

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- 1.2 Whilst the conventional street littering offence is delegated to a range of officers who routinely offer fixed penalties to offenders in place of prosecution, the process and law relating to litter being thrown from vehicles is part of counterpart legislation for which no standing delegation exists.
- 1.3 Regulation 10 of The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, “the regulations”, states: A litter authority may authorise a person (an “authorised officer”) to perform on its behalf any of the functions conferred on it by regulation 4 (penalty notices).
- 1.4 In order to act on what is a careless and obvious act of littering, it is necessary to seek authority to issue a penalty to the registered keeper of the vehicle in question.
- 1.5 Separately it would seem sensible to prevent future urgent reports of this nature, that ongoing authority is provided to appropriate officers to enable the future use of these provisions.

2 Background

- 2.1 The regulations were originally brought in to give authorities outside of London equivalent powers to Section 24 of the London Local Authorities Act 2007 which allows London Boroughs to issue fines to registered keepers of vehicles from which litter is deposited.
- 2.2 The regulations are unusual in that they are a civil procedure in the same way as control on parking contraventions, with appeals being heard via the Traffic Penalty Tribunal. This contrasts with the conventional street littering offence which is criminal in nature and which are ultimately decided by the Magistrates Court in event of summons being issued.
- 2.3 The fine amount mirrors that of the street littering offence, currently set by the Council at £100 discounted to £80 for early payment. However the regulations provide for the increase of the amount by 100% from the day after the payment period, in the case of non payment.
- 2.4 Civil matters generally require a lower standard of evidence than the criminal standard. However officers are trained to gather evidence to a high standard of admissibility in order not to prejudice the most appropriate course of action.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None

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3.2 Crime & Disorder

- 3.2.1 Although as a civil matter it is clearly not criminal in nature, the deposition of litter from vehicles causes environmental degradation, increased cost to the Council in the form of street cleansing and is generally viewed as antisocial.

3.3 Safeguarding

- 3.3.1 none

3.4 Dependencies

- 3.4.1 none

4 Financial Implications

- 4.1 Although the use of fines can result in an income stream, in this instance it is very modest and it is not anticipated that the future volume of fines will be very significant at all.
- 4.2 Any work undertaken in the gathering evidence for and issuing of these penalties would be contained within existing resources.
- 4.3 **Section 151 Officer's comments:** The financial implications are set out in the body of the report.

5 Legal Implications

- 5.1 A clear principle exists that no action can be taken by officers unless they are appropriately delegated. Should the committee not be minded to agree to the recommendations, enforcement under these regulations will not proceed.
- 5.2 In the event of appeal, the Council will likely use the CCTV evidence in support of its case. This footage has been secured from deletion which would otherwise routinely take place after 30 days.
- 5.3 **Legal Officer's comments:** As set out in the body of the report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Clean and vibrant
 - Safe and well
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None

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6.4 **Sustainability Policy & Community Safety Implications:** None

6.5 **Partnerships:** None

6.6 **Local Government Reorganisation Implications:** None

7 **Background papers**

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Epsom & Ewell Borough Council Environment Committee 31 January 2018

Other papers:

- None