

## **Appendix 1**

### **Extract from DoE summary of issues covered within the Draft Clean Neighbourhoods and Environment Bill**

#### ***Litter***

Litter continues to be a major concern for many people in Northern Ireland. It reduces the quality of our lives by degrading our public spaces and our local neighbourhoods. Litter in all of its forms e.g. chewing gum, cigarette butts, fast food, drinks, containers, wrapping paper etc., if left unchecked, is an eyesore which can lead to dirty and unhealthy streets and unsightly local neighbourhoods. The Bill will strengthen the existing law to enable district councils to deal more effectively with a range of litter problems, in that it will:

- amend the offence of dropping litter in a lake, pond or watercourse;
- strengthen provisions in respect of failing to provide name and address;
- give Councils new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- strengthen existing powers for Councils to require local businesses to help clear up litter they generate (street litter control notices);
- enable Councils to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter.

#### ***Fly-posting and graffiti***

Fly-posting and graffiti are very visual signs of neglect and degradation within a local environment. The Bill will strengthen the existing law to enable district councils to deal more effectively with fly-posting and graffiti, in that it will:

- give councils the ability to issue fixed penalty notices to graffiti and fly-posting offenders;
- enable councils to serve “defacement removal notices” in respect of graffiti and fly-posting;
- make it an offence to sell spray paints to children;
- strengthen the legislation to make it harder for beneficiaries of fly posting to evade prosecution.

#### ***Dogs***

Irresponsible dog ownership gives rise in Belfast alone to nearly 5000 public complaints, a significant proportion of which relate to dog fouling. The Bill will introduce new arrangements for controlling dogs by replacing the local byelaws system with a more streamlined and straightforward system, easier for district councils to operate. It will:

- replace dog byelaws with a new, simplified system of dog control orders which will enable councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person.

#### ***Noise***

The Bill will give district councils new powers to deal with audible intruder alarms and extend the provisions of the Noise Act 1996 in relation to noise from private premises to noise from licensed premises. These provisions are designed to deal with noise nuisance problems caused by false alarms when the key-holder is away and licensed premises that ignore warnings to reduce excessive noise levels.

### ***Statutory Nuisance***

The existing law is the Public Health (Ireland) Act 1878, which is 131 years old. Despite having been amended from time to time the definition of what can be considered a statutory nuisance and the enforcement powers available to district councils have not kept pace with developments in statutory nuisance legislation applying outside Northern Ireland. The Bill will update the current law on statutory nuisance by bringing it into line with that which applies in England and Wales as amended by the Clean Neighbourhoods and Environment Act 2005.

### ***Fixed Penalty Notices (Fines)***

Fixed penalty notices are a simple and visible way of dealing with environmental offences. If used properly, they provide an effective deterrent and avoid the cost of court action. At present, council can use fixed penalty notices for littering and dog-fouling offences and also for some noise offences. The Bill will make greater use of fixed penalty notices as an alternative to prosecution and give district councils the flexibility, subject to upper and lower limits, to set their own fixed rates. The proposals in the Bill extend the use of fixed penalty notices for offences related to nuisance and abandoned vehicles, litter controls, other dog controls and additional noise controls. It is also proposed that the receipts arising from fixed penalty notices can be retained by Councils and the functions for which the receipts may be used are specified, e.g. the new functions in relation to audible alarms and other functions in relation to noise statutory nuisance.

### ***Gating Orders***

Back alleys or entries can attract a range of anti-social and environmental problems that reduce the quality of life in our local neighbourhoods. They can be magnets for litter, fly-tipping, abandoned vehicles and graffiti offenders. They can also attract other problems such as domestic burglary and drug dealing and can make the lives of local residents a misery. The Bill will contain proposals to make the existing procedure for closing off nuisance back alleys more effective and will contain amendments to the Roads (Northern Ireland) Order 1993 to give effect to the new gating order provisions. The Bill will give district councils new powers to make, with the approval of the Department for Regional Development, "gating orders" to deal with problem alleyways.

### ***Nuisance parking***

The Bill will give district councils new powers to deal with nuisance parking in respect of businesses that sell or repair cars on the road. Such vehicles can be a nuisance, they can reduce parking opportunities and cause pollution (for example where oil is spilled or leaked). Two new offences will be created: offering for sale two or more vehicles, or repairing a vehicle on the road as part of a business.

### ***Abandoned vehicles***

Abandoned cars degrade streets and can become targets for anti-social behaviour and arson. The Bill will give district councils the power to remove abandoned cars from the streets immediately.

### ***Abandoned shopping trolleys***

Abandoned trolleys can be a visible problem affecting the quality of our streets and public places and can also be a hazard. When dumped in watercourses they can cause particular problems and they may also cause harm to wildlife. The Bill will give district councils the power to recover the costs of dealing with abandoned shopping trolleys from their owners.

***Offences relating to pollution etc: penalties on conviction***

The Bill increases the maximum fine in the Magistrates Court from £30,000 to £50,000, for breaches of the Pollution Prevention and Control Regulations (Northern Ireland) 2003. These control emissions from specified industrial premises and mobile plant. The level of fine would be brought into line with the equivalent maximum fines in respect of illegal waste activity set out in the Waste and Contaminated Land (Northern Ireland) Order 1997. The increase to £50,000 also brings the level of fine into line with that which applies in England and Wales.