

# **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

---

## **EXPLANATORY NOTES**

### **BACKGROUND AND SUMMARY**

3. In 2002 a review of the legislative framework for providing and maintaining a clean and safe local environment was carried out by Defra to accompany the cross-Government report *Living Places – Cleaner, Safer, Greener*. The review found that the powers, duties and guidance for dealing with problems associated with local environmental quality were not working as effectively as they should be, and produced options for delivering changes. These options were contained in the consultation paper *Living Places – Powers, Rights, Responsibilities* launched at the Urban Summit on 31 October 2002. Some were introduced into legislation in Part 6 of the Anti-social Behaviour Act 2003. The majority of the options were developed further and included as proposals for legislative action within the Clean Neighbourhoods consultation launched on 25 July 2004.
4. Most of the measures in this Act are based on these proposals, amended as appropriate to take account of comments received during the consultation process.

### **Part 1: Crime and Disorder**

5. This Part amends the law relating to crime and disorder reduction partnerships to require them to take into account anti-social and other behaviour adversely affecting the local environment; and makes provision for the gating of minor highways that attract anti-social behaviour.

### **Part 2: Vehicles**

6. This Part introduces two new offences relating to nuisance parking and amends the law relating to abandoned and illegally parked vehicles.

### **Part 3: Litter and Refuse**

7. This Part extends the statutory offence of dropping litter and amends the powers and duties of local authorities in relation to litter.

### **Part 4: Graffiti and Other Defacement**

8. This Part amends the law relating to graffiti, fly-posting and the illegal display of advertisements.

### **Part 5: Waste**

9. This Part makes miscellaneous provision about waste. Chapter 1 makes provision about the registration of carriers of particular kinds of waste. Chapter 2 makes provision about the illegal deposit of waste ("fly-tipping") and about the powers and duties of local

authorities to collect and dispose of waste. Chapter 3 makes provision to deal with waste generated at construction sites.

### **Part 6: Dogs**

10. [Chapter 1](#) allows local authorities and parish and community councils to create offences relating to the control of dogs. This power is intended as a more convenient alternative to existing powers to create byelaws. In particular, the new offences do not need to be approved by the Secretary of State. The new system replaces the Dogs (Fouling of Land) Act 1996.
11. [Chapter 2](#) relieves the police of most of their statutory responsibilities for stray dogs.

### **Part 7: Noise**

12. This Part addresses various issues relating to noise nuisance. Local authorities are given new powers to deal with noise from intruder alarms. The powers for dealing with night time noise nuisance are extended from domestic premises to cover also licensed premises. This Part also allows local authorities to employ alternative means to resolve complaints about noise qualifying as a statutory nuisance prior to issuing an abatement notice.

### **Part 8: Architecture and the Built Environment**

13. This Part establishes a statutory body to take the place of a non-departmental public body, the Commission for Architecture and the Built Environment. The provisions create a statutory Commission (with the same name), set out its general functions, transfer the staff and resources of the old Commission to the statutory Commission and dissolve the old Commission.

### **Parts 9 and 10**

14. These Parts contain miscellaneous and supplementary provisions.