

The Law and the environment ... did you know

By Ben Challis

The recently passed **Clean Neighbourhoods and Environment Act 2005** gives a local authority stronger powers to improve the environment by tackling litter, nuisance vehicles, fly-tipping, waste, noise and irresponsible dog owners. Local authorities can issue fixed penalty fines for litter and dog fouling - offenders could be fined £75 for letting dogs upset children in restricted areas and the same fine for littering. Higher fines can be imposed for other environmental offences with *Fixed Penalty Notices* of between £100 and £300. If a fine is not paid then Magistrates Courts have the power to impose fines of up to £1,000. And a warning to all promoters who like to fly-post - where posters and fliers are put on property without permission. Under the Clean Neighbourhoods and Environment Act 2005 and Environmental Protection Act 1990 local authorities can and do issue Fixed Penalty Notices (FPN) for Fly-Posting. In fact one authority (Camden) went as far as threatening to apply for Anti Social Behaviour Orders against senior record label managers in London in June 2004 for repeatedly arranging flyposting. UK councils have said that the cost of removing posters is prohibitive and that they must take action

Local Authorities and the Courts already have substantial powers under the **Environmental Protection Act 1990** and the **Town & Country Planning Act 1990** to deal with environmental issues. S87 of the Environmental Protection Act deals with littering offences (up to a £2,500 fine) whilst s23 deals with air pollution, s33 with depositing, recovering or disposing of waste without a licence and s33 and 34 with fly-tipping (including tipping offensive materials). The **Water Resources Act 1991** provides offences connected to polluting controlled waters. Offences under these Acts are serious with fines of up to £20,000 in the magistrates courts. Offenders can, in certain circumstances, be imprisoned. The **Health & Safety at Work Act 1974** can also be used to prevent pollution and control hazardous substances and **The Hazardous Waste Regulations Act (2005)** provides that hazardous waste cannot be sent to landfill with non-hazardous waste. A statement regarding new regulations on the disposal of waste was published in the magazine *Event Organiser* (September 2004) and warned event organisers that the industry would now need to reduce and recycle its hazardous waste instead of sending it to landfill. Local Authorities can also use the **Licensing Act 2003** to impose conditions on event organisers to promote the UK's licensing objectives – prevent crime & disorder; promote public safety; prevent public nuisance; protect children: An example might be noise limits and curfews. Conditions must be necessary, proportionate and relevant to the objectives and licensable activities.

In Europe...

At European level the EU Emissions Trading System (ETS) sets an emissions 'cap' (level to which CO₂ emissions must be reduced) which is shared out between participants based on market share or by auctioning. This was introduced in January 2005 and was introduced across Europe in order to reduce carbon dioxide emissions and combat the threat of climate change. It was designed as part of Europe's commitment to the Kyoto Protocol (the one that America still hasn't signed up to yet), which was the world first framework for international action to reduce greenhouse gas emissions. Phase 1 covers only fixed ground industrial installations such as large power plants. Phase 2 (to be implemented 01/01/08) will extend its scope and enforce more demanding targets (EAC, 2005). It is therefore possible that such demands could affect music festivals.

The UK government is increasing its policy framework for environmental protection. For example, one domestic target is to reduce emissions of CO₂ 20% by 2010, and 50% by 2050 (Defra, 2005; EAC, 2005). The government also believes that emissions charges and taxation should be considered in addition to the EMS trading scheme (HMG, 2005). This is another *financial* incentive for all business to act now to reduce their emissions to avoid future costs. It is important the music industry gets its 'house in order' – but even if we do we can probably expect a lot more legislation in the UK and from Europe in the near future.