

LEGISLATIVE COMPETENCE ORDER ENVIRONMENTAL PROTECTION AND WASTE MANAGEMENT

Background

Significant executive and secondary legislative competence already exists in the area of Environmental Protection and most of these can be found in the Environmental Protection Act 1990, the Environment Act 1995, the Local Government Acts of 1988 and 1999 and through European law. Welsh Ministers also have functions under the Control of Pollution Acts, the Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005.

Policy Objective

Proposals for legislation arise from the long-standing public concern in Wales about litter and other local environment issues, linked to which are concerns about sustainable waste management. Local environmental quality is seen as central to people's quality of life and important as a means of engaging people on other environmental issues. Issues such as litter, graffiti, abandoned cars, fly-tipping, noise, dog fouling and derelict or poorly-maintained communal areas.

Delivering high quality living environments for everyone in Wales is a priority and new powers in this field will enable the Welsh Ministers to bring forward coherent proposals for legislation which are based on Welsh priorities and timescales and will move us closer to the aim of sustainable communities. Enhanced legislative competence will help to improve any shortcomings in the existing mechanisms that local authorities and other agencies use to address issues of poor local environmental quality and unsustainable waste management.

Outline of the Order

We would look to amend Part 1 of Schedule 5 to the Government of Wales Act 2006 ("the 2006 Act") so as to add certain 'matters' outlined below under field 6 (environment). Subsection (1)(a) of the 2006 Act permits Her Majesty by Order in Council to amend Part 1 of Schedule 5 to add a matter which relates to one or more of the fields listed in that Part. The inclusion of such matters would enable Labour in the Assembly to bring forward 'Assembly Measures' under Part 3 of the 2006 Act relating, among other things, to:

- Litter / Recycling at Events
- Litter from Smoking
- Statutory Recycling / Composting Targets
- Graffiti
- Fast Food Litter
- Abandoned Shopping Trolleys
- Dog Nuisance Issues
- Bottles, Cans, Plastic Bags and other Packaging
- Prohibit the disposal of Hazardous Waste in Household Waste
- Restrict Landfill of Wastes
- Producer Responsibility for Direct Mail