

## REPORT OF EXECUTIVE CABINET

### CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 – ADOPTION OF POWERS

1. The Director of Streetscene, Neighbourhoods and Environment submitted a report on the implications of the Clean Neighbourhoods and Environment Act 2005.
2. A number of sections of the Act providing new or extended powers to local authorities had already become effective, and the report identified those functions for which the Council was now responsible, including a discretionary power to agree the amount of certain fixed penalties. A copy of this report is attached for Members clarification.
3. We accepted the recommendations contained within the report to confer the respective executive functions to the Director of Streetscene, Neighbourhoods and Environment. As this entails an extension of the Executive Arrangements outlined in the Council's Constitution, the Council's approval of the proposals to alter the Constitution is required.

#### Recommendations

4. The Council is recommended:
  - 1) To approve that the following executive functions conferred by the Clean Neighbourhoods and Environment Act 2005 be allocated to the Director of Streetscene, Neighbourhoods and Environment under the Executive Arrangements made pursuant to Section 15 of the Local Government Act 2000 to be discharged by the Director under that Section:

"The functions of:

    - (a) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;
    - (b) issuing formal cautions;
    - (c) recommending to the Director of Legal Services the institution of legal proceedings; and
    - (d) authorising officers to exercise statutory powers of entry (including obtaining warrants)."
  - 2) To approve that, pursuant to Sections 77 to 79 of the Clean Neighbourhoods and Environment Act 2005 (Silencing of intruder alarms), Section 7 of the Act (Power to require name and address – nuisance vehicle fixed penalty) and Section 10 of the Act (Power to require name and address – abandoned vehicle fixed penalty), the following fixed penalty noticed, default and early payment charges be adopted.

Section and legislation	Description of Offence	Recommended Amount
S6(1) Clean Neighbourhoods and Environment Act 2005	Selling vehicles on a road	Fixed £100, early payment £60
S6(1) Clean Neighbourhoods and Environment Act 2005	Repairing vehicles on a road	Fixed £100, early payment of £60
S2A Refuse Disposal (Amenity) Act 1978	Abandoning a vehicle	Fixed £200, early payment £120

<b>Section and legislation</b>	<b>Description of Offence</b>	<b>Recommended Amount</b>
S88(1) Environmental Protection Act 1990	Litter	Default £75, early payment £50
S94A(2) Environmental Protection Act 1990	Street litter control notices and litter clearing notices	Default £100, early payment £60
S43 Anti-Social Behaviour Act 2003	Graffiti and fly posting	Default £75, early payment £50
S34A(2) Environmental Protection Act 1990	Failure to furnish documentation (waste carriers licence)	Fixed £300, early payment £180
S47ZA(2) Environmental Protection Act 1990	Offences in relation to waste receptacles	Default £100, early payment £60`
S5B(2) Control of Pollution (Amendment) Act 1989	Failure to produce authority (waste transfer notes)	Fixed £300, early payment £180
S34A2 Environmental Protection Act 1990	Failure to furnish documentation (waste transfer notes)	Fixed £300, early payment £180

COUNCILLOR E BELL  
Executive Member for Streetscene, Neighbourhoods and Environment

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There are no background papers to this report.