

Title:	<b>Clean Neighbourhoods &amp; Environment Act</b>
Portfolio Holder:	<b>Cllr Brown</b>
Reporting Officer:	<b>John Carter (Environmental Health Manager) and Kevin Gibbs (Interim Commercial Services Manager)</b>
Key Decision:	<b>No</b>

---

## **Purpose**

This report informs Cabinet of the new powers in this Act, and details the assessment of the relative importance of its various elements and draws on consultation with other interested local organisations and related research.

## **Background**

The Clean Neighbourhoods and Environment Act received Royal Assent on 7 April 2005, and contains both discretionary and mandatory elements. It provides parish, town and district councils with a number of new powers and duties which deal with a variety of environmental issues. A few of the powers were enacted in June of this year, but the majority will be subject to new regulations and be enacted after April 2006.

In addition, Best Value Performance Indicator BVPI 199 has recently been revised and, in addition to other things, now measures the level of enforcement action taken by the Council on fly tipping, and requires a year on year increase.

The relative importance of the Act's key measures have been assessed using a combination of the consultation and other available research listed below:

### **Partners**

Warminster Town Council  
Melksham Town Council  
Westbury Town Council  
Trowbridge Town Council  
Bradford-on-Avon Town Council

### **Research**

People's Voice Survey 2005  
Community Area Plans & Five Towns Initiative action plans  
Streetscene Initiative

A summary of the consultation's initial results is shown below. Each measure was rated out of eight, the most important having the highest score of eight. An amalgamated total is shown which combines the results of the individual scores. The initial results of this ranking process were discussed with the five Town Councils on 21 November.

Clearly, from this Council's point of view, it would be most beneficial to target those measures with the greatest impact and the lowest cost. An indication of the likely cost of addressing the measures is shown (high or low).

## Main Issues

Results of research

The initial estimate of the likely cost is based on full implementation to fully tackle the issue. Clearly costs could be reduced by either a limited or phased implementation.	People's Voice	Community Area Plans & Five Towns Initiative	Streetscene	Total	Likely cost (high / low)	
	Environmental crime & disorder	8	2	4	14	H
	Nuisance & abandoned vehicles	3	5	1	9	L
	Litter	7	7	8	22	H
	Graffiti	5	4	5	14	L
	Fly-posting	4	6	6	16	L
	Waste (includes fly-tipping)	6	8	7	21	H
	Dogs	2	3	2	7	H
	Noise	1	1	3	5	H

From these results the order of priority is as follows:

1. Litter
2. Waste (including fly-tipping)
3. Fly-posting
4. Graffiti
5. Crime & disorder
6. Nuisance & abandoned vehicles
7. Dogs
8. Noise

The new Act advocates the use of fixed penalty notices in relation to these new powers. These can be issued by enforcement officers acting for the relevant parties.

Out of these priority areas some enforcement is relatively straight forward (e.g. litter and dog fouling). However, other issues are more difficult to enforce, such as fly tipping, which may require more detailed investigation and the potential use of surveillance. In the more complex cases there are also higher risks of challenge to our enforcement action. The difference in complexity would be reflected in the skills required by staff carrying out the enforcement. It may mean that we approach different problems with different solutions.

A service development bid for £40,000 has been submitted in the current service and resource planning process for two enforcement officers who could be responsible for the new powers.

There have been discussions with the district and town councillors and the Police on the potential role of the new Neighbourhood Policing Teams (NPTs) in enforcing these new powers, as a partnership approach may provide a useful vehicle to do this.

Some useful background information on the NPTs is attached as Appendix 1.

Whilst the police will fund 75% of the NPTs, the remaining funding has to be found from elsewhere. A contribution to funding with other partners, namely the town and parish councils, could be a suitable way to deliver the enforcement of these powers.

### **Financial Implications**

The potential coverage of the Act is extensive, and the costs of adopting all the new powers may be prohibitive. Some elements are mandatory and the Council has no choice but to comply with these.

A service development bid for £40,000 has been applied for inclusion in the 2006/07 budget to support these priority areas.

The options listed below will generate some income through the issue of fixed penalty notices. There is potential for income generation at a level of around 20%, which would amount to £8,000. If a partnership approach is agreed upon, then a view will need to be taken nearer the time of implementation as to how the income generated is to be shared out.

### **Legal Implications**

Any new powers that are used must be covered in the scheme of delegation in the constitution. The enforcement powers of the new Act may be delegated to other agencies (i.e. NPTs).

## **Options**

1. The Council does not implement the relevant powers.
2. The Council carries out the top priorities on its own (two enforcement officers as per the service development bid).
3. NPTs are used to carry out the priority areas.
4. NPTs carry out the simpler enforcement with a Council enforcement officer undertaking the more complex investigations.

## **Recommendation:**

Cabinet is recommended to:

- Note the findings of the consultation
- Note the service development bid for enforcement, agreeing for further detailed work to be carried out on how the bid will be deployed
- Agree the priorities suggested from the consultation
- Agree to further investigation of the option to work with town and parish councils in the use of the NPTs.
- Approve further discussions with the Five Towns Initiative on how to develop these new areas of work in a partnership approach

## **Human Rights**

There are no human rights implications.

## **Background Papers**

Draft DEFRA guidance on the Clean Neighbourhoods and Environment Act 2005: A consultation document October 2005.

CMT reports on 20 July and 7 December 2005.

**Plain English** given on 20.12.05