

CLEAN NEIGHBOURHOODS, THE ENVIRONMENT AND RESPECT

クリーンな近隣、環境及びその尊重

<概要>

「クリーンな近隣と環境法」が2005年4月、議会を通過した。この法律は、反社会的行動への取組と、街中の環境改善のための労働党政権政策の鍵となる要素である。とりわけ、地方自治体の役割の変化がよく表れており、自治体に犯罪に取り組むためのより多くの権限や重要な役割、警察との日常的な連携の役割を与えている。主に、公共物破壊、反社会行動、地域の混乱を起こす行為への取組に関し、法律では特に、落書き、ゴミ、車の放置や不法投棄、騒音や無責任な犬の飼い主などの地域の迷惑などへの取組について、地方自治体の権限を列挙している。また、この問題に関しては、パリッシュ*にも権限を与えている。最後に、法は、警察官と指定された地方自治体職員に、裁判手続きによらずにペナルティーを科すことのできる権限を与えている。

クリーン尊重政策 **Respect Agenda** は、反社会行動に対抗する動きを進めるための先導的な役割を果たすものであり、当時のトニー・ブレア首相が先頭に立って進めたものである。法的権限には欠けているものの、その施策は反社会行動に対処する政府の業務を、業務全体を監督する責任を有する内務省を中心にまとめ上げる目的を持っていた。その業務は、尊重行動計画 **Respect Action Plan** によって支えられており、政府が反社会行動に対して取り組もうとしている手段を明確にするものであった。それは、単に警察活動の分野にとどまらず、例えば教育システムや衛生行政といった省庁横断的な取組であった。

このレポートは、この「クリーンな近隣と環境法」に関して、**Andrew Stevens** 調査員が取りまとめて執筆したものです。さらにお知りになりたい方は、本文(英文)をご参照ください。

*パリッシュ：教会の布教のために設けられた教区に起源を持つ、地域共同体的な性格を持つ法律上の準自治体 (Sub-principal)。

Introduction

The Clean Neighbourhoods and Environment Act 2005 was passed by Parliament in April 2005. This legislation was a key element of the Labour Government's policy on both tackling anti-social behaviour and improving the appearance of the built environment. In particular it represented a change in the role of local government, giving it more powers and importance in tackling crime, a role normally associated with the police. Primarily concerned with tackling vandalism, anti-social behaviour and

disorder locally, in particular the Act set out local councils' powers in dealing with graffiti, litter, abandoned vehicles, illegal dumping and local nuisances such as excessive noise and irresponsible dog owners. It also conferred powers on parish councils in this regard. Finally, the Act allows for police officers and designated local authority officials to issue penalties against offenders without having to go through the courts system.

The Respect Agenda was an initiative around furthering the drive against anti-social behaviour, spearheaded by Prime Minister Tony Blair. While lacking legislative powers, the agenda was concerned with joining up the work of government in dealing with anti-social behaviour, with a central unit in the Home Office responsible for overseeing this work. Its work was further underpinned by the Respect Action Plan, which outlined the approach the government was intending to take on dealing with anti-social behaviour, not just in terms of policing but cross-governmentally eg. alongside the education system and through health services.

CLEAN NEIGHBOURHOODS, THE ENVIRONMENT AND RESPECT

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Andrew Stevens

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Introduction

Scope

Since 1998 and the Crime and Disorder Act 1998 (as amended by the Police Reform Act 2002 and the Clean Neighbourhoods and Environment Act 2005) local government in England has had a statutory duty to work with other local public agencies (statutory bodies) to reduce crime and disorder (including anti-social behaviour and the misuse of drugs) in their locality. Under the 1998 Act, the statutory bodies concerned are:

- The police forces of England (39)
- The police authorities of England (39)
- Local authorities of England (388, see note)
- The fire and rescue authorities of England (45)
- The Primary Care Trusts of England (152)

Each of these bodies belongs to an area-based Crime and Disorder Reduction Partnership (CDRP), which must carry out an audit of local crime, disorder and misuse of drugs every three years. Using the information arising from this audit and based on consultation with local communities they then formulate a strategy for combating crime, disorder and the misuse of drugs.

In England local government is structured as follows:

- London – 32 London Boroughs and the City of London Corporation (unitary – provide all services), as well as Greater London Authority (includes London Assembly which provides some members of the police and fire authorities in Greater London)
- Unitary Authorities – 47 unitary councils mainly serving urban areas or islands
- Metropolitan England – 36 Metropolitan Boroughs (unitary – provide all services)
- Non-metropolitan England – 34 county councils (mainly education, social services, highways and transport) and 238 district councils (mainly housing and environmental services)

Since 1994, police authorities in England have been appointed from nominated local councillors, nominated local magistrates (from the county magistrates' association) and

independent members agreed between the authority and the Home Office. Prior to this, from 1972 members were nominated from county councils and local magistrates (by a ratio of 2:1). The primary responsibility of the police authority (except in Greater London) is to appoint the Chief Constable of the police force, supervise the running of the police force and set its budget, including a precept on local councils. In Greater London the Commissioner of the Metropolitan Police is appointed by the Home Secretary.

Political context

Prior to his elevation to the leadership of his party in 1995 and ultimately to the office of Prime Minister two years later, Tony Blair served as the Shadow Home Secretary for the Labour Party (from 1992), during which time he was responsible for shaping the approach which the party would take in order to win the 1997 General Election and serve it in government for the next 10 years. Blair became Shadow Home Secretary after Labour's fourth General Election defeat amid accusations that the party was 'unelectable', not least for its image of being 'soft on crime' compared to the Conservative Party, traditionally "the party of law and order". As part of Blair's 'New Labour' project to modernise the party and present it as a different entity from the party which had lost four elections, law and order assumed a pivotal position in the party's political strategy against the Conservative government.

In order to get this tough message across to the electorate, Blair had the twin imperatives of selling the policy to a sceptical Labour party and convincing voters that it would do more than just emulate the Conservatives. The slogan engineered for this purpose was simple but effective:

"Tough on crime, tough on the causes of crime."

It remains one of the best-known political soundbites of the modern era. The slogan, in fact coined by Gordon Brown while a Shadow Cabinet member alongside Blair, signalled that a future Labour Government would not only seek to tackle criminal behaviour but its causes as well, a more progressive social dimension to what many would consider a right-wing policy out of keeping with traditional Labour thinking. Blair justified his approach in a TV interview in 1993:

“What I mean by being tough on the causes of crime is to say that the problem that we've had in this area is that people have felt they have to choose between punishment and prevention, between, if you like, personal and social responsibility. What I'm saying is if you want a hard-headed approach to law and order in the modern world, you require a thought-through strategy that deals with the underlying causes of crime as well as those that are committing crimes and should be brought to justice within the criminal justice system. If you don't do that then you're forever firefighting and never getting to grips with the real problems.”

Following his elevation to Labour leader in 1995, Blair set out his overall approach to governing as belonging to the Communitarian thinking. Communitarianism, an array of related ideas by several philosophers (stretching as far back as the utopian socialists of the mid-19th century), was popularised by American sociologist Amitai Etzioni but hitherto unknown outside of academic circles until Blair signalled his adherence to it in 1995. The key text of the Communitarians is Etzioni's 1993 text, *The Spirit of Community*, which stresses the centrality of the idea of 'community' in modern politics and envisages a society where responsibilities to each other are as important as individual rights. The book also calls for the reinvention of government to achieve these aims. The phrase “rights balanced by responsibilities” then replaced the emphasis on “tough on crime, tough on the causes of crime”, especially once Labour entered government in 2000 (it was last heard of on a Treasury press release in 2000).

It has often been said of the Blair era (1997-2007) that his fondness for ideas was led by fashion and somewhat fickle. This can be seen in Blair's subsequent adoption of the Third Way, as denoted by British sociologist Professor Anthony Giddens' key text of 1998, *The Third Way*. Arguably a response to globalisation, the Third Way was promoted as a synthesis of the politically most appealing aspects of recent neo-liberalism (which it argued had been rejected in the 1997 General Election with the Conservatives' defeat) and old-style social democracy (which it argued had been rejected from 1979 onwards), mainly the free market and the strong society. In stressing the need for a stronger society where the market had left chaos – with individual success being at the expense of the collective, ie. urban decline, the loss of community, marital/family breakdown - the Third Way envisaged the role of the state not as the provider of welfare as in the past (under social democracy) but to 'tame' the malign effects of the free market in order to halt crime and social breakdown. A key tenet of this was the introduction of Anti-Social Behaviour Orders (ASBOs) under the 1998

Crime and Disorder Act, as well as the statutory duty upon local government to mitigate the effects of crime in their locality by working with other public agencies through Crime and Disorder Reduction Partnerships.

The third and final policy push for law and order under Blair and New Labour was the Respect Agenda. The Respect Agenda was a cross-governmental strategy to see anti-social behaviour placed at the centre of public policy, launched in September 2005. Having entered government with toughness on crime as his central message, Blair was keen to have 'respect' as his legacy on his departure. The term 'respect' was taken by Blair to mean the reintroduction of decent behaviour into society, with American sociologist Professor Richard Sennett's 2003 *Respect in a World of Inequality* acknowledged as its basis. The agenda was outlined that month in a speech and realised in the new year with the Respect Action Plan (originally planned as legislation but later dropped), which advised tackling the underlying causes of anti-social behaviour, intervening early where problems occur and broadening efforts to address other areas of poor behaviour. The work of the action plan was coordinated by a Respect Task Force, which worked across government from within the Home Office and was headed by a senior government adviser. The Respect Agenda also took in the work of social programmes not explicitly concerned with crime but aimed at better social outcomes (reduction of poverty, job creation, healthy living etc.) such as Sure Start and the New Deal for Communities. However, the Respect Agenda did not outlive Blair's premiership as his successor Gordon Brown closed down the Respect Task Force in December 2007. Much of the agenda and its aims live on the Clean Neighbourhoods and Environment Act 2005, which gives local government extra-powers to improve the 'liveability' of their communities and tackle anti-social behaviour where it manifests itself.

Clean Neighbourhoods and Environment – from Bill to Act

A recurring theme of the Labour Government's policies since 1997 has been the tackling of antisocial behaviour and the improvement of local environmental quality. The Government sees these as valuable contributors to the quality of people's lives and recognises that good quality environments reduce anti-social behaviour and the fear of crime.

The Government consultation *Clear Neighbourhoods* was published in July 2004. It gathered ideas from a number of previous consultations, including *Living Places – Powers Rights and Responsibilities* and introduced a number of measures designed to bring about improvements in all aspects of local environmental quality. The consultation paid particular attention to legislation introduced in the *Anti-social Behaviour Act 2003*. It asked how those measures could be improved or extended to help ensure that public spaces are kept clean and safe and sought to fill in gaps left by the *Anti-social Behaviour Act*.

The Bill's main provisions were to:

- Provide local authorities with more effective control over the problems of litter, graffiti and fly-posting.
- Require crime reduction strategies to take account of low-level anti-social behaviour and environmental crime.
- Tackle the problems of illegal dumping of waste or 'fly-tipping'.
- Improve the management of waste by local authorities.
- Deal with the problem of nuisance vehicles by allowing local authorities to remove them immediately.
- Deal with noise nuisance including noise from neighbours, licensed premises and burglar alarms.
- Provide a reference to local environmental crime in Crime and Disorder Reduction Strategies.
- Improve the dog control capabilities of local authorities.
- Introduce new statutory nuisances for insects and light.
- Enable local authorities to remove illegally parked or abandoned vehicles.

The Government believes that a cleaner neighbourhood is an integral part of ensuring a safe environment. Existing evidence suggests that dirty streets and neglected public

space lead to anti-social behaviour, the fear of crime and more serious crime itself.

The 'Broken Windows Theory' pioneered in New York thirty years ago has influenced policing across the world. The theory states that the gradual degrading of a place leads to higher levels of crime and disorder. Small transgressions of social norms make it increasingly difficult to place controls on offending parties. If an area becomes increasingly untended (either through lack of individual controls or from a reduction in local neighbourhood services), it undermines the willingness and ability of local residents to enforce social order. Consequently, residents withdraw from enforcing neighbourhood social controls, allowing further anti-social behaviour to take place. This results in additional withdrawal and fear to enforce social order, and the downward spiral of increased neighbourhood decay. Early evidence supported this basic thesis, but more recently it has been challenged. Nevertheless the practice of policing and legislating to prevent neighbourhood decline has remained popular.

Concern that the current legislative framework had been inadequate in raising or maintaining local environmental standards prompted action in 2002. A cross-Government review, led by Defra, into the powers, rights and responsibilities that regulate public spaces and the local environment was set up. This resulted in the *Living Places - Powers Rights Responsibilities* Consultation in October later that year. The aim of this was to generate discussion on options for improving the legislative framework for providing and maintaining shared public spaces, such as streets, squares, commons and parks.

The White Paper *Respect and Responsibility – Taking a Stand Against Anti-social Behaviour* was published in March 2003. This built on the themes presented in the *Living Places* Consultation and made the case for a cultural shift in society where values of respect and responsibility for personal and shared property would lead to a decrease in anti-social activity. Three key themes were presented:

- People taking responsibility for their own actions and behaving in a way that does not harass or intimidate others.
- The community setting clear standards of behaviour. The police, local authorities and others enforcing these standards and taking swift, effective action if they are breached.
- The perpetrators of anti-social behaviour being held accountable for their actions to those they have affected. A duty is owed to the victims of anti-social behaviour to

ensure that they know that perpetrators have been brought to justice.

The *Anti-social Behaviour Act 2003*, a result of the *Living Spaces* Consultation and the *Respect and Responsibility* White Paper, extended the powers of local authorities to order the removal of waste and graffiti, along with a range of measures to control other antisocial behaviours. At the same time as this a wider commitment by the Government was begun to create Cleaner, Safer and Greener Communities:

MORI and local surveys tell us that people are more concerned about the quality of their local environment than almost anything else. They are worried about crime and anti-social behaviour, dirty streets, neglected spaces and lighting, and the lack of facilities for young people.

After decades of neglect and under-investment there are large-scale maintenance backlogs, and many authorities are failing to make repairs and maintain public spaces to decent standards. It is estimated that some £2bn of backlogs in maintenance of local roads and pavements and £1.3bn are needed to make parks and green spaces fit for purpose.

Following the *Anti-social Behaviour Act* the Environmental Audit Committee ran two inquiries on environmental crime. Environmental crime can be seen as a form of antisocial behaviour. Fly-tipping and fly-posting contribute to neighbourhood decline in the same way as other forms of anti-social activity. However environmental crime, unlike other forms of anti-social behaviour, can have commercial associations. The committee inquiries highlighted the growth of such commercially motivated crime.

In line with European policy, it is the Government's aim to discourage the generation of waste by implementing a producer pays principle where by the producer of waste must pay for the collection and disposal of it. Following the introduction of the landfill tax in 1996 it now costs more money to dispose of waste and it is likely that this cost will rise as local authorities are able to landfill less and less waste under the *EU Landfill Directive*.

With this increase in cost has come an increase in the illegal deposition of waste as an attempt to avoid payment. The Environmental Audit Committee inquiries also recognised a commercial aspect to fly-posting and advertising. A growing trend is developing for inexpensive street advertising that utilises graffiti and fly-posting to

publicise products often aimed at young people. If these profitable, commercial activities are to be deterred new measures would be required.

The Defra *Clean Neighbourhoods* Consultation was run at the same time as these inquiries. It offered measures that built on the legislation brought in by the *Anti-social Behaviour Act*. In particular it suggested greater flexibility with regard to fixed penalties for environmental crimes. It was hoped that greater penalties would make those commercial activities, recognised by the Environmental Audit Committee, unviable. The consultation also proposed to widen the scope of environmental offences. By redefining litter and the practices that constitute environmental crime and nuisance, local authorities would be able to tackle the problem more effectively.

The consultation introduced the following ideas:

- Giving local authorities a range of new and extended tools to control litter, graffiti and fly-posting.
- Greater flexibility at the local level for the use of fixed penalty notices.
- Enforcement powers to tackle the problems associated with illegal dumping.
- Dealing with dumped rubbish in alleyways by using gating schemes.
- Improving the management of waste by local authorities
- Allowing local authorities to remove nuisance vehicles immediately
- Providing powers to deal with other nuisances, including noisy neighbours, night noise from licensed premises and nuisance burglar alarms.

In the Queen's Speech on 23 November 2004 it was announced the Government would introduce new legislation to tackle anti-social behaviour with particular emphasis on clean and safe neighbourhoods.

The *Clean Neighbourhoods and Environment Bill* was presented on 7 December 2004. It covered a range of issues, including those raised in the earlier consultations, which will extend to England and Wales. These are:

- Crime and Disorder Reduction Strategies: Responsible authorities (local authorities, the police, fire and rescue authorities and primary care trusts) will have to take account of low-level anti-social behaviour and environmental crime when formulating crime and disorder reduction strategies.

- Gating Orders: New powers to close down footpaths to restrict access to rights of way in response to crime
- Nuisance Parking: It will become an offence for a business to park vehicles for sale on a road.
- Abandoned Vehicles: Local authorities will be given greater powers to remove abandoned vehicles.
- Litter: A range of new offences will be created to reduce the amount of litter.
- Graffiti and Fly-posting: Local authorities will be given greater powers to combat fly-posting and graffiti and will be able to enforce the removal of fly-posters and graffiti.
- Waste: Local authorities and the Environment Agency will be given greater powers to regulate the transportation of waste and to enforce the clean up of illegally deposited waste.
- Dogs: Local authorities will be able to designate areas from which dogs are excluded. Police will no longer be responsible for stray dogs.
- Noise: Local authorities will be given new powers to deal with audible intruder alarms and will be able to issue licensed premises with fixed penalties for noise at night.
- Statutory Nuisance: Local Authorities will be able to serve abatement notices for nuisance light and insects.
- The Commission for Architecture and the Built Environment will change status from a non-departmental public to a statutory cooperation.

The *Crime and Disorder Act 1998*, as amended by the *Police Reform Act 2002*, provides a statutory requirement for various authorities and local agencies to work together to develop and implement strategies that aim to tackle crime and disorder in their area.

These statutory partnerships are known as Crime and Disorder Reduction Partnerships (CDRPs) (or Community Safety Partnerships in Wales). The authorities responsible for these strategies are:

- The police
- Local authorities
- Fire authorities
- Police authorities
- Health authorities in Wales

- . Primary care trusts in England

Working together these authorities are required to carry out an audit to identify crime and disorder and misuse of drugs problems in their area and develop strategies that deal effectively with them. Partner organisations are required to work in co-operation with local education and probation authorities and invite co-operation of a range of local private, voluntary, other public and community groups including the community itself.

This provision was proposed in the Clean Neighbourhoods Consultation to which the Local Government Association responded:

“The LGA agrees with this proposal and believes it will raise the profile of environmental crime, establish the links with other offending behaviour and lead to a quicker removal of graffiti, flyposters and fly-tipped waste. It will also help to guarantee police support for local authorities carrying out enforcement. Many councils already recognize the links between local environmental crime and community safety. As partnerships already include a multi-agency protocol on tackling anti-social behaviour, some of the crimes covered in this consultation will already be included, making further references easy to adopt. Including statutory undertakers within local partnerships would also be helpful in spreading awareness of the extent and cost of environmental crime.”

Clause 1 of the *Clean Neighbourhoods and Environment Bill* amended section 6 of the *Crime and Disorder Act 1998*. Responsible authorities will now have to take into account low-level anti-social behaviour and environmental crime (such as littering and graffiti) in their Crime and Disorder Reduction Partnership strategies. The Bill became law as the *Clean Neighbourhoods and Environment Act 2005* on April 7 2005.

Appendix 1.

Clean Neighbourhoods and Environment Act 2005 - Outline of Measures

(published by Department for Environment, Food and Rural Affairs)

The Act:

Crime and Disorder

- ensures that local Crime and Disorder Reduction Partnerships will take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies.
- gives local authorities new, more effective powers to deal with alleyways affected by anti-social behaviour.

Fixed Penalty Notices (Fines)

- makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates;
- gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences;

Nuisance and Abandoned Vehicles

- gives local authorities the power to remove abandoned cars from the streets immediately;
- creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

Litter

- makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes;
- gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices);
- enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter;

- confirms that cigarette butts and discarded chewing gum are litter.

Graffiti and fly-posting

- extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting;
- improves local authorities powers to tackle the sale of spray paints to children;
- strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution;
- enables local authorities to recover the costs of removing illegal posters.

Waste

- amends provisions for dealing with fly-tipping by:
 - removing the defence of acting under employer's instructions
 - increasing the penalties
 - enabling local authorities and the Environment Agency to recover their investigation and clear-up costs
 - extending provisions on clear up to the landowner in the absence of the occupier.
- gives local authorities and the Environment Agency the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties):
 - to businesses that fail to produce waste transfer notes
 - to waste carriers that fail to produce their registration details or evidence they do not need to be registered
 - for waste left out on the streets (local authority only)
- introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles
- introduces a new provision covering the waste duty of care and the registration of waste carriers
- introduces a new requirement for site waste management plans for construction and demolition projects
- repeals the divestment provisions for waste disposal functions to provide greater flexibility for local authorities to deliver waste management services in the most sustainable way
- reforms the recycling credits scheme to provide increased local flexibility to incentivise more sustainable waste management.

Dogs

- replaces dog byelaws with a new, simplified system which will enable local authorities and parish 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.
- gives local authorities, rather than police, sole responsibility for stray dogs.

Noise

- reduces nuisance caused by noise by giving local authorities to:
 - deal with burglar alarms
 - impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels
- gives local authorities greater flexibility in dealing with noise nuisance.

Architecture and the Built Environment

- establishes the Commission for Architecture and the Built Environment (CABE) on a statutory basis.

Miscellaneous

- enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners
- extends the list of statutory nuisances to include light pollution and nuisance for insects
- improves the contaminated land appeals process.

Appendix 2.

CLEAN NEIGHBOURHOODS AND ENVIRONMENT BILL 2005

Local Government Association key facts and figures (2005)

The LGA has welcomed the publication of the clean neighbourhoods and environment bill. The bill aims to provide measures that will tackle environmental crime and make local neighbourhoods clean, green and safe. These measures are needed to deter offenders and demonstrate that a clean, safe and green local environment is as much a priority for the council and local agencies as it is for residents and businesses.

It has been clear for some time that legislative changes are required to clarify responsibilities and help councils to deal with environmental crime and offences more effectively.

This pamphlet contains real facts and figures that demonstrate the scale of the problems that councils face, which the measures in this bill aim to tackle.

Crime and disorder

- The estimated daily cost to agencies of anti-social behaviour is £13.5 million.
- Gateshead Council estimates that the annual cost of replacing damaged bus shelters is £12,000; and vandalism to council property (including schools, housing, parks and recreational facilities) cost over £500,000 in 2000/01.
- Worthing Borough Council reports the cost to repairing the damage caused by vandalism to its properties is approximately £150,000 per year.

Vehicles

- The number of abandoned vehicles in England in 2002/03 was 310,000: an increase of eight per cent from 2001/02 and of 39 per cent from 2000/01.
- The estimated costs of local authorities dealing with abandoned vehicles rose from £27 million in 2000-2001 to £34 million in 2002/03.

Litter and refuse

- Over 30 million tonnes of litter are collected from our streets every year, and it costs councils in England and Wales £450 million a year to do this.

That doesn't include beaches, parks and other public spaces. In 1963, that bill stood at just £13 million.

- The amount of fast food litter on our streets rose by 12 per cent in 2003. Meanwhile, the amount of litter from sweet wrappers and crisp packets has risen by six per cent; from drinks cartons has risen by 11 per cent; and from food has risen by seven per cent.
- 1.3 million bits of litter are dropped on our roads every weekend.

Cigarette litter

- Over 90 per cent of England's streets suffer from litter of cigarette ends, boxes and matches. If every smoker dropped one cigarette butt a week in the UK, there would be 624 million of them on the streets within a year.

Chewing gum litter

- The average clean up of gum from a town centre costs £20,000 and this has to be carried out a number of times a year.
- Cleaning up chewing gum may also lead to further costs in the long term, from damage to pavements during the cleaning process.
- Trafalgar Square was cleaned of chewing gum in June 2003, at a cost of £8,500. Specialist gum removal companies typically charge between £0.45 and £1.50 per square metre, with the cost depending on the method, the type of surface and the amount of chewing gum.

Drugs-related litter

- Almost two thirds of councils have a dedicated person/team for removing drug needles.
- The places where most councils found drugs needles were in parks and playing fields - with 72 per cent of authorities finding them there. Two-thirds of councils with a seaside boundary have found drugs needles and syringes on their beaches.

Graffiti and defacement

- The total cost of graffiti in London is at least £23 million per annum, but this rises to over £100 million if damage to economic development and loss of capital values to people's homes is included. The average spent by London authorities each year is £204,000.
- Newcastle Council deals with 1,600 offences each year, costing £160,000 to clean up; South Tyneside Council estimates clean up costs to be approximately £85,000 a year.

- Basingstoke and Deane Borough Council currently spends £40,000 a year removing graffiti from its buildings and street furniture.

Waste

- There are around 50,000 fly-tipping incidents per year, costing local authorities £100-£150 million to clear, although there are suggestions that even this may be an underestimate.
- Fly-tipping costs councils an average of £54,000 annually.
- 82 per cent of councils have found fly-tipped rubbish on the verges of country lanes. Other popular places include lay-bys, urban back alleys and outside tips.
- 95 per cent of farmers have cleared up other people's junk from their land. On average, farmers pay about £1000 per year to clear fly-tipping from their land.

Dogs

- Experts estimate dogs in the UK produce 1000 tonnes of faeces every day
- 95 per cent of the British public are worried by the amount of dog fouling in public places.

Noise

- Domestic premises are the largest cause of complaints about noise, accounting for three quarters of all noise complaints to local authorities in 2002/03. Between 1984/5 and 2002/03, complaints about noise from this source increased around four and a half times.
- For ambient (non-domestic) noise, pubs and clubs are the most common cause of complaint in over half of authorities.
- The cost to public sector agencies per day for dealing with noise is an estimated £1 million; and the cost over a year is estimated at £249 million.

Appendix 3.

Pocket Guide to Tools and Powers, published by Respect Task Force, March 2007

ACCEPTABLE BEHAVIOUR CONTRACTS

WHAT ARE THEY?

- An acceptable behaviour contract (ABC) is a voluntary agreement between one or more local agencies and an individual, outlining what the perpetrator should or should not do.
- The terms of the contract should reflect the behaviour to be addressed and should not be too extensive. There should be a balance between general and specific conditions. The contract will also set out the possible consequences of breaking the agreement.
- Any agency can use ABCs, but normally lead agencies include local authorities, police, registered social landlords and youth offending teams.
- ABCs are often used with children and young people, but they could equally be used for adults.

WHEN SHOULD THEY BE USED?

- When a perpetrator of low-level anti-social behaviour has been identified.
- When a warning has been unsuccessful in addressing the problem.
- ABCs are flexible and can be adapted for a range of circumstances and between a range of agencies.

ANTI-SOCIAL BEHAVIOUR ORDERS

WHAT ARE THEY?

- Anti-social behaviour orders (ASBOs) are civil orders that protect the public from behaviour that causes, or is likely to cause, harassment, alarm or distress.
- Orders can be made on anyone aged 10 or over who has displayed anti-social behaviour in the previous six months.
- ASBOs can be imposed for a fixed period – from a minimum of two years to an unlimited maximum limit – or until a further order is made. It is best practice for orders made on young people to be reviewed after a year.
- The orders are not criminal penalties and are not intended to punish the offender,

but rather to protect the well-being of the community. However, breach of an order is a criminal offence.

- Orders can be made by way of application (often known as 'stand alone'), by order on conviction or as part of proceedings in the county court.
- Interim orders can also be made at the initial court hearing, in order to provide immediate protection for the community until the full hearing is held.

WHEN SHOULD THEY BE USED?

- When a person aged 10 or over has acted in an anti-social manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.
- When an offender has behaved in an anti-social way and an order is necessary to protect the public from further anti-social behaviour.
- ASBOs can be used on perpetrators living in any type of housing and to tackle anti-social behaviour in a wide range of situations and settings.

COMMUNITY AGREEMENTS

WHAT ARE THEY?

- Community agreements are settlements reached between the residents of a community to resolve disputes or to outline what those involved wish life in their neighbourhood to be like. They are put in writing and each household or individual has a copy.
- Where appropriate, copies may also be displayed in public spaces, such as community centres, or in local newsletters.
- It is facilitated by independent and impartial mediators who make private and confidential visits to each person.
- The agreement contains only what individuals have asked for; the referring agency has no input.
- The agreement can build or renew community spirit and pride in the community, as individuals no longer feel they are alone in their worries or concerns.
- It gets to the root cause of the problems within the community.

WHEN SHOULD THEY BE USED?

- When there is conflict or unrest within a neighbourhood; this may be a block of flats,

a street, a small community or a sheltered housing complex – or indeed it may be applied to any small group of people, such as colleagues within a workplace.

CRACK HOUSE CLOSURE ORDERS

WHAT ARE THEY?

- A senior police officer can issue a closure notice on premises that they have reason to believe are being used for the production, supply or use of Class A drugs, and are causing serious nuisance or disorder.
- The police must then apply to the court within 48 hours for a closure order.
- Once issued by the court, the order can last for up to three months and can be extended for a further three months. During this time, entering or remaining in the property is an offence and the property will be sealed.

WHEN SHOULD THEY BE USED?

- When a property has been taken over by drug users or dealers of Class A drugs. The arrival of a crack house on an estate or in a community is a serious threat to the safety and well-being of its residents; this power means that swift action can be taken to close it down.

DEMOTION ORDERS

WHAT ARE THEY?

- Demotion orders allow social landlords to apply to the courts to reduce the security of tenure for tenants, and can be a precursor to possession.
- Demotion orders remove a number of tenancy rights, including the right to buy and the right to exchange.
- Upon granting of the order, the tenancy is replaced with a less secure form of tenancy.
- Demoted tenancies last for a year, and may be extended if the landlord serves notice to seek possession of the property during this period.
- Demotion orders give a serious warning to the tenant, since if they continue to misbehave swift action can be taken to seek possession of their home.

WHEN SHOULD THEY BE USED?

- When a tenant, another resident or visitor to the tenant's home has behaved or

threatened to behave in a way that is capable of causing nuisance or annoyance.

- When a tenant, another resident or visitor to the tenant's home has behaved or threatened to behave in a way that affects the housing management of an area and/or includes using the premises for unlawful purposes.
- As an alternative to seeking a possession order.

DISPERSAL POWERS

WHAT ARE THEY?

- A senior police officer can designate an area where there is persistent anti-social behaviour and a problem with groups causing intimidation. The local authority must also agree to the designation of the area.
- Within the designated area, police and police community support officers have the power to disperse intimidating groups and exclude people for up to 24 hours. They also have the power in that designated area to take a child home after 9pm if they are not under the control of an adult.
- The designated area can be as small as around a cash point or a shopping arcade where intimidating groups gather, or as large as a local authority area, as long as there is evidence of antisocial behaviour.
- The decision to designate an area must be published in a local newspaper or by notices in the local area. The designation can then last for up to six months and can be renewed if necessary. The designated area must be clearly defined, usually by a description of the streets or roads bordering the area.

WHEN SHOULD THEY BE USED?

- Dispersal powers should be used where there has been a persistent anti-social behaviour problem in a public space and where groups gather and intimidate and harass the public.
- Dispersals are not targeted at any age group but are there to protect the well-being of the community. If, however, there is a problem with young people gathering and intimidating other young people and others, then it is good practice to ensure that they can be moved off the streets into purposeful activities.

FAMILY INTERVENTION PROJECTS

WHAT ARE THEY?

- Family intervention projects work with persistently anti-social families to change their behaviour.
- According to need, the projects provide either residential accommodation or outreach support for the family for the duration of the intervention.
- They take a 'whole family' approach which considers the needs of the whole household and assesses the underlying problems driving the family's behaviour, in order to identify which services need to be involved.
- Projects involve persistent and assertive key workers who make sure the family do not disengage. They will also make sure that the statutory services involved with the family do not disengage and provide necessary services.
- Projects use a twin-track approach which includes help for families to address the causes of their behaviour, alongside supervision and enforcement tools to provide them with the incentives to change.
- The threat or use of sanctions provides a way of curbing bad behaviour and also helps persuade people to accept and co-operate fully with the offers of help.
- A contract between the family and the project sets out the changes in behaviour that are expected, support that will be provided and sanctions that will be imposed if behaviour does not improve.

WHEN SHOULD THEY BE USED?

- Agencies should think about referring when there are numerous complaints about the behaviour of a family and the impact they are having on their local community.

FIXED PENALTY NOTICES

WHAT ARE THEY?

- Fixed penalty notices (FPNs) are one-off fines issued for antisocial behaviour designed to help police tackle low-level nuisance.
- They can be issued by local authority officers and, in a limited capacity, by police community support officers and other accredited persons.
- FPNs can be issued to anyone over 10 years old. Many are set at £75 but local authorities can set some fine levels locally. More serious offences such as truancy and noise nuisance attract larger fines.

WHEN SHOULD THEY BE USED?

- FPNs are mostly given for low-level anti-social behaviour of an environmental

nature, for example litter, waste, fly-tipping and noise.

GATING ORDERS

WHAT ARE THEY?

- Councils can order gating of a highway in order to prevent crime or anti-social behaviour from occurring.
- The council can continue with a gating order even if objections are made if it is considered in the best interests of the community to do so, as long as they have complied with the formal consultation procedure.
- An underlying principle of this provision is to communicate with the residents and wider public the intentions to make a gating order.
- Alley gating will not be appropriate in all cases, and other alternatives should be considered.

WHEN SHOULD THEY BE USED?

- Gating can take place if a highway suffers from crime and/or anti-social behaviour.
- If the alley is a public right of way, it can still be closed or diverted if suitable alternative routes exist and the council deem that gating is necessary for the purposes of preventing or reducing crime and/or anti-social behaviour.

INDIVIDUAL SUPPORT ORDERS

WHAT ARE THEY?

- Individual support orders (ISOs) can be attached to a stand alone ASBO on a young person and contain positive obligations which are designed to tackle the underlying causes of a young person's anti-social behaviour.
- The order is overseen by a responsible officer, usually a member of the youth offending team or from the social services department.
- ISOs can last for up to six months and can require a young person to attend up to two sessions a week of, for example, counselling to tackle substance misuse. The order specifies the times and places where attendance is required.
- Failure to comply with the conditions is a criminal offence and can result in enforcement proceedings.

WHEN SHOULD THEY BE USED?

- Where a magistrates' court is making an ASBO on a young person aged between 10 and 17 years, it is obliged to make an ISO if:
 - the ISO would be desirable in the interests of preventing further anti-social behaviour; and
 - the individual is not already subject to an ISO.
- If the court is not satisfied that the conditions have been met, it must state why.
- Where other support interventions are being provided by the youth offending team, an ISO may then not be necessary and so will not be used in every young person's ASBO case.

INJUNCTIONS

WHAT ARE THEY?

- Injunctions are a quick and effective way to put an end to a range of anti-social behaviour relating to housing and the wider neighbourhood, such as using a property for drug dealing, playing loud music at night, barking dogs, verbal abuse and vandalism.
- They are civil orders which can be obtained from the county court and prohibit the person concerned from engaging in the behaviour detailed in the injunction.
- Some injunctions can exclude the person from specified places or areas. The court may grant an injunction for a specified period as it sees fit, or may decide that the injunction will apply until it is varied or discharged. This can mean that an injunction can be in force for the lifetime of the person it is obtained against.
- Breach of the conditions of an injunction can result in up to two years' imprisonment and/or an unlimited fine for contempt of court.

Anti-social behaviour injunctions

- Social landlords are able to apply for injunctions to prohibit anti-social behaviour that affects their management of their housing stock.
- These powers enable social landlords to take a much more proactive role in tackling antisocial behaviour in their neighbourhoods, and provide effective protection to a wider range of people whose lives may be adversely affected by antisocial behaviour.

Local government injunctions

- Using their powers under the Local Government Act 1972, local authorities can

apply to the civil courts for injunctions to restrain anti-social behaviour that constitutes a public nuisance.

- Injunctions can prohibit the individual from entering the area where the nuisance has been committed, and may also contain other prohibitions designed to restrain the type of anti-social behaviour which has caused the public nuisance.

WHEN SHOULD THEY BE USED?

- Injunctions can be used when someone is committing antisocial behaviour, such as noise nuisance; verbal abuse of staff, agents and/or tenants and neighbours; visitors causing nuisance to neighbours; untidy gardens; and threats of violence or actual violence.
- When immediate protection is necessary, injunctions can provide a swift resolution before a problem escalates.
- Injunctions have been used successfully by councils to prohibit prostitution, begging and drug dealing.

INTERVENTION ORDERS

WHAT ARE THEY?

- Intervention orders (IOs) can be attached to ASBOs in the same way as ISOs.
- IOs are designed to tackle antisocial behaviour as a result of drug misuse.
- IOs require individuals who act anti-socially as a result of drug misuse to comply with positive conditions that tackle their antisocial behaviour.

WHEN SHOULD THEY BE USED?

- IOs can only be applied for alongside ASBO applications that are made as 'stand alone' in the magistrates' court, or alongside proceedings in the county court.
- They can only be given to individuals aged 18 or over and can last six months or less.
- For a court to make an IO, it must be satisfied that drug misuse is responsible for the perpetrator's anti-social behaviour. This decision is based upon a report from an appropriately qualified individual.

NOISE ABATEMENT NOTICES

WHAT ARE THEY?

- A noise abatement notice requires the abatement of noise nuisance or prohibits or restricts its occurrence or recurrence.
- Abatement notices can also require a person to carry out works and/or take other steps to stop the noise nuisance, such as seizing the noise-making equipment.

WHEN SHOULD THEY BE USED?

- If a formal investigation finds evidence of statutory noise nuisance, officers can defer serving a noise abatement notice for seven days if they think persuasion and mediation will result in greater co-operation or if they think serving an immediate notice will aggravate the situation and cause one of the parties to withdraw from negotiations.
- A noise abatement notice must be served following a seven-day deferment if:
 - the noise-maker cannot be persuaded to stop or restrict occurrences of the nuisance; and/or
 - the local authority is satisfied that a statutory nuisance continues to exist, or is likely to occur or recur, after the seven-day deferral period.

PARENTING PROGRAMMES

WHAT ARE THEY?

- A parenting programme teaches parents techniques to improve their child's behaviour.
- Good programmes follow a manual, have well documented stages, last 8–13 weeks and are delivered by workers who have been appropriately trained.
- These programmes focus on teaching parents skills to remedy the causes of problem behaviour through building a relationship with the child, use of praise and incentives, and establishing consistent boundaries with 'time out' for infringements.
- Parenting programmes are delivered by a range of organisations, including the NHS, schools, children's centres and youth offending teams.
- Many parents will take up help voluntarily, but where they do not want to take up help a parenting order should be used to secure their engagement.

WHEN SHOULD THEY BE USED?

- A parenting programme could be offered at the first sign of problems – perhaps when a warning about a child's behaviour is first given.

- Attendance at a parenting programme will often form part of a parenting contract or parenting order.

PARENTING CONTRACTS

WHAT ARE THEY?

- Parenting contracts are voluntary agreements made between local agencies, such as the local authority, youth offending team, schools, local education authority and the individual parent(s).
- They can be used alongside acceptable behaviour contracts or other interventions and set out what parents will do to address the anti-social behaviour of a child or children for whom they are responsible.
- Parenting contracts may contain an agreement to attend a parenting programme and/or to ensure that a child attends school regularly.

WHEN SHOULD THEY BE USED?

- Where parents need to take steps to reduce problem behaviour by their child or children.
- Schools and local education authorities should enter into a parenting contract with the parent(s) of a child who has truanted or been excluded from school.
- Youth offending teams should enter into parenting contracts with the parent(s) of a child who has engaged in or is likely to engage in anti-social behaviour and criminal conduct.

PARENTING ORDERS

WHAT ARE THEY?

- Parenting orders can be made by a criminal court, family court or magistrates' court acting under civil jurisdiction when there has been a problem with a young person's behaviour.
- Parenting orders impose requirements on the parent(s) or guardian(s), which will usually include their attendance on a parenting programme or guidance or counseling programme. Other requirements, such as ensuring that their child attends school, can also be included.
- Non-compliance can lead to a level three fine (maximum £1,000) or any sentence available for a non-imprisonable offence.

WHEN SHOULD THEY BE USED?

- The court must make a parenting order, or state why they have not, where an ASBO has been made in respect of a child or young person and/or a child or young person has been convicted of an offence.
- A parenting order can also be made on application when:
 - a youth offending team applies to court where a child or young person has engaged in criminal conduct or anti-social behaviour; or
 - a local education authority applies to court in respect of the parents of a child excluded (permanently or for two fixed periods) from school for serious misbehaviour.
- Parenting orders can also be made when a referral order is made or when a youth offender panel refers a parent back to court for failing to attend panel meetings.

PENALTY NOTICES FOR DISORDER

WHAT ARE THEY?

- Penalty notices for disorder (PNDs) are one-off fines which can be issued on the spot for a range of low-level disorder offences. They are designed to tackle low-level nuisance and anti-social behaviour.
- They can be issued to anyone over 16 years old and attract penalties of £50 or £80, depending on the offence.
- PNDs can be issued by the police and by police community support officers and other accredited persons for a limited range of offences.

WHEN SHOULD THEY BE USED?

- PNDs are issued for a specified range of offences, including throwing fireworks, being drunk and disorderly, causing harassment, alarm or distress (Section 5, Public Order Act 1986), criminal damage under £500 and giving a false alarm to a fire or rescue service.