

CABINET – 1 NOVEMBER 2006 PORTFOLIOS : ENVIRONMENT, HEALTH AND SOCIAL  
INCLUSION, CRIME AND DISORDER  
AND ECONOMY AND PLANNING

## CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

### 1. INTRODUCTION

- 1.1 At the meeting of the Environment Review Panel on 26 January 2006, Members received a report which set out the background to the Clean Neighbourhoods and Environment Act 2005 (CNEA) and highlighted the main provisions/proposals, the majority of which have since come into force.
- 1.2 At the Environment Review Panel meeting on 14 September 2006 Members received a presentation together with a detailed report on the implementation of the CNEA. (Minute 17 attached as **Appendix 1**, for reference.)
- 1.3 The CNEA provides Local Authorities with a range of powers which strengthen their ability to improve local environmental quality, particularly in the areas of crime and disorder, vehicle nuisance, litter and refuse, graffiti, fly posting and other defacement, waste, dog fouling and noise.
- 1.4 Many of these powers contained within the CNEA supplement existing legislation contained within a wide range of Acts, the principal ones being the Antisocial Behaviour Act 2003 and the Environmental Protection Act 1990.
- 1.5 Importantly, the CNEA now gives local authorities the ability to issue fixed penalty notices for a range of offences, where appropriate, rather than pursue the matter through the courts in what can be a lengthy and costly process.
- 1.6 The term “appropriate” is clearly key here, as the use of penalty notices would form one part of a balanced, selective approach to resolving environmental issues.
- 1.7 Whilst this new legislation will enable robust action to be taken where appropriate it needs to be stressed that the district as a whole is an area of low environmental crime and therefore any measures adopted need to reflect this.
- 1.8 The main provisions of the CNEA are set out in **Appendix 2** for ease of reference.
- 1.9 Within Appendix 2 the provisions which can be progressed immediately are identified, together with those where action is either not necessary or where further work is required.
- 1.10 Consideration is given in this report as to how the identified provisions can be implemented in an efficient and cost effective manner within New Forest District Council.

### 2. BACKGROUND

- 2.1 The preservation and enhancement of a clean and sustainable environment is at the very heart of this Council’s vision for the District , which is further reinforced by the Corporate Plan key priority of Clean Streets and Open Spaces.

- 2.2 This represents a significant challenge for a District embracing such a broad spectrum of residential, commercial and tourism interests, and a topography ranging from open forest through to dense urban landscape and an extensive shoreline.
- 2.3 As a measure of tourism impact, it is projected that each year the District as a whole receives anything up to 20 million “days visited” , and the creation of a new National Park within the boundaries of the District may well further swell visitor numbers.
- 2.4 These figures, when taken in the context of a population of 172,000 , over 1,100 kilometres of public highway and 3,600 hectares of maintainable open space, give some idea of the scale of the challenge.
- 2.5 The Council's response to date has been robust and measurably effective. An annual spend of £1.1 million on a range of street and open space cleaning operations represents a significant investment, equating to £6.50 per head per annum.
- 2.6 Importantly value for money is demonstrably high, with unit costs significantly lower than national average and public satisfaction levels good at 61% (Citizen Panel Sept.'04)
- 2.7 Despite this investment there are indications that incidents of environmental crime are increasing, whether this be littering of the roadside, graffiti, vehicle nuisance or fly tipping of waste. The opportunity could be taken to use this legislation to target these specific issues in the areas where appropriate.
- 2.8 The introduction of the CNEA provides an opportunity to supplement existing environmental operations and investment with additional measures to combat this crime.

### **3. OVERVIEW**

- 3.1 The implementation of the CNEA raises a number of issues for the Council, which need careful consideration. These include :-
  - Scope and scale of implementation
  - Enforcement Regime
  - Enforcement Policy
  - Powers and delegations
  - Fixed Penalty Scheme
  - Training
  - Risk Assessment
  - Support Services
  - Communications & Publicity
- 3.2 Roles and responsibilities within the CNEA span a number of service areas across the Authority, which is also mirrored in terms of Portfolio Holder responsibility. (Environment, Health & Social Inclusion, Crime & Disorder, Economy & Planning)
- 3.3 To assist the process, therefore, a “task and finish” officer project team has been formed with Heads of Service from the Commercial Services, Community Services and Resources Directorates, together with Legal and Human Resources.

- 3.4 In considering options for implementation of the CNEA the project team has taken a pragmatic approach, with proposals which are both deliverable and cost effective. These are summarised for Member consideration in the following section.

## **4. OPTION APPRAISAL**

### **4.1 Scope and Scale**

Powers within the CNEA can be embraced by a number of organisations in addition to the District Council. These include Town & Parish, Unitary and County Councils, together with associated Community Wardens.

At this stage it is proposed to focus on NFDC powers only, and in particular those that are directly relevant to improving environmental quality in the District.

Following the establishment of a robust and proven regime, opportunities for effective joint working with external and partner agencies will be pursued.

**Appendix 2** identifies those provisions which can be progressed immediately.

There are other important provisions identified where further work will be required, including cost/benefit considerations, as part of a second phase. These include provisions relating to abandoned shopping trolleys, dog fouling and the removal of posters and placards; the latter which could include consideration of a registration scheme.

By way of example, the provisions enabling action in respect of abandoned shopping trolleys can only apply if the Council first consults persons who would be affected by applying the provisions, passes a resolution to apply them, and then publishes a notice to that effect in the local press. A system for recovery, storage/retention, return, disposal and charging is also required.

### **4.2 Enforcement Regime**

An underpinning element of the CNEA is the power for LA's to issue fixed penalty notices (FPNs) in relation to prescribed offences.

There is clearly a choice to be made between employing additional CNEA enforcement officers, as opposed to empowering a range of existing employees whose current duties relate to the role and who regularly travel the district.

At this early stage the latter option, which would entail incorporating delegated enforcement powers into existing employee job roles, is considered to be a proportionate and cost effective proposal.

### **4.3 Enforcement Policy**

Consistency of approach and enforcement of the CNEA and related Acts will be an essential element of the implementation process. At this stage officers are drawing up an Enforcement Policy together with supporting Enforcement & Investigation Activities guidance.

Whilst this could be a stand alone document for the CNEA, consideration is being given to producing a single overarching policy document covering all enforcement activities within NFDC.

### **4.4 Powers and Delegations**

Following on from the proposed enforcement regime, it is envisaged that approximately fifty existing employees would be given delegated enforcement powers under the CNEA and related legislation.

As an overview, the following employee groups have jobs that already embrace a significant element of environmental interaction and in some cases already include an active enforcement role :-

- Waste & Street Cleansing supervisory officers
- Grounds Maintenance supervisory officers
- Environmental Health Officers
- Dog Wardens
- Planning Enforcement Officers
- Parking Attendants
- Pest Control Officers

The full schedule of suggested employee posts, powers delegated and proposed delegations is included as **Appendix 3** to this report.

#### 4.5 **Fixed Penalty Scheme**

The CNEA enables local authorities to introduce fixed penalty charges for a range of offences. In some instances the fixed penalty amount is specified in the Act and in others the Act sets out a range, enabling authorities to set the penalty within the range. There is also provision for a discount to be applied for early payment.

In determining the level of penalty, consideration need to be given to the deterrent effect of the penalty, peoples' ability or readiness to pay, together with the level of fines imposed locally for relevant offences in magistrates' courts.

The schedule of offences, available penalty amounts and discounted amounts is attached as **Appendix 4**.

A schedule of proposed penalty amounts and discounted amounts is attached as **Appendix 5** for Cabinet consideration.

#### 4.6 **Training**

With the exception of parking attendants and dog wardens, NFDC employees have no experience of serving fixed penalty notices.

It is clear, therefore, that a significant emphasis on training and health & safety issues will form an essential element of the implementation of the CNEA.

In order to ensure that employees have sufficient expertise and confidence to deal with CNEA issues, an initial training programme supported by on-going updates is envisaged. This will ensure that employees are able to interpret the provisions of the Police and Criminal Evidence Act (PACE) and the Regulatory Investigative Powers Act (RIPA) and how they apply to the CNEA.

It will also focus on employee health & safety and risk assessments.

In addition, a short member training module would provide an overview of the issues relating to serving fixed penalty notices under the CNEA.

In terms of delivering the training modules the choice lays between setting up an in-house training scheme/resource, or tapping into established external trainers. Considering the complexity and level of training required the external route is considered the best option at this stage, particularly as a number of neighbouring authorities have indicated an interest in joining the training modules.

#### **4.7 Risk Assessment**

As a precursor to employee training and guidance detailed above, a full risk assessment of CNEA implementation will be carried out.

This will be undertaken in consultation with Health & Safety advisors and will embrace identification of potential hazards, severity, likelihood, controls in place and additional controls needed.

#### **4.8 Support Services**

As previously highlighted, roles and responsibilities under the CNEA span a number of service areas and directorates, each of which could in theory provide their own support.

However, to provide an efficient and cost effective service, in terms of customer contact, administration of fixed penalty notices, income receipt etc., it is proposed to centralise support services within the Customer Services group of the Resources Directorate.

The Customer Relationship Management database (CRM) is well placed to take on this additional role. The CRM already interfaces well with the “Chipside” ICT system for parking management and an upgrade module is available specifically for fixed penalty notices under the CNEA.

Parking Attendants already use handheld devices to capture details of all parking offences and where cost effective, additional devices could be issued. That said, it is likely that in the first year manually issued official notices will be utilised by the majority of employees.

#### **4.9 Communications/Publicity**

The CNEA provides local authorities with a range of powers to strengthen the campaign against environmental nuisance and damage.

In real terms, however, the pursuit of enforcement action is only one tool in a range of options available to deter this anti-social behaviour. Indeed, some may argue that it should be the tool of last resort.

A high profile education and publicity campaign is therefore seen as an essential element of the process and this would embrace a series of articles/press releases at both launch stage and on an ongoing basis. Close liaison with partner organisations, such as the National Park, Forestry Commission, Police and Town & Parish Councils , will also be important and will build on the relationships already in place.

## **5 CONSULTATION**

### **5.1 Internal**

As detailed in Paragraph 4.2 (Enforcement Regime), the incorporation of delegated enforcement powers into the job descriptions of a range of existing employees within NFDC and empowering those employees to play their part in meeting one of the District's key objectives is seen as a preferred option at this stage.

Consultations with senior employee representatives have taken place to outline this approach and team briefings with the employee groups involved have also been carried out.

## 5.2 External

As detailed in Paragraph 4.1 (Scope and Scale), the powers within the CNEA embrace a number of organisations.

It is likely that some Town & Parish Councils will take up powers under the Act, whilst others will want to respond in a supportive way rather than take powers directly.

At this early stage it is proposed that NFDC focuses on establishing its own effective regime for implementing the CNEA, but close consultation and possible partnership working are seen as an important next step to be pursued.

This approach will provide a firm foundation for a consultation exercise to follow, without affecting NFDC's ability to act in the interim.

## 6. FINANCIAL IMPLICATIONS

- 6.1 Clean Streets and Open Spaces is one of Council's key priorities and implementing the provisions of the CNEA in the manner proposed is seen as a cost effective and deliverable approach.
- 6.2 There are, nonetheless, financial implications attached to the proposals and these can be broadly categorised as follows:-
- Employee costs
  - Administration
  - IT
  - Consumables
  - Publicity
  - Training
  - Income
- 6.3 Employee costs will be incurred if the additional duties and responsibilities of individual postholders result in post regrading. Advice from Human Resources suggests that this will not be a significant issue, so at this stage it is not proposed to make budget provision. That said, this does need flagging as a potential additional budget pressure.
- 6.4 It is envisaged that administration costs within service units can be contained within existing budgets and likewise within Legal, where close support will be needed on occasions. However, the focussing of support through the Customer Services unit will place additional pressure on a unit already operating at the limit of its capacity, having experienced a 25% increase in the number of contacts dealt with this year. An annual provision of £3,000, including on-costs, is therefore required as a contribution for additional employee resources.
- 6.5 IT requirements fall into the categories of software for the new "Chipside" module to facilitate CNEA operations at £5,000 and annual software updates/ technical support at £1,000. It is proposed to defer the option of purchasing additional hand held devices (£1,200 each), as used by the Parking Attendants, until the use of the new CNEA powers is reviewed.
- 6.6 Consumables in terms of general stationery and more specifically official fixed penalty notices, stationery etc. are estimated at £1,000 per annum.

- 6.7 As flagged in paragraph 4.9, an effective publicity and education campaign is seen as an essential part of implementing the drive to a cleaner environment. A one-off launch budget of £5,000 is proposed, with an annual budget of £2,000 to maintain profile and impetus. This could of course be utilised with contributions from partner organisations in the future, as part of a co-ordinated campaign.
- 6.8 Adequate provision for both start up and on-going training is fundamental for the delivery of an effective and safe system of work. The cost of start-up training for fifty employees is estimated at £3,000, with subsequent new and refresher training estimated at £1,000 per annum.
- 6.9 The CNEA provides a framework of fixed penalty amounts and dependent on the level of activity there will be a degree of income. Experience from other local authorities has indicated that this is unlikely to be great and the envisaged emphasis within NFDC will be education rather than enforcement. That is not to say that strong action will not be taken where appropriate, but rather that an income figure is not appropriate.
- 6.10 Total financial implications, assuming preparations commence this financial year :-

2006/07	£15,000
2007/08	£ 8,000

## **7. ENVIRONMENTAL IMPLICATIONS**

- 7.1 The CNEA provides local authorities with a range of powers to strengthen their ability to improve the environment. The proposals contained within this report are intended to make a positive impact at a local level to improve environmental well-being for residents and visitors alike.

## **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 Tackling environmental crime, whether it be littering, dog or vehicle nuisance, is an intrinsic part of measures contained within the CNEA and as such the proposals within this report will supplement the existing range of measures to combat this type of anti-social behaviour.

## **9. EMPLOYEE SIDE COMMENTS**

- 9.1 Employee Side recognise that in the Corporate Plan a key priority is Clean Streets and Open Spaces and so welcomes and recommends the Clean Neighbourhoods and Environment Act 2005.
- 9.2 New Forest District Council had achieved high marks in the CPA review for the Cleanliness of the New Forest District Area and Management and Employees need to be congratulated on that success.

- 9.3 Employee Side would recommend that employees who are already in an active enforcement role to take on the task of enforcing in the early stages.
- Environmental Health Officers
  - Dog Wardens
  - Planning Enforcement Officers
  - Parking Attendants/Wardens
- 9.4 Training and consultation for these Officers are paramount, a period of three to six months in the initial stages of the proposals would be recommended as these officers are already working to full capacity and recognition that more resources could be needed in the future.
- 9.5 Additional budget pressure should be highlighted, Employee Side would recommend any Policy which is agreed relating to Clean Neighbourhoods and Environment needs to express the importance of extra employee resources in the occupations of Road Sweepers, EPA's and Litter Pickers. Double manning and management of these roles are recommended to take high priority.
- 9.6 Extra income from the enforcement fines would be a benefit to the Council.

## **10. PORTFOLIO HOLDER'S COMMENTS**

- 10.1 The Portfolio Holders for Environment, Health & Social Inclusion, Crime & Disorder and Economy & Planning support the recommendations in the report.

## **11. CONCLUSION**

- 11.1 The Clean Neighbourhoods and Environment Act 2005 is an important tool in enabling local authorities to promote and maintain the local environment.
- 11.2 This report addresses the issues raised within the Act and recommends a structured, positive approach for its implementation through a progressive and cost effective programme.
- 11.3 The opportunity will be taken to review the new powers adopted in 12 months time to assess their impact.

## **12. RECOMMENDATIONS**

### **It is recommended :**

- 12.1 That Cabinet is asked to consider the approach, as set out in the report, and to take action if agreed in respect of those powers as identified in Appendix 3.
- 12.2 That Cabinet agrees the levels of delegations as proposed in Appendix 3.
- 12.3 That Cabinet agrees the levels of fixed penalty notice charges and discounted amounts as proposed in Appendix 5.
- 12.4 That Cabinet approves a supplementary estimate of £15,000 for 2006/7 and a committed expenditure plan bid of £8,000 for 2007/8.



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**Background Papers:**

CNEA 2005, report to Environment  
Review Panel - 26 January 2006

CNEA 2005, report to Environment  
Review Panel - 14 September 2006

**Environment Review Panel – 14 September 2006**

**Extract from Minutes**

**17. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 (REPORT A).**

Members of the Crime and Disorder, Economy and Planning and Health and Social Inclusion Review Panels had been invited to attend the meeting for this item.

Members received a presentation together with a detailed report which set out the provisions of the Clean Neighbourhoods and Environment Act and identified those powers which the Council might wish to adopt in the first instance. A summary of the potential powers was set out in Appendix 1 to Report A. Each power was annotated with Y if it was intended to go forward immediately; or with N if the power was already available through another source, it was not opportune to proceed at the current time, or further research was needed.

A multi-disciplinary officer working group had been established to consider the best way forward for the implementation of this Act. They had concluded that it was important to take an evolutionary approach, and in the first instance to establish firm foundations of activity within this Council's own structures. The various options that were available for partnership working, for example with Town and Parish Councils, or bodies such as the Forestry Commission and National Park Authority, would be explored once that firm foundation had been established. In addition, the officer working group had looked at the practicalities of enforcing the fixed penalty notice provisions. They had concluded that the best way forward was to delegate the necessary powers to a range of officers that were already in post. This would, in some instances, involve some additional training to ensure that the officers operated safely and also served the notices correctly. In many cases, the additional duties could be seen as an addition to the officers' existing role. In some cases, the Act would provide useful enforcement powers, where, currently, the Council might appear powerless and able to act only through persuasion. A list of the suggested delegated powers was set out in Appendix 2 to Report A. In addition to the officers listed, it was reported that some housing officers would also be included before the report was submitted to Cabinet.

All potential officer groups who were affected by the proposals had been briefed and kept informed of the current situation. It was necessary that the whole principle of fixed penalty notices was subject to proper risk assessments and the officers involved given proper training. It was possible that the commissioning of training would be done jointly with other, neighbouring, local authorities to optimise the cost. The practical consequences of the necessary preparatory work meant that it was unlikely that any of the new powers would be implemented before 1 April 2007.

Members were reminded that education and publicity would be the key to the success of the Clean Neighbourhoods and Environment Act and not the enforcement powers alone. The enforcement powers were essential, to ultimately enforce the behaviours that were desired, but much more would, ultimately, be achieved through education and persuasion.

Members discussed the new powers in some detail. Members were advised that one of the key requirements for making the new powers work would be to have a clear route for reporting problems and incidents, together with a robust system to ensure that reports were passed quickly to the officers who could take action. The structure to achieve this would be considered before the report was submitted to Cabinet.

One key area of concern was the leaving of vehicles in a poor condition on land that was owned by this Council. In particular, there were problems with land designated as parking areas within Council estates. While the new powers on abandoned vehicles would be useful in some instances, there remained a problem where vehicles were left, but were claimed by persons who refused to move them. It was agreed that the officers would give further thought to ways of addressing this particular problem.

Action: Dave Brown, Colin Read, Nathalie Heaselden

There was some concern about the Council's ability to respond to complaints about noise nuisances during unsocial hours. It was recognised that there were safety issues for officers working out of hours, but Members were reassured that there were provisions made for out of hours visits. Members were advised that the Council already had extensive powers and used, for example, diary evidence kept by neighbours, as the basis for enforcement and action if that proved necessary. In addition, visits were made by officers during times when alleged nuisances occurred and this included times outside normal office hours. Noise from moving vehicles was however an issue for the police and not this Authority.

Members noted the potential role of Town and Parish Councils in enforcing the provisions of the Clean Neighbourhoods and Environment Act. Some of the larger Town Councils were already very aware of the powers available and actively considering what role they wished to play. While the officers would respond to any direct requests to visit a Parish Council to brief them on the Act, consideration would also be given to holding a seminar/workshop event to give the smaller parishes the opportunity to find out more.

Members were satisfied that an evolutionary approach to introducing the new provisions was the correct way forward. There was some concern, however, that some provisions, such as, for example, tackling the sale of vehicles on highways, could be very resource intensive. It was recognised that in many instances the main emphasis would be on education rather than enforcement, but ultimately some enforcement would be necessary if the use of fixed penalty notices was to have any credibility. There was also some doubt as to the priority that could be given to the issuing of fixed penalty notices where this role was secondary to an officer's existing duties. While there was merit in establishing the amount of resource needed, by experience, and then making a soundly based bid to Cabinet for additional funding, Members considered it was opportune to suggest that an expenditure plan bid should be included to provide some dedicated enforcement resource.

Members went on to discuss the level of penalty to be imposed in respect of fixed penalty notices where the Council had discretion.

With respect to education and publicity materials, Members were disturbed to note a recent, further incident where publicity materials released by this Council had been inaccurate and misleading with respect to recycling. This was particularly disturbing as, in response to a previous incident, Members had insisted that all such materials should be cleared with the service responsible prior to release. This had not been done, again, in this repeat incident. In expressing their displeasure Members re-emphasised the need for services to check any such publicity materials for accuracy.

**RESOLVED;**

- (a) That the Cabinet be informed that the Panels support the approach as set out in Report A, to take action in respect of those powers identified in Appendix 1 to Report A;
- (b) That the Cabinet be informed that the Panels support the level of delegations as set out in Appendix 2 to Report A.
- (c) That the Cabinet be advised that the following levels of fixed penalty notice charges and discounted amounts is considered appropriate;

<b>OFFENCE</b>	<b>FIXED PENALTY AMOUNT</b>	<b>DISCOUNTED AMOUNT</b>
Nuisance parking	£100 (fixed)	£75
Abandoning a Vehicle	£200 (fixed)	£150
Leaving Litter	£80	£50
Litter clearing notice – failure to comply	£110	£80
Street Litter control notice – failure to comply	£110	£80
Graffiti and fly posting	£80	£60
Waste receptacle offences	£110	£80

- (d) That Cabinet be requested to approve a supplementary estimate of £15,000 for 2006/07 and a committed expenditure plan bid of £8000 for 2007/08; and

Action: for (a) to (d) – John Mascall

- (e) That all necessary training and publicity materials be vetted and approved by the service department responsible prior to release.

Action: David Atwill

## Clean Neighbourhoods and Environment Act 2005 – Main Provisions

<b>PART 1 - CRIME &amp; DISORDER</b>			
<b>Section</b>	<b>Description</b>	<b>Action</b>	
1. Crime and Disorder Strategies	Requirement to take account of environmental quality issues such as littering, graffiti, etc in Crime and Disorder strategies.	N	Include in next Crime & Disorder strategy review
2. Gating Orders	Extends Highways Act powers to restrict public rights of way in the interests of curbing anti-social behaviour.	N	Not considered necessary at this point
<b>PART 2 - VEHICLES Nuisance Parking Offences</b>			
3. Exposing vehicles for sale on a road	Offence if 2 or more vehicles for sale and parked within 500 metres of each other on public road for the purposes of a business.	Y	
4. Repairing vehicles on a road	Offence to undertake vehicle works/maintenance for purposes of a business on a public road.	Y	
5. Liability of Directors etc	Liability for offence includes directors, manager, secretary or person purporting to act in that capacity.	Y	
<b>Nuisance Parking Offences - Fixed Penalty Notices (FPN)</b>			
6 & 7. Power to give fixed penalty notices	Gives power to issue FPN (£100) as alternative to court action, and require name and address.	Y	
10. Offence of abandoning a vehicle: fixed penalty notices	a) Gives power to issue FPN of £200 in appropriate situations b) Require name and Address	Y	

<b>Illegally Parked Vehicles</b>			
15. Notice of removal	Amends Road Traffic Regulation Act 1984 re giving notice to remove (or destroy appropriate) illegally parked vehicles.	N	Existing powers considered sufficient
16. Disposal	Amends Road Traffic Regulation Act 1984 relating to disposal of unlicensed and unregistered vehicles.	N	As per 15
<b>PART 3 - LITTER AND REFUSE</b>			
<b>Offence of Dropping Litter</b>			
18. Extension of litter offence to all open places and to water.	Widens scope for a litter offence to 'open to the air' spaces accessible to the public.	Y	
19. Fixed penalty notice for leaving litter.	Amends existing powers to issue FPNs for leaving litter.	Y	
<b>Local Authority Notices</b>			
20. Litter clearing notices	Gives powers to local authorities to serve litter clearing notices on occupiers or owners of land in its area which is 'open to the air'. Certain bodies have exemptions e.g. statutory undertakers.	Y	
21. Street litter control notices	Brings any vehicle, stall or moveable structure used for commercial/retail activities within the scope of EPA 1990 for street litter control purposes.	Y	
22. Failure to comply: fixed penalty notices	Failure to comply with litter notice can result in FPN.	Y	

<b>Free distribution of printed matter</b>			
23. Controls on free distribution of printed material	<p>a) Makes it an offence to distribute free printed matter on designated land.</p> <p>b) A principal litter authority may, subject to procedures, designate land which is being defaced by the discarding of free printed matter.</p> <p>c) Consents with conditions (including payment of fees) can be given. Appeals to Magistrates Court.</p> <p>d) Printed matter can be seized in appropriate circumstances but must be returned if ordered by Court.</p> <p>e) FPNs can apply.</p>	N	Site specific based on substantive evidence, followed by extensive process
<b>General</b>			
27. Litter	Definition includes discarded cigarette ends/chewing gum.	Y	
<b>PART 4 - GRAFFITI AND OTHER DEFACEMENT</b>			
<b>Graffiti and fly-posting</b>			
28. Fixed penalty notices: amount of fixed penalty	Gives local authorities power to set amount of FPN for graffiti and fly posting, within set range.	Y	
29. Fixed penalty notices: power to require name and address	Makes it an offence to give a false or inaccurate name and address.	Y	
30. Fixed penalty notices: authorised officers	Definition of authorised officers who can serve FPNs.	Y	
31. Extension of graffiti removal notices to fly posting	Extends powers to require removal of graffiti in appropriate circumstances to fly posters.	Y	

32. Sale of aerosol paint to children	Places duty on local weights and measures authority to consider at least once every 12 months carrying out an enforcement programme as defined in the Act.	N	
33. Unlawful display of Advertisements	Removal of certain defences to unlawful display of advertisements under the Town & Country Planning Act 1990.	N	Extension to existing powers, no new delegations necessary. Use of Powers subject to review.
34. Removal of placards and posters	Additional provisions relating to removal of placards and posters under the Town & Country Planning Act 1990.	N	As per 33
<b>PART 5 - WASTE Transport of Waste</b>			
35. Unregistered transport	Removes defence of acting under employer's instruction	N	All powers not yet in force
37 & 38. Enforcement powers	(Anti Fly tipping Measure). Gives regulation authority (i.e. Environment Agency) powers to a) stop and search if it believes controlled waste is involved; b) seize vehicles c) issue FPNs	N	As per 35
<b>Offence of unlawful deposit of waste etc</b>			
40. Defence of acting under employer's instructions	Removes this defence in EPA90.	N	As per 35
41. Penalties on conviction	Increases penalties to up to 12 months imprisonment or a fine not exceeding £50,000 or both. Up to 5 years imprisonment if convicted in Crown Court.	N	As per 35



42. Investigation and enforcement costs	Court can require payment of costs of Environment Agency or a Waste Collection Authority (WCA).	N	As per 35
43. Clean-up costs	Councils may be able to recover clean up costs from owners or occupiers of land.	N	As per 35
44. Forfeiture of vehicles	Contravention of the Act can lead to forfeiture of offender's vehicle.	N	As per 35
<b>Offences relating to documentation</b>			
45. Failure to furnish documentation: Fixed penalty notices	Powers to issue FPN's by EA or WCA.	N	As per 35
<b>Offences : powers of seizure</b>			
46. Power to search and seize vehicles	Powers for EA/WCA to search/seize vehicles suspected of flytipping.	N	As per 35
<b>Local authority waste collection and disposal</b>			
48. Offences relating to waste receptacles: fixed penalty notices	Power to issue FPN for offences in connection with use of receptacles for household and commercial or industrial waste.	Y	
50. Power to require owner of land to remove waste	Waste Regulation Authority (WRA) / Waste Collection Authority (WCA) can require owners of land to remove fly tipping.	Y	
54. Site waste management plans	Certain construction and demolition sites will be required to prepare waste management plans.	N	No action necessary

<b>PART 6 - DOGS Dog Control Orders</b>			
55. Power to make dog control orders	A primary or secondary authority may make orders re: dog control issues, e.g. dog fouling, keeping dogs on leads, excluding dogs from certain land or restricting the number of dogs a person can take on to certain land.	N	Separate report to follow
57. Land to which 'Control of Dogs' applies	'Open to the air' land which the public are entitled to have access.	N	As per 55
58. Primary and secondary authorities	Gives power to Parish Councils to make dog control orders.	N	As per 55
<b>Fixed Penalty Notices</b>			
59. Fixed penalty notices	Details powers of the authorised officer of a primary and secondary authority dealing with dog control offences.	N	As per 55
60. Amount of fixed penalties	Can be specified by authority but in order of £75.	N	As per 55
61. Power to require name and address	Failure to provide accurate details is an offence.	N	As per 55
62. Community support officers (CSO)	Empowers Community Support Officers to issue FPNs.	N	As per 55
63. Overlapping powers	Prevents Parish Councils having overlapping dog control orders with District Councils.	N	As per 55
64. Byelaws	Amends powers to make Dog Byelaws when there is authority to make a dog control order.	N	As per 55

<b>Stray Dogs</b>			
68. Termination of police responsibility for stray dogs	Seizure/taking delivery of stray dogs to be repealed.	N	Already in force
<b>PART 7 - NOISE</b> <b>Audible Intruder Alarms - Alarm Notification Areas (ANA)</b>			
69. Designation of alarm notification areas.	Powers and procedures to designate ANA.	N	Action not considered necessary
70. Withdrawal of designation	Ditto, to withdraw the designation.	N	As per 69
71. Notification of nominated keyholders	Requirement for premises in ANA to provide the authority with details of keyholder. Failure to comply is an offence.	N	As per 69
72. Nomination of keyholders	Requirement to nominate a keyholder.	N	As per 69
73. Offences under section 71: fixed penalty notices	FPN for failure to comply with S71.	N	As per 69
74. Amount of fixed penalty	Can be specified by authority but in order of £75.	N	As per 69
76. Fixed penalty notices: power to require name and address	Failure to give accurate name and address is an offence.	N	As per 69
<b>Audible Intruder Alarms – General Powers</b>			
77. Power of entry	Powers of entry to silence alarm if continuous for 20 mins or intermittent for more than an hour.	Y	
78. Warrant to enter premises by force	Subject to conditions a warrant can be applied for to use reasonable force for entry.	Y	
79. Powers of entry: supplementary	Expenses incurred by the authority may be recovered.	Y	

<b>Noise From Premises</b>			
82. Noise offences: fixed penalty notice	FPN amount as specified in order or £100. Power to require name and address.	Y	
83. Noise offences: use of FPN receipts	Qualifying functions for use of FPN receipts.	Y	
84. Extension of Noise Act 1996 to licensed premises etc.	FPN's extended to licensed premises.	Y	
86. Deferral of duty to serve abatement notice	Local authority can take 'such other steps' (other than issue an abatement notice) to persuade the person to abate the nuisance etc.	Y	
<b>PART 8 - ARCHITECTURE AND THE BUILT ENVIRONMENT</b>			
87. The Commission for Architecture and the Built Environment (CABE)	Establish CABE by statute.	N	No action necessary
88. General functions of the Commission	Gives powers to CABE to provide advice to develop/review projects (whether requested to or not). It can also provide financial assistance, research, assist in commissioning works of art and many other functions.	N	As per 87
89. Changes to functions of the Commission	Secretary of State can confer further functions on CABE.	N	As per 87
94. Architecture and the Built Environment: financial assistance	Secretary of State may give financial assistance for a purpose he feels is connected to promotion of education or high standards or is in appreciation of architecture or the design management or maintenance of the built environment.	N	As per 87

<b>PART 9 - MISCELLANEOUS</b>			
99. Abandoned shopping and luggage trolleys	Local authority can recover costs for removal, storage and disposal of trolleys.	N	*
101. Statutory Nuisance: insects	New statutory nuisance: insects emanating from industrial, trade or business premises.	N	Extension to existing powers
102. Statutory Nuisance: Lighting	New statutory nuisance: artificial light emitted from premises (long list of exclusions e.g. lighthouses!)	N	No new delegations required

\* Adoptive Schedule under Section 99 of Environment Protection Act 1990  
 Extensive consultation, resolution, publishing and review process  
 Further report to follow, also covering retention, return, disposal and charging processes required

## CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2006

## DELEGATIONS TO OFFICERS

## NUISANCE PARKING

Source	Power delegated	Delegation to
Clean Neighbourhoods & Environment Act 2005 (CNEA) sec 6	To be an authorised officer and to give fixed penalty notices	Assistant Director Of Commercial Services (Environment)  Street Care manager  Refuse and Recycling Manager  Street Care and Waste Supervisors x 5  Parking Operations Manager  Parking Attendant Shift Leader  Parking Attendants x 10  Planning Enforcement Officers x 2  Assistant Director - Env Health  Env Health Manager (Commercial)  Env Health Manager (Env Protection)  SEHOs x 4  EHOs x 6
CNEA sec 4 (5)	To authorise restricted works to be carried out later than 72 hours after an accident or breakdown	Assistant Director Of Commercial Services (Environment)  Street Care manager  Refuse and Recycling Manager  Street Care and Waste Supervisors x 5

		Parking Operations Manager Parking Attendant Shift Leader Parking Attendants x 10 Planning Enforcement Officers x 2 Assistant Director - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHOs x 6
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**ABANDONED VEHICLES**

Source	Power delegated	Delegation to
Refuse Disposal (Amenity) Act 1978 sec 2A	To be an authorised officer and to give fixed penalty notices	Assistant Director of Commercial Services (Environment) Street Care Manager Refuse & Recycling Manager Street Care and Waste Supervisors x 5 Commercial Waste Officer Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6

		Assistant Housing Manager (Estates) Housing Mgt Officers x 3
RD(A)A sec 3(1)	To remove abandoned vehicles	Assistant Director of Commercial Services (Environment) Street Care Manager Refuse & Recycling Manager Street Care and Waste Supervisors x 5 Commercial Waste Officer Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6 Assistant Housing Manager (Estates) Housing Mgt Officers x 3
RD(A) secs 3(2) and 4(1)	To give or serve notices in relation to the removal of abandoned vehicles	Assistant Director of Commercial Services (Environment) Street Care Manager Refuse & Recycling Manager Street Care and Waste Supervisors x 5 Commercial Waste Officer Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager



		(Env Protection) SEHOs x 4 EHO's x 6 Assistant Housing Manager (Estates) Housing Mgt Officers x 3
RD(A)A sec 4(1)	To decide whether a vehicle is in such a condition that it ought to be destroyed	Assistant Director of Commercial Services (Environment) Street Care Manager Refuse & Recycling Manager Street Care and Waste Supervisors x 5 Commercial Waste Officer Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6
RD(A)A sec 4(1)	To dispose of vehicles removed under section 3	Assistant Director of Commercial Services (Environment) Street Care Manager Refuse & Recycling Manager Street Care and Waste Supervisors x 5 Commercial Waste Officer Asst Dir - Env Health Env Health Manager (Commercial)

		<p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p>
RD(A) sec 4(7)	To determine who to treat as the owner of a vehicle	<p>Assistant Director of Commercial Services (Environment)</p> <p>Street Care Manager</p> <p>Refuse &amp; Recycling Manager</p> <p>Street Care and Waste Supervisors x 5</p> <p>Commercial Waste Officer</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p>
RD(A)A sec 5	To recover charges connected with removed vehicles from any person responsible	<p>Assistant Director of Commercial Services (Environment)</p> <p>Street Care Manager</p> <p>Refuse &amp; Recycling Manager</p> <p>Street Care and Waste Supervisors x 5</p> <p>Commercial Waste Officer</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p>

		SEHOs x 4 EHO's x 6
RD(A)A sec 8	To enter land for the purpose of the Act	Assistant Director of Commercial Services (Environment) Street Care Manager Refuse & Recycling Manager Street Care and Waste Supervisors x 5 Commercial Waste Officer Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6 Assistant Housing Manager (Estates) Housing Mgt Officers x 3

## LEAVING LITTER

Source	Power delegated	Delegation to
Environmental Protection Act 1990 sec 88	To be an authorised officer and to give fixed penalty notices ##	Assistant Director Of Commercial Services (Environment)  Street Care manager  Refuse and Recycling Manager  Street Care and Waste Supervisors X5  Refuse and Recycling Foreman x3  Commercial Waste Officer  Grounds Maintenance Supervisor  Grounds Maintenance Foreman  Asst Dir - Env Health  Env Health Manager (Commercial)  Env Health Manager (Env Protection)  SEHOs x 4  EHO's x 6  Community Safety Officer  Parking Operations Manager  Parking Attendant Shift Leader  Parking Attendants x 10  Pest Control Officers x 3  Dog Warden

		Assistant Dog Warden  Planning Enforcement Officer x 2  Assistant Housing Manager (Estates)  Housing Mgt Officers x 3
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## Note: Need not be Council employee – also Community Support Officers are already empowered to do this without further delegation from the Council.

**LITTER CLEARING AND CONTROL NOTICES**

Source	Power delegated	Delegation to
EPA 1990 sec 92A **	To serve litter clearing notices	Head of Legal and Democratic Services or Solicitors or Employed Barristers, in consultation with:  Assistant Director Of Commercial Services (Environment)  Street Care manager  Refuse and Recycling Manager  Asst Dir - Env Health  Env Health Manager (Commercial)  Env Health Manager (Env Protection)  SEHOs x 4  EHO's x 6  Assistant Housing Manager (Estates)  Housing Mgt Officers x 3

EPA 1990 sec 92C (3)	To enter land to which a litter clearing notice relates and clear it of litter and refuse	<p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Street Care and Waste Supervisors X5</p> <p>Refuse and Recycling Foreman x3</p> <p>Commercial Waste Officer</p> <p>Grounds Maintenance Supervisor</p> <p>Grounds Maintenance Foreman</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p> <p>Community Safety Officer</p> <p>Dog Warden</p> <p>Asst Dog Warden</p> <p>Assistant Housing Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>
EPA 1990 sec 92C (4)	To require a reasonable charge to be paid by the person on whom a litter clearing notice was served where the authority enters land and clears it of litter and refuse	<p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Asst Dir - Env Health</p>

		<p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p> <p>Assistant Housing Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>
<p>Environmental Protection Act 1990 sec 94A</p>	<p>To be an authorised officer and to give fixed penalty notices</p>	<p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Street Care and Waste Supervisors X5</p> <p>Refuse and Recycling Foreman x3</p> <p>Commercial Waste Officer</p> <p>Grounds Maintenance Supervisor</p> <p>Grounds Maintenance Foreman</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p> <p>Community Safety Officer</p> <p>Planning Enforcement</p>

		Officers x 2 Assistant Housing Manager (Estates) Housing Mgt Officers x 3
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**GRAFFITI AND FLY-POSTING**

Source	Power delegated	Delegation to
Anti-Social Behaviour Act 2003 sec 43	To be an authorised officer and to give fixed penalty notices ##	Assistant Director Of Commercial Services (Environment) Street Care manager Refuse and Recycling Manager Street Care and Waste Supervisors X5 Refuse and Recycling Foreman x3 Commercial Waste Officer Grounds Maintenance Supervisor Grounds Maintenance Foreman Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6 Community Safety Officer Parking Operations Manager



		Parking Attendant Shift Leader Parking Attendant x 10 Dog Warden Assistant Dog Warden Pest Control Officers x 3 Planning Enforcement Officers x 2 Assistant Housing Manager (Estates) Housing Mgt Officers x 3
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## Note: Need not be Council employee – also Community Support Officers are already empowered to do this without further delegation from the Council.

**DEFACEMENT REMOVAL**

Source	Power delegated	Delegation to
Anti-Social Behaviour Act 2003 sec 48 **	To serve defacement removal notices, including the power to enter land to the extent reasonably necessary to affix a notice to a relevant surface	Head of Legal and Democratic Services or Solicitors or Employed Barristers, in consultation with: Assistant Director Of Commercial Services (Environment) Street Care manager Refuse and Recycling Manager Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6 Assistant Housing

		<p>Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>
<p>Anti-Social Behaviour Act 2003 sec 48 (4) &amp; (5)</p>	<p>To remove, clear or otherwise remedy a defacement where a defacement removal notice is not complied with and to enter land to the extent reasonably necessary for that purpose</p>	<p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Street Care and Waste Supervisors X5</p> <p>Refuse and Recycling Foreman x3</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p> <p>Assistant Housing Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>
<p>Anti-Social Behaviour Act 2003 sec 49</p>	<p>To recover expenditure reasonably incurred in exercise of the power under section 48(4)</p>	<p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Assistant Housing Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>
<p>Town and Country Planning Act 1990 sec 225</p>	<p>To recover the costs of removing or obliterating a placard or poster from the person who displayed it or caused it to be displayed or from the person whose goods, services or concerns</p>	<p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling</p>

	are publicised	Manager Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6
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**WASTE RECEPTACLES**

Source	Power delegated	Delegation to
EPA 1990 sec 46 (household waste)	To serve notices under section 46(1), (3)(c) or (d) or (4)	Assistant Director Of Commercial Services (Environment) Street Care manager Refuse and Recycling Manager Asst Dir - Env Health Env Health Manager (Commercial) Env Health Manager (Env Protection) SEHOs x 4 EHO's x 6
EPA 1990 sec 47 (commercial or industrial waste)	To serve notices under section 47 (2) or (4)	Assistant Director Of Commercial Services (Environment) Street Care manager Refuse and Recycling Manager Asst Dir - Env Health Env Health Manager (Commercial)

		<p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p>
Epact 1990 sec 47ZA	To be an authorised officer and to give fixed penalty notices	<p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Street Care and Waste Supervisors X5</p> <p>Refuse and Recycling Foreman x3</p> <p>Commercial Waste Officer</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p>

## FLY TIPPING

Source	Power delegated	Delegation to
<p>Environment Protection Act 1990 sec 59(1) and 59ZA(1)</p>	<p>To serve notices requiring the owner or occupier of land to remove unlawfully deposited waste and/or take steps to eliminate or reduce the consequences of the deposit of the waste</p>	<p>Head of Legal and Democratic Services or Solicitors or Employed Barristers, in consultation with:</p> <p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p> <p>Assistant Housing Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>
<p>Environment Protection Act 1990 sec 59(6) and (7)</p>	<p>To remove waste from land and to take other steps to eliminate or reduce the consequences of the deposit of the waste</p>	<p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Street Care and Waste Supervisors X5</p> <p>Refuse and Recycling Foreman x3</p> <p>Commercial Waste Officer</p> <p>Grounds Maintenance Supervisor</p> <p>Grounds Maintenance Foreman</p> <p>Asst Dir - Env Health</p>

		<p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p> <p>Community Safety Officer</p> <p>Dog Warden</p> <p>Asst Dog Warden</p> <p>Assistant Housing Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>
<p>Environment Protection Act 1990 sec 59(6)</p>	<p>To recover expenses reasonably incurred by the Council in removing waste and taking other steps under section 59(6)</p>	<p>Assistant Director Of Commercial Services (Environment)</p> <p>Street Care manager</p> <p>Refuse and Recycling Manager</p> <p>Asst Dir - Env Health</p> <p>Env Health Manager (Commercial)</p> <p>Env Health Manager (Env Protection)</p> <p>SEHOs x 4</p> <p>EHO's x 6</p> <p>Assistant Housing Manager (Estates)</p> <p>Housing Mgt Officers x 3</p>

## AUDIBLE INTRUDER ALARMS

Source	Power delegated	Delegation to
CNEA 2005 sec 77	To enter premises for the purpose of silencing an audible intruder alarm	Assistant Director - Environmental Health  Environmental Health Manager (Commercial)  Environmental Health Manager (Env. Protection)  SEHOs x 4  EHOs x 6
CNEA 2005 sec 78	To leave the required notices at premises, and to apply to a justice of the peace for a warrant to enter premises for the purpose of silencing an audible intruder alarm	Assistant Director - Environmental Health  Environmental Health Manager (Commercial)  Environmental Health Manager (Env. Protection)  SEHOs x 4  EHOs x 6
CNEA 2005 sec 79	To take any steps he or she thinks necessary for the purpose of silencing an audible intruder alarm	Assistant Director - Environmental Health  Environmental Health Manager (Commercial)  Environmental Health Manager (Env. Protection)  SEHOs x 4  EHOs x 6
CNEA 2005 sec 79(7)	To recover from the responsible person any expenses reasonably incurred by the Council in connection with entering premises, silencing the alarm, and complying with section 79(5)	Assistant Director - Environmental Health  Environmental Health Manager (Commercial)  Environmental Health Manager (Env. Protection)  SEHOs x 4  EHOs x 6

## CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (CNEA) 2005

## AVAILABLE FIXED PENALTY AMOUNTS

OFFENCE	FIXED PENALTY AMOUNT	DISCOUNTED AMOUNT
Nuisance parking	£100 (fixed)	£60 minimum
Abandoning a vehicle	£200 (fixed)	£120 minimum
Leaving litter	Minimum £50 maximum £80 ("default" amount £75)	£50 minimum
Litter clearing notice – failure to comply	Minimum £75 maximum £110 ("default" amount £100)	£60 minimum
Street litter control notice – failure to comply	Minimum £75 maximum £110 ("default" amount £100)	£60 minimum
Free distribution of printed matter on designated land	Minimum £50 maximum £80 ("default" amount £75)	£50 minimum
Graffiti and fly posting	Minimum £50 maximum £80 ("default" amount £75)	£50 minimum
Waste receptacle offences	Minimum £75 maximum £110 ("default" amount £100)	£60 minimum
Noise from premises	Minimum £75 maximum £110 ("default" amount £100)	£60 minimum
Noise from licensed premises	£500 (fixed)	No discount

Standard period for payment of fixed penalties is 14 days. After that time prosecution is possible.

Discount for early payment period is not prescribed but Government guidance recommends it should not be more than 10 days. Discounted amounts shown in column 3 above are the minimum that can be charged for early payment - for example, if it is decided a discount should be given for early payment of a FPN for nuisance parking, the Council can choose the amount the offender would be required but it must be at least £60. The Council could also decide not to give a discount for early payment.



## CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (CNEA) 2005

## PROPOSED FIXED PENALTY AMOUNTS

OFFENCE	FIXED PENALTY AMOUNT	DISCOUNTED AMOUNT
Nuisance parking	£100	£75
Abandoning a Vehicle	£200	£150
Leaving Litter	£80	£50
Litter clearing notice - failure to comply	£110	£80
Street Litter control notice - failure to comply	£110	£80
Graffiti and fly posting	£80	£60
Waste receptacle offences	£110	£80
Noise from premises	£110	£80
Noise from licensed premises	£500	£500