

Clean Neighbourhood and Environment Bill – Outline of Measures

The Bill:

Crime and Disorder

- ensure that local Crime and Disorder Reduction Partnerships will take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies.
- gives local authorities new, more effective powers to deal with alleyways affected by anti-social behaviour.

Fixed Penalty Notices (Fines)

- makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates;
- gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences

Nuisance and Abandoned Vehicles

- gives local authorities the power to remove abandoned cars from the streets immediately;
- creates two new offences to help local authorities deal with nuisance parking:
offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

Litter

- makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes;
- gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices);
- enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter;
- confirms that cigarette butts and discarded chewing gum are litter.

Graffiti and fly-posting

- extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting;
- improves local authorities powers to tackle the sale of spray paints to children;

- strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution;
- enables local authorities to recover the costs of removing illegal posters.

Waste

- amends provisions for dealing with fly-tipping by:
 - removing the defence of acting under employer's instructions
 - increasing the penalties
 - enabling local authorities and the Environment Agency to recover their investigation and clear-up costs
 - extending provisions on clear up to the landowner in the absence of the occupier.
- gives local authorities and the Environment Agency the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties):
 - to businesses that fail to produce waste transfer notes
 - to waste carriers that fail to produce their registration details or evidence they do not need to be registered
 - for waste left out on the streets (local authority only)
- introduces a new more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles
- introduces a new provision covering that waste duty of care and the registration of waste carriers
- introduces a new requirement for site waste management plans for construction and demolition projects
- repeals the divestment provisions for waste disposal functions to provide greater flexibility for local authorities to deliver waste management services in the most sustainable way
- reforms the recycling credits scheme to provide increased local flexibility to incentivise more sustainable waste management.

Dogs

- replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person.
- gives local authorities, rather than police, sole responsibility for stray dogs.

Noise

- reduces nuisance caused by noise by giving local authorities to:
 - deal with burglar alarms
 - impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels
- gives local authorities greater flexibility in dealing with noise nuisance.

Architecture and the Built Environment

- establishes the Commission for Architecture and the Built Environment (CABE) on a statutory basis.

Miscellaneous

- enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners
- extends the list of statutory nuisances to include light pollution and nuisance for insects
- improves the contaminated land appeals process.