

REPORT OF CABINET

(Meeting held on 1 November 2006)

1. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 (REPORT A – 1 NOVEMBER 2006) (MINUTE NO. 56)

The Cabinet has agreed a number of new provisions, including appropriate officer delegations and the levels of fixed penalty notice charges, in response to the Clean Neighbourhoods and Environment Act 2005 (CNEA).

The CNEA provides local authorities with a range of powers that strengthen their ability to improve local environment quality, particularly in the areas of crime and disorder, vehicle nuisance, litter and refuse, graffiti, fly posting, waste, dog fouling and noise. Many of the new powers supplement existing legislation, however, the CNEA now gives local authorities the ability to issue fixed penalty notices for a range of offences, where appropriate, rather than pursuing the matter through the Courts in what can be a lengthy and costly process.

In considering the arrangements the Cabinet were mindful of the need to ensure a measured common sense approach to the new legislation with an emphasis placed upon education of the public to aid compliance, and publicity of the enforcement measures now available. The CNEA gives the Council new areas of work that need to have a balanced response in order for them to be effective. The Cabinet has agreed that the new powers should be directed at those cases where repeated offences are causing nuisance to the public. The new powers will not be used as a method to generate additional income.

The town and parish councils have been given the opportunity to attend a full briefing on the new legislation and the ways in which they can work in partnership with the local authority. Some parts of the legislation give town and parish councils their own powers, whilst other areas will require consultation to agree who will be responsible for specific issues in order to avoid duplication.

An underpinning element of the CNEA is the power to issue fixed penalty notices. At this early stage the Cabinet has agreed that a range of existing employees, whose current duties are related and who regularly travel the district, will have incorporated into their job roles appropriate enforcement powers. These employees will be given suitable training to ensure that they are fully equipped to undertake their new and different duties. The Cabinet has agreed that it is important that all the arrangements are closely monitored by the relevant Portfolio Holders and that a complete review of the processes will be undertaken after a year.

**Cllr M J Kendal
CHAIRMAN**