

Fixed Penalty Notice (FPN) and Penalty Charge Notice (PCN) levels for environmental and highways offences set for London by London Councils Transport and Environment Committee – the “joint committee”

Last update: 6 March 2018

A note of explanation

- The table in this document seeks to bring together FPN and PCN levels for environmental and highways offences for ease of reference for borough officers. It is sorted in alphabetical order of offence.
- The top right hand corner contains the last date this document was updated, so officers can identify if an update has taken place since their last viewing. It should not be relied upon in replacement of the legislation and officers using these levels for enforcement must make certain for themselves they are using the correct and current level before enforcement commences.
- Should you intend to print this document, please note that it is size A3.
- In June 2015 the London Environment Directors Network indicated it saw no need for increased penalty levels, and so it is London Councils' policy not to increase any penalty levels at the present time. If boroughs wish this decision to be reviewed, officers are asked to compile the relevant evidence and confirm that their Environment Director/Head of Service (or equivalent) supports a request to consider an increase penalty levels and then contact us. Information about the process of setting penalty levels can be found on our [website](#).¹
- An explanation of the role of the Transport and Environment Committee is given below.

What is TEC?

- TEC stands for London Councils' Transport and Environment Committee. It is a statutory committee, and acts as the “joint committee” required by the London Local Authorities Act 2004, section 17 (7) for Fixed Penalty Notices, and as required by the London Local Authorities Act 2007, section 60, for Penalty Charge Notices.
- It comprises one representative from every borough council and the City of London, usually the Environment or Transport Portfolio holder, as well as a representative of TfL. It alone has the powers to set penalty levels for the offences where the joint committee is required by law to set penalty levels. These are specified in each Act of Parliament. The legislative references are also listed below; next to the level TEC has set.
- Before it sets a penalty level, TEC undertakes public consultation, inviting views from boroughs, members of the public and relevant stakeholders depending on the offence.
- Boroughs cannot seek to levy any other penalty, higher or lower. To do so would open a borough to challenge and anyone issued with a PCN or FPN would not have to pay it.
- London has two enforcement methods:
 - Fixed Penalty Notices (FPNs) are an enforcement method available across the UK and are payable for a range of offences, including moving traffic offences (e.g. speeding and driving through red lights) as well as anti-social behaviour such as littering, spitting and public disorder offences. A fixed penalty notice is a conditional offer – one can accept guilt, pay the fixed penalty, and close the matter; or reject the fixed penalty notice and be summoned to court. There is no formal route of appeal. Evidence used to issue a FPN must be sufficient to stand up in court, if the FPN is unpaid or contested.
 - Penalty Charge Notices (PCNs) are part of a decriminalised enforcement system. This means that a person issued with a PCN can first make representations against the penalty to the local authority, and secondly can appeal a rejection of those representations to an independent adjudicator. This service is known as London Tribunals. Failure to pay a PCN can be pursued by the local authority through the County Court. Not all offences have been “decriminalised” and where they have been, a borough must opt to either use the FPN or the PCN route – it is not possible to use both.
- Boroughs are not obliged to use the powers set out below. As with all environmental and highways enforcement, a borough will judge whether there is a sufficient problem and whether it has sufficient resources to pursue enforcement.
- Although TEC has set the penalty levels below, before boroughs start using the powers they must first adopt the powers using their legal processes. Depending on the borough this may include adoption at Full Council. Publication of the adoption of the powers and the date in which the powers will come into force is usually a requirement. Each piece of legislation specifies what must happen before the powers are used.

¹ <http://www.londoncouncils.gov.uk/our-key-themes/environment/environmental-legislation/london-legislation/penalty-levels-0>

Short title	Issue being tackled	Legislation	PCN or FPN	Level of charge	Early payment reduction and timescales	Possible to increase penalty level under legislation?	TEC Committee papers and minutes
Builders' skips	A builders' skip is deposited on a highway without a permission granted under section 139 of the 1980 Act (control of builders' skips).	London Local Authorities and Transport for London Act 2013 S.9(3)(a)	PCN	£200	£100, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527 Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855 Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009
Builders' skips	Builders' skip is deposited with permission but not properly lighted during hours of darkness.	London Local Authorities and Transport for London Act 2013 S.9(3)(b)(i)	PCN	£200	£100, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527 Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855 Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009
Builders' skips	A builders' skip is deposited with permission but is not marked or lighted in accordance with regulations made under section 139 of the 1980 Act (control of builders' skips).	London Local Authorities and Transport for London Act 2013 S.9(3)(b)(ii)	PCN	£200	£100, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527 Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855 Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009
Builders' skips	A builders' skip is deposited with permission but is not clearly and indelibly marked with the owner's name and telephone number or address.	London Local Authorities and Transport for London Act 2013 S.9(3)(b)(iii)	PCN	£200	£100, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527 Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855 Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009
Builders' skips	A builders' skip is deposited with permission but is not removed as soon as practicable after it has been filled.	London Local Authorities and Transport for London Act 2013 S.9(3)(b)(iv)	PCN	£200	£100, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527 Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855 Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009

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Builders' skips	A builders' skip is deposited with permission but does not comply with the conditions of that permission.	London Local Authorities and Transport for London Act 2013 S.9(3)(b)(v)	PCN	£200	£100, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	<p>Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527</p> <p>Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855</p> <p>Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009</p>
Builders' skips	The owner of a builders' skip who, under subsection (2) of section 140 of the 1980 Act (removal of builders' skips), is required to remove or reposition the skip or cause it to be removed or repositioned has failed to comply with the requirement as soon as is practicable.	London Local Authorities and Transport for London Act 2013 S.9(3)(c)	PCN	£200	£100, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	<p>Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527</p> <p>Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855</p> <p>Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009</p>
Builders' skips	Release charge from immobilisation device where a skip has been issued with a PCN	London Local Authorities and Transport for London Act 2013 TBC	Neither – release fee	£100		Yes, TEC sets the release charge. Secretary of State must approve increase.	<p>Proposal (15 October 2015): http://www.londoncouncils.gov.uk/node/27527</p> <p>Minutes showing approval (from page 5): http://www.londoncouncils.gov.uk/node/27855</p> <p>Confirmation that no objection received from Secretary of State (TEC Chair's Report 10 December 2015), page 7: http://www.londoncouncils.gov.uk/node/28009</p>
Builders skips	Depositing builder's skip on highway without permission	Highways Act (1980) S.139(3), FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	<p>Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511</p> <p>Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470</p> <p>Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050</p> <p>Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307</p>

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Builders skips	Failure to secure lighting or other marking of builder's skip	Highways Act (1980) S.139(4)(a) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	<p>Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511</p> <p>Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470</p> <p>Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050</p> <p>Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307</p>
Builders skips	Failure to secure marking of builder's skip with name and address	Highways Act (1980) S.139(4)(b) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	<p>Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511</p> <p>Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470</p> <p>Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050</p> <p>Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307</p>
Builders skips	Failure to remove or reposition builder's skip	Highways Act (1980) S.140(3) , FPN provision by Schedule 4 of	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels.	<p>Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511</p>
		the London Local Authorities and Transport for London Act 2003				Secretary of State must approve increase.	<p>Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470</p> <p>Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050</p> <p>Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307</p>

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Builders skips	Failure to secure removal of builder's skip	Highways Act (1980) S.139(4)(c) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	<p>Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511</p> <p>Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470</p> <p>Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050</p> <p>Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307</p>
Builders skips	Failure to comply with conditions of permission	Highways Act (1980) S.139(4)(d) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	<p>Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511</p> <p>Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470</p> <p>Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050</p> <p>Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307</p>

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Highways	Wilful obstruction of highway	Highways Act (1980) S.137(1), FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511 Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470 Early payment reduction added by LLAA and TfL Act 2008
							proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050 Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307
Highways	Depositing material etc. on a made-up carriageway	Highways Act (1980) S.148(a), FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511 Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470 Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050 Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307
Highways	Depositing material etc. within 15 feet from centre of made-up carriageway	Highways Act (1980) S.148(b), FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511 Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470 Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050 Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307
Highways	Depositing anything on highway to the interruption of user	Highways Act (1980) S.148(c), FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511 Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470 Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050 Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307
Highways	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into	Highways Act (1980) S.151(3), FPN provision by Schedule 4 of the London Local Authorities	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State	Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511

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Highways	Depositing things on highway which cause injury or danger	Highways Act (1980) S.161(1) , FPN provision by Schedule 4 of	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels.	Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511
Scaffolding	Erecting scaffolding or other structure without licence or failing to comply with terms of licence or perform duty under subsection (4)	Highways Act (1980) S169(5) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	FPN	£100	£50, if paid within 14 days	Yes, TEC sets the penalty levels. Secretary of State must approve increase.	Proposed (27 January 2004): http://www.londoncouncils.gov.uk/node/12511 Minutes confirming approval (from page 5): http://www.londoncouncils.gov.uk/node/12470 Early payment reduction added by LLAA and TfL Act 2008 proposal (10 June 2010): http://www.londoncouncils.gov.uk/node/19050 Minutes confirming approval (from page 10): http://www.londoncouncils.gov.uk/node/19307

