

# Clean Neighbourhoods and Environment (Amendment) Bill [HL]

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**B I L L**

TO

Raise the penalty for littering offences; to provide for an offence that relates to allowing a dog to foul the land; and to require local authorities to provide appropriate and convenient litter disposal points.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Litter offence: fixed penalty notices**

- (1) In subsection (6A)(b) of section 88 of the Environmental Protection Act 1990, for “£75” substitute “£100”.
- (2) In Regulation 2 of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007 (prescribed ranges of fixed penalties), for “is not less than £50 and not more than £80” substitute “is not less than £100”. 5

**2 Litter offence: dog fouling**

- (1) In Chapter 1 of the Clean Neighbourhoods and Environment Act 2005 (controls on dogs), insert— 10
- “55 Dog fouling: offence**
- (1) A person is guilty of an offence if he or she allows a dog for which he or she is responsible to foul in any place to which this section applies and does not dispose of the dog waste.
- (2) This section applies to any place in the area of a principal litter authority which is open to the air and accessible to the public. 15
- (3) No offence is committed under subsection (1) where the dog fouling is—
- (a) authorised by law; or
- (b) done by or with the consent of the owner, occupier or other person having control of the place where the fouling occurs. 20

(4) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

(2) After section 98(5A)(b) of the Environmental Protection Act insert –  
 “(c) dog faeces.”

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### 3 Provision of litter disposal points for public buildings

(1) The Clean Neighbourhoods and Environment Act 2005 is amended as follows.

(2) After section 27 insert the following new section –

#### “27A Duty to provide for disposal units for litter

(1) Bodies with a duty to keep land clear of litter as set out in section 89(1) of the Environmental Protection Act 1990 must provide appropriate disposal units specifically for chewing gum and cigarette litter at the entrance of buildings for which they are responsible and any areas for which they are the litter authority. 10

(2) The maximum distance for an appropriate disposal unit for litter from the entrance of a building under subsection (1) is four metres. 15

(3) The minimum number of appropriate disposal units in an area for which the local authority is responsible as the litter authority is one per 100 square metres.

(4) Disposal units installed under this section must be stick resistant and fireproof. 20

(5) Local authorities may fund these disposal units, and any related litter campaign, through –

(a) income generated through advertising on the exterior of such units; or 25

(b) allowing sponsored bins.

(6) In this section, “cigarette litter” has the same meaning as the items listed in section 98(5A)(a) of the Environmental Protection Act 1990 and “chewing gum” has the same meaning as the items listed in section 98(5A)(b) of the same Act.” 30

### 4 Consequential amendment

In subsection (2) of section 19 of the Clean Neighbourhoods and Environment Act 2005 (amount of fixed penalty), for “£75” substitute “£100”.

### 5 Short title, commencement and extent

(1) This Act may be cited as the Clean Neighbourhoods and Environment (Amendment) Act 2016. 35

(2) This Act comes into force at the end of the period of one year beginning with the day on which it is passed.

(3) This Act extends to England and Wales, Scotland and Northern Ireland.



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## B I L L

To raise the penalty for littering offences; to provide for an offence that relates to allowing a dog to foul the land; and to require local authorities to provide appropriate and convenient litter disposal points.

*Lord Selsdon*

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