



# Response to 'Clean Neighbourhoods and Environment Bill 2010' (NI)

To: Chief Executives and environmental services contacts in Northern Ireland  
For info: Contacts in Wales, Scotland and England

## Key issues

Proposed Bill to address a number of environmental problems including litter, graffiti, fly posting, noise and nuisance alleyways

Significant new powers for local authorities

Greater flexibility for use of fixed penalty notices

### 1. APSE's response

APSE has responded to the Clean Neighbourhoods and Environment Bill 2010 (NI) on behalf of its membership in Northern Ireland based on its experience with similar legislation in England and Wales.

### 2. Comment

APSE welcomes the Clean Neighbourhood and Environment Bill and the new range of powers which allow authorities to clean up communities and charge those responsible for the environmental crimes.

A particular emphasis throughout the Act is the greater use of Fixed Penalty Notices (FPNs). How the public perceive how local authorities are using the powers and in particular the FPN system will be critical to its success. Recent negative publicity has been compounded by the fact that the law now provides that local authorities can keep most of the receipts from penalty notices issued. This increases the possibility that people will

perceive the system as a cash cow for hard-up authorities, rather than a tool for fair enforcement. Authorities must be careful that the tackling of environmental crime is not perceived in the same way as speed cameras are by the general public. This is why it is essential that enforcement campaigns are run in parallel with education and awareness raising initiatives. If the purpose of enforcement systems is to help prevent wrongdoing and improve quality of life, then education must be an integral part of such systems. Proactive community information and education campaigns should not only tell the public what the law is, but why and how it is being used to promote community well-being.

The challenge is now for local authorities to use the powers. This framework of coordinated powers available to local authorities should give them the power to enhance quality of life for communities. Feedback from APSE members has indicated that the best local authority service providers are now developing people centred services that are adapted to meet the changing expectations from communities. How the public perceive the environment is critical to local authorities success with the bottom line being to ensure residents are satisfied with their services. The challenge is to deliver services in a logical and sensible way that suits the locality.

There will be problems which arise over for example access through alley gates in case of an emergency purely as a result of the fact that such arrangements are new and both local people and public services have to get used to dealing with them. However these will be overcome as time passes with the help of education programmes and co-operation between different groups. Case studies from England show that alley gating has resulted in a number of benefits such as reductions in burglary, cleaner alleys, feelings of greater pride and efforts to install planting and seating, fewer accidents and increased community interaction. This is just one example of a power which could be viewed negatively because there are problems to be overcome whereas the benefits which can emerge once action is taken are many and varied.

There are issues of resources for local councils in Northern Ireland which are highlighted in the RPA discussions to date. Councils are happy to take on further responsibilities but only if the necessary resources are made available to accompany them. The funding gained from FPNs will not be adequate to cover costs of providing the service and the danger is that councils try to implement the new services but fail to do so due to lack of resources and the councils are seen as toothless.

Environmental issues such as litter, graffiti and dog fouling regularly come out at the top of citizens' priorities for council action when surveys are carried out. Environmental crime is an issue which is considered something which can be relatively easily dealt with. The Bill provides the powers to do so and it would be unfortunate if they are not made effective because the funding was not in place.

These powers contribute to the aim of local councils to be place shapers and community leaders and this is a further reason for local councils to be provided with adequate finance to put the powers into use.

APSE Performance Networks (PN) benchmarking service collects information about the use of powers under the Clean Neighbourhoods Act as well as other powers. There is no doubt that powers are being used and some examples are as follows:

Powers relating to litter fines are being used by 82% of councils submitting to PN; 54% and 46% are using powers relating to vehicle sales and repairs; 54% are using powers relating to litter clearing notices, 49% litter control notices; and 47% are using powers relating to fly posting. As noted above the local government context is not exactly the same but the kind of environmental problems that this legislation is aimed at are universal and the evidence from England and Wales is that the powers were welcomed by local authorities and have been put to good use.

### **3. APSE Lifelong Learning and Development (LLD)**

APSE has trained over 700 officers from English and Welsh Councils on our Clean Neighbourhoods Masterclass courses. Similar training will be available for NI member councils including reference to case studies and examples of where the powers have been implemented. This APSE masterclass is an established course and Northern Ireland delegates would benefit from a course which has developed over time and incorporates the knowledge of experienced officers.

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