

CLEAN NEIGHBOURHOODS AND ENVIRONMENT (AMENDMENT) BILL [HL]

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Clean Neighbourhoods and Environment (Amendment) Bill [HL]. They have been prepared in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

BACKGROUND

3. This bill is intended to make it compulsory for Local Authorities, who are responsible for the clearing of litter to provide for disposal units specifically for chewing gum and cigarette litter.
4. Chewing gum and cigarette butts were classified as litter under section 98(5A)(b) of the Environmental Protection Act 1990. This same Act also gave effect for Local Authorities to administer fines to individuals who are caught littering chewing gum and cigarette butts on their land.

COMMENTARY ON CLAUSES

Clause 1 - Litter offence: fixed penalty notices

5. This clause changes the fixed penalty for leaving litter, where a Local Authority has not specified an amount, from £75 to £100.
6. Under Regulation 2 (prescribed range of fixed penalties) of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007 Local Authorities

may fine between £50 and £80 for leaving litter. Subsection (2) amends the amount Local Authorities may fine to be not less than £100.

Clause 2 – Provision of litter disposal points for public buildings

7. This clause inserts a new section into the Clean Neighbourhoods and Environment Act 2005. This new section makes it a statutory requirement for certain bodies to provide disposal units specifically designed for cigarette butts and chewing gum in areas for which they are responsible. The clause outlines the minimum number of disposal units that the bodies must provide based on square metres and building which are used by the public for which they are also responsible.

8. Subsection (5) of the new section makes it possible for Local Authorities to finance these new disposal units through seeking sponsors of such units or through allowing advertising space to be sold on the disposal units. The will allow Local Authorities to implement this Act without financial expenditure.

Clause 3 – Consequential Amendment

9. This clause amends the Clean Neighbourhoods and Environment Act 2005 to be in line with clause one of this bill; to raise the fixed penalty for leaving litter, where a Local Authority has not specified an amount, from £75 to £100.

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*These notes refer to the Clean Neighbourhoods and Environment (Amendment) Bill [HL]
as introduced in the House of Lords on 13th May 2013
[HL Bill 14]*

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*Enquiries to The National Archives, Kew, Richmond, Surrey, TW9 4DU; email:
psi@nationalarchives.gsi.gov.uk*

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