

Current	Proposed additions	Notes
Schedule 31	Schedule 31 A FAILURE TO PROVIDE INFORMATION UNDER SECTION 436E: MONETARY PENALTIES	
Insert after schedule 31	<p>Warning notice</p> <p>1</p> <p>(1) Where a local authority in England proposes to require a person to 5 pay a monetary penalty under section 436E(8), the authority must serve a notice on the person of what is proposed (a “warning notice”). The warning notice must include information as to—</p> <p>(a) the grounds for the proposal to require payment of the monetary penalty,</p> <p>(b) the amount of the penalty, and</p> <p>(c) the person’s right to make representations.</p>	
	<p>Representations</p> <p>2 The person on whom the warning notice is served may make written representations to the local authority in relation to the proposed requirement to pay a monetary penalty—</p> <p>(a) before the end of the period of 14 days beginning with the day on which the notice is served, or</p> <p>(b) if within that period the person gives written notice of their intention to make representations, before the end of the period of 28 days beginning with that day.</p>	
	Imposition of penalty	

	<p>3</p> <p>(1) Where a person has made representations in response to a warning notice, or the time for doing so has elapsed, the local authority must decide whether to require the person to pay the monetary penalty.</p> <p>(2) The local authority may not require the person to pay a monetary penalty if the authority is no longer satisfied as mentioned in section 436E(8).</p> <p>(3) If the local authority decide not to require the person to pay the penalty, the authority must inform the person of that fact.</p>	
	<p>Penalty notice</p> <p>4</p> <p>(1) A requirement to pay a monetary penalty is imposed by a notice served on the person by the local authority (a “penalty notice”).</p> <p>(2) A penalty notice must include information as to—</p> <ul style="list-style-type: none">(a) the grounds for requiring payment of the monetary penalty,(b) the amount of the penalty,(c) how payment may be made,(d) the period within which payment is to be made (which must be at least 28 days beginning with the day on which the notice is served),	

	<p>(e) the consequences of late payment (see paragraph 5), and</p> <p>(f) rights of appeal</p> <p>(3) A penalty notice may be withdrawn at any time by the local authority that gave it.</p>	
	<p>Consequences of late payment</p> <p>5 If the person on whom a penalty notice is served fails to pay the monetary penalty within the period specified in the notice, the amount of the penalty is increased by the prescribed percentage.</p>	
	<p>Appeals</p> <p>6</p> <p>(1) A person on whom a penalty notice is served may appeal to the First-tier Tribunal on any of the grounds mentioned in sub-paragraph (2).</p> <p>(2) The grounds are that—</p> <p style="padding-left: 40px;">(a) the decision to require payment of the penalty was based on an error of fact;</p> <p style="padding-left: 40px;">(b) the decision was wrong in law;</p> <p style="padding-left: 40px;">(c) the decision was unreasonable.</p> <p>(3) On an appeal under this paragraph the First-tier Tribunal may—</p> <p style="padding-left: 40px;">(a) quash the penalty notice,</p> <p style="padding-left: 40px;">(b) confirm the penalty notice, or</p>	

	<p>(c) vary the penalty notice by reducing the amount of the monetary penalty.</p> <p>(4) Where an appeal under this paragraph is made, the requirement to pay the monetary penalty is suspended pending the final determination or withdrawal of the appeal.</p>	
	<p>Enforcement</p> <p>7 If a person does not pay the whole or any part of a monetary penalty which the person is required to pay under this Schedule within the time specified in the penalty notice, the penalty or part of the penalty is recoverable as if it were payable under an order of the county court.”</p>	