

**Select Committee on the Environment - 13<sup>th</sup> November 2006**

**Report of the Director of the Urban Environment**

**Clean Neighbourhoods and Environment Act 2005**

**Purpose of Report**

1. To advise the Committee of the recommendations of the Recycling Working Group in relation to the above Act.

**Background**

2. At its meeting on the 23<sup>rd</sup> October 2006, the Committee's Recycling Working Group received a report on the Clean Neighbourhoods and Environment Act 2005 (the Act).
3. The report summarised the various powers available under the Act in relation to environmental enforcement. The report was supported on the night by a presentation which generated a detailed discussion amongst the Members of the Working Group on the issues under consideration. The report presented to the Working Group is appended to this report (Appendix 1).
4. The report recommended that the Working Group give consideration to the use of the new powers under the Act and the use and levels of Fixed Penalty Notices (FPNs) for offences, and makes its recommendations to the Select Committee on the Environment.
5. The Working Group, on the 23<sup>rd</sup> October 2006, resolved that:
  - a) The Select Committee on the Environment be recommended to approve an appropriate press release, in relation to advertising the new powers for the local authority under the new Act and that enforcement action would be taken and;
  - b) That a further report, to include details of consistency in Fixed Penalty Notice charges, be submitted to a future meeting of the Working Group.

**Finance**

6. There are no direct financial implications arising from this report.

## **Law**

7. The powers referred to within this report are contained within the Clean Neighbourhoods and Environment Act 2005 (CNEA).

## **Equality Impact**

8. The introduction of new enforcement powers and associated Fixed Penalties will have an impact on the community. This could impact on young people in relation to littering, particularly in the vicinity of schools and colleges. An awareness raising and educational campaign will be needed to inform the public and publicise the range of new powers available under the Act.

## **Recommendation**

9. It is recommended that the Committee accepts the recommendations of the Working Group, as referred to in paragraph 5 (a) and asks the Cabinet Member for the Environment to authorise the appropriate press release.
10. The Committee are also asked to accept the recommendation of the Working Group in paragraph 5 (b) that a further report to include details of consistency in Fixed Penalty Notice charges, be submitted to a future meeting of the Working Group.



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**John Millar**  
**Director of the Urban Environment**

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## **List of Background Papers**

None.

**Select Committee On The Environment Recycling Working Group -  
23<sup>rd</sup> October 2006**

**Report of the Director of the Urban Environment**

**Clean Neighbourhoods And Environment Act 2005**

**Purpose of Report**

1. To outline the new enforcement powers that have been introduced under the Act.
2. To enable the Working Group to discuss the use of the new powers and the level of Fixed Penalties applicable under the Act.

**Background**

3. The Clean Neighbourhoods and Environment Act 2005 (the Act) was introduced in two stages between October 2005 and June 2006.
4. The Act has given local authorities greater powers to deal with issues that could be considered as environmental crime, which have an impact on the quality of the local environment and residents' quality of life.
5. The Act has provided increased powers to deal with the following issues:
  - Abandoned Vehicles – the Act removes the requirement for the application of a 24 hour notice to a vehicle, and also introduces a fixed penalty as an alternative to prosecution for the act of abandoning a vehicle.
  - Litter - the Act clarifies the offence of dropping litter, and where this is applicable. It also includes cigarette ends and chewing gum and related products within the definition of litter.
  - Fly-posting – the Act removes the loophole which was a defence to owners of the premises to which fly-posted material advertised. Owners have to prove that the advertisement was without their knowledge and that they took all reasonable steps to prevent it.
  - Cars on the highway – new powers are available to deal with nuisance vehicles, such as cars for sale or being repaired on the highway.

- 6 The Act has also introduced a significant range of Fixed Penalty Notices (FPNs), for a number of offences as an alternative to prosecution. These include:
  - Fixed Penalties for litter, dog fouling, graffiti, fly-posting, free literature distribution, abandoned and nuisance vehicles and waste.
7. Failure to pay FPNs could lead to prosecution for the offence. Local authorities will have the power to demand a name and address from an offender for the purpose of issuing an FPN. Failure to do so is an offence.
8. The Act allows local authorities to set the rates for FPNs for particular offences, within set maximum and minimum amounts. A presentation will be made to the Group at its meeting that will explore the new powers under the Act in more detail and give Members the opportunity to discuss the appropriateness of FPNs and the level of fines, within the set limits, where this is allowed for under the Act.

### **Finance**

9. There are no direct financial implications arising from this report.

### **Law**

10. The powers referred to within this report are contained within the Clean Neighbourhoods and Environment Act 2005.

### **Equality Impact**

11. The introduction of these powers and additional Fixed Penalties will have an impact on the community. This could also impact on young people in relation to littering, particularly in the vicinity of schools and colleges. An awareness raising and education campaign will be needed to inform the public of the new range of powers that could be used under the Act.

### **Recommendation**

12. That the Working Group receives this report and a related presentation at the meeting, and gives its consideration to the use of the new powers under the Act, and the use and levels of Fixed Penalty Notices for offences, and makes its recommendations to the Select Committee on the Environment.



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List of Background Papers - None