

## **EXPLANATORY NOTES**

### **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

#### **INTRODUCTION**

#### **BACKGROUND AND SUMMARY**

##### **PART 1: CRIME AND DISORDER**

##### **PART 2: VEHICLES**

##### **PART 3: LITTER AND REFUSE**

##### **PART 4: GRAFFITI AND OTHER DEFAACEMENT**

##### **PART 5: WASTE**

##### **PART 6: DOGS**

##### **PART 7: NOISE**

##### **PART 8: ARCHITECTURE AND THE BUILT ENVIRONMENT**

##### **PARTS 9 AND 10**

#### **TERRITORIAL EXTENT**

#### **TERRITORIAL APPLICATION: WALES**

#### **THE ACT**

##### **Commentary on Sections**

##### **PART 1: CRIME AND DISORDER**

Section 1 Crime and disorder reduction strategies

Section 2 Gating orders

##### **PART 2: VEHICLES**

##### **Nuisance Parking**

Section 3 Exposing vehicles for sale on a road

Section 4 Repairing vehicles on a road

Section 6 Power to issue fixed penalty notice

*These notes refer to the Clean Neighbourhoods and Environment Act 2005 (c.16)*

Section 7 Fixed penalty notices: power to require name and address

Section 8 Use of fixed penalty receipts

### **Abandoned vehicles**

Section 10 Offence of abandoning a vehicle: fixed penalty notices

Section 11 Notice of removal of vehicles

Section 12 Disposal of abandoned vehicles

Section 13 Guidance

Section 14 Abandoned vehicles: supplementary

### **Vehicles illegally parked etc**

Section 15 Notices of Removal; section 16 Disposal; section 17  
Guidance

## **PART 3: LITTER AND REFUSE**

### **Offence of dropping litter**

Section 18 Extension of litter offence to all open places

Section 19 Litter offence: fixed penalty notices

### **Local authority notices**

Section 20 Litter clearing notices

Section 21 Street litter control notices

Section 22 Failure to comply with notice: fixed penalty notices

### **Free distribution of printed matter**

Section 23 Controls on free distribution of printed matter

### **General**

Section 24 Fixed penalty notices: common provision

Section 25 Exclusion of liability

Section 26 "Appropriate person"

Section 27 Meaning of "litter"

## **PART 4: GRAFFITI AND OTHER DEFACEMENT**

### **Graffiti and fly-posting**

Section 28 Graffiti and fly-posting offences: fixed penalty notices

Section 29 Fixed penalty notices: powers to require name and address

Section 30 Fixed penalty notices: authorised officers

Section 31 Extension of graffiti removal regime to fly-posting

Section 32 Sale of aerosol paints to children

### **Advertisements**

Section 33 Unlawful display of advertisements: defences

Section 34 Removal of placards and posters

## **PART 5: WASTE**

### **Chapter 1: Transport of Waste**

Section 35 Unregistered transportation: defence of acting under employer's instructions

Section 36 Registration requirements and conditions

Section 37 Enforcement powers

Section 38 Failure to produce authority: fixed penalty notices

Section 39 Interpretation

### **Chapter 2: Deposit and Disposal of Waste**

#### **Offence of unlawful deposit of waste etc**

Section 40 Defence of acting under employer's instructions

Section 41 Penalties on conviction

Section 42 Investigation and enforcement costs

Section 43 Clean-up costs

Section 44 Forfeiture of vehicles

#### **Offences relating to documentation**

Section 45 Failure to furnish documentation: fixed penalty notices

#### **Offences: powers of seizure**

Section 46 Power to search and seize vehicles

#### **Local authority waste collection and disposal**

Section 47 Abolition of requirement to contract out waste disposal functions

Section 48 Offences relating to waste receptacles: fixed penalty notices

Section 49 Payments for waste recycling and disposal

Section 50 Power to require owner of land to remove waste

**Supplementary**

Section 51 “Appropriate person”

Section 52 Use of fixed penalty receipts

Section 53 Supplementary enforcement powers

**Chapter 3: Site Waste**

Section 54 Site waste management plans

**PART 6: DOGS**

**Chapter 1: Controls on Dogs**

**Dog control orders**

Section 55 Powers to make dog control orders

56 Dog control orders: supplementary

Section 57 Land to which Chapter 1 applies

Section 58 Primary and secondary authorities

**Fixed Penalty Notices**

Section 59 Fixed penalty notices

Section 60 Amount of fixed penalties

Section 61 Power to require name and addresses

Section 62 Community Support Officers etc

**Supplementary**

Section 63 Overlapping powers

Section 64 Byelaws

Section 65 Dogs (Fouling of Land) Act 1996

Section 66 “Appropriate person”

Section 67 Regulations and orders

**Chapter 2: Stray Dogs**

Section 68 Termination of police responsibility for stray dogs

**PART 7: NOISE**

## **Chapter 1: Audible Intruder Alarms**

### **Alarm notification areas**

Section 69 Designation of alarm notification areas

Section 70 Withdrawal of designation

Section 71 Notification of nominated key-holders

Section 72 Nomination of key-holders

Section 73 Offences under section 71: fixed penalty notices

Section 74 Amount of fixed penalty

Section 75 Use of fixed penalty receipts

Section 76 Fixed penalty notices: power to require name and address

### **Powers in relation to alarms**

Section 77 Power of entry

Section 78 Warrant to enter premises by force

Section 79 Powers of entry: supplementary

### **Supplementary**

Section 80 Orders and regulations

## **Chapter 2: General**

### **Noise from premises**

Section 82 Noise offences: fixed penalty notices

Section 83 Noise offences: use of fixed penalty receipts

Section 84 and Schedule 1 Extension of Noise Act 1996 to licensed premises etc

Section 85 Noise Act 1996: supplementary

### **Statutory noise nuisances**

Section 86 Deferral of duty to serve abatement notice

## **PART 8: ARCHITECTURE AND THE BUILT ENVIRONMENT**

### **Commission for Architecture and the Built Environment**

Section 87 and Schedule 2 Commission for Architecture and the Built Environment

Section 88 General functions of the Commission

*These notes refer to the Clean Neighbourhoods and Environment Act 2005 (c.16)*

Section 89 Changes to the function of the Commission

Section 90 Power to dissolve the Commission

Section 91 Dissolution of the old Commission; Section 92 and Schedule 3 Transfer of staff, property etc from the old Commission

Section 93 Tax

#### **Financial assistance**

Section 94 Architecture and the built environment: financial assistance

#### **Supplementary**

Section 95 Orders

### **PART 9: MISCELLANEOUS**

#### **Use of fixed penalty receipts**

Section 96 Use of fixed penalty receipts: higher tier authorities

Section 97 Use of fixed penalty receipts: lower tier authorities

Section 98: Sections 96 and 97: supplementary

#### **Shopping and luggage trolleys**

Section 99 Abandoned shopping and luggage trolleys

Section 100 Section 99: transitional provision

#### **Statutory nuisances**

Section 101 Statutory nuisance: insects

Section 102 Statutory nuisance: lighting

Section 103 Sections 101 and 102: supplementary

#### **Pollution**

Section 104 Contaminated Land: appeals against remediation notices

Section 105 Offences relating to pollution etc: penalties on conviction

### **PART 10: GENERAL**

Section 106 Minor and consequential amendments

Section 107 Repeals

Section 108 Commencement

### **SCHEDULES**

Schedule 1 Application of the Noise Act 1996 to Licensed Premises etc

*These notes refer to the Clean Neighbourhoods and Environment Act 2005 (c.16)*

Schedule 2 The Commission for Architecture and the Built Environment

Schedule 3 Transfer of staff, property etc. from the old Commission

Schedule 4 Minor and consequential amendments

Schedule 5 Repeals

## **HANSARD REFERENCES**