

Environment & Neighbourhoods - Enforcement action in 2015

1. Summary

1.1 In line with previous reports on enforcement activities of the Environment & Neighbourhoods team, the data has been broken down into 6 month periods covering the summer and winter months. In general summer months are busier, particularly for noise complaints. This pattern has been repeated in 2015. Appendix 1 - Table 1 provides a breakdown of enforcement work carried out by the Environment & Neighbourhood Officers (ENO). Noise and waste/fly-tipping issues make up a large percentage of the teams enforcement work, it is estimated that Officers spend 80% of their time on these two issues across the district.

1.2 In some cases officers are clearly working towards establishing non-compliance with the law, with the aim of instigating prosecution proceedings e.g. fly-tipping incidents. However, officers also spend a great deal of time trying to educate, deter and resolve issues informally. That is particularly the case with noise issues and other neighbour nuisance complaints. Although prosecutions draw attention, enforcement officers investigate and resolve many more cases informally.

1.3 Officers have started to use new powers to issue formal Community Protection Warnings (CPW) and Community Protection Notices (CPN) for a range of issues that have a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality. This new power provides officers with more scope to deal with some issues that previously did not fall under specific statutory nuisance powers.

1.4 Although the new power is welcome, it comes at a time when other enforcement agencies, that share similar enforcement responsibilities, such as the Police, Environment Agency and Essex County Council are increasingly under pressure, leading to more enforcement work being directed to the ENO team.

1.5 The ENO team have also recently taken over the responsibility for all dog noise complaints and dog fouling issues with retirement of the Council's Animal Welfare Officer. Environment and Neighbourhood Officers already prioritise cases. This is likely to become more important if demand for enforcement work by the ENO team increases.

1.6 For more information of the range of enforcement work carried out by the ENO team, please see the Council website at: www.eppingforestdc.gov.uk/environment-and-neighbourhoods-team

2. Fly-tipping incidents

2.1 Enforcement action data in relation to fly tipping incidents is shown in Appendix 1- Table 1: Activity recorded by Environment & Neighbourhood Officers (ENO) – “winter” 2015 (1st October 2015 to 2 March 2016) and previous 6 monthly data for comparison.

2.2. All incidents of fly-tipping reported to the Council are recorded. Incidents that may have some evidence to trace the source of the waste or fly-tipper are passed to the Environment and Neighbourhoods Team (ENO) to investigate. The incidents passed to the ENO team are then prioritised and investigated if possible prior to clearance. Fly-tipping on the public highway and Council land accounted for 90% of the reported incidents.

2.3 The Environment & Neighbourhood team continue to pursue fly-tippers through the courts. The following prosecutions were carried out in 2015:

Prosecution for fly-tipping at Springfields, Waltham Abbey

2.4 Mr Terence Sullivan of Morris Court Waltham Abbey was fined £120 and ordered to pay a contribution towards the prosecution costs of £200 after pleading guilty to an offence of depositing fly-tipped waste on 16th March 2015 in a bin store at Springfields, Waltham Abbey. The fly tipping of waste in the bin store serving properties in Springfields Waltham Abbey was witnessed by a member of the public on 16th March 2015 and reported to the Council the following day. Environment and Neighbourhood officers were able to trace the vehicle used in the fly tipping back to Terence Sullivan of Morris Court Waltham Abbey, who when subsequently interviewed under caution admitted being responsible for its deposit which included some waste from his business as a roofing company.

Prosecutions for fly-tipping in Burton Road car park, Loughton

2.5 At Chelmsford Magistrates Court on 21 May 2015, Martin Temple of no fixed abode pleaded guilty to an offence of fly tipping in the car park at the rear of the shops in Burton Road Debden on 1st January 2015. He was fined £145 and ordered to pay a contribution towards the Council's legal costs of £150 and a victim surcharge of £20. In addition, Ian Hawkins of St Pauls Way Waltham Abbey pleaded guilty to an offence of fly tipping in the same location on 5 January 2015. He was fined £45 and ordered to pay a contribution towards the Council's legal costs of £100 and a victim surcharge of £20.

Serial offender prosecuted for 46 fly-tipping offences on Council land in Loughton

2.6 Evidence gathered by the Council's Environment & Neighbourhood team assisted by CCTV evidence provided by colleagues from the Community Safety team led to a prosecution in Chelmsford Magistrates Court on 23rd April 2015. The prosecution was a culmination of many months of thorough investigation work that resulted in a number of formal interviews before the offender was prosecuted.

2.7 £3,567 clearance costs and a contribution towards the prosecution costs of £85 were awarded to the Council after Mr John Edward Newman of Honey Lane Waltham Abbey pleaded guilty to multiple fly-tipping offences between 6th January 2012 and 14th July 2014 in a garage area in Pyrles Lane Loughton. Mr Newman was also given a 26 week prison sentence suspended for one year with a curfew for the period of 6 months between the hours of 10.00pm and 8.00am.

2.8 In addition, the Magistrates made a Criminal Behaviour Order on conviction. For a period of 5 years Mr Newman is prohibited from advertising any waste clearance services and loading or carrying any waste in a vehicle unless he obtains a waste carriers licence or is employed by a licensed company. He was also banned from entering the garage area in Pyrles Lane, Loughton where the evidence of the fly-tipping was recorded.

2.9 In relation to the case a number of householders were cautioned for failing to carry out reasonable checks to ensure that they gave their waste to an authorised person and a builder was prosecuted for failing his waste duty of care.

3. Littering & Fixed penalty notices (FPN)

3.1 Pre-arranged operations to target littering offenders have been carried out across the district. Officers have noted that members of the public now appear to be more aware of our uniformed presence and can be seen to be using the litter bins provided.

3.2 The ENO team participated in a County wide litter prevention campaign in this period, with deterrent and education rather than enforcement in mind e.g. officers on litter patrols in Loughton spoke to smokers before they had an opportunity to litter (in all but two cases) and cigarette butt pouches were handed out to grateful members of the public.

3.3 The ENO team continue to carry out regularly litter and dog fouling patrols and will be participating in another County wide litter campaign in 2016. The ENO team have recently received a supply of new dog fouling warning signs that are currently being positioned in hot-spots.

4. Noise

4.1 The Council provides a 24 hour restricted callout service for noise complaints throughout the year. The Council aims to resolve noise complaints informally but has strong powers to take legal action if noise causes a statutory nuisance. There is further information on the Council's web site at:

<http://www.eppingforestdc.gov.uk/index.php/residents/your-environment/crime-safety/out-of-hours-noise-service>

4.2 Residents suffering from noise nuisance can report incidents and obtain advice on noise issues by contacting the Council on 01992 564608, within normal working hours. Outside normal working hours incidents can be reported on 01992 564000. The duty noise rota is covered by the ENO team. This service enables officers to respond quickly to ongoing noise complaints, witness incidents and pursue formal action. The majority of complaints are resolved informally but there have been a number of prosecutions in 2015.

4.3 **Christopher Piper of 38 Marlescroft Way Loughton** was prosecuted by Epping Forest District Council for a breach of a Noise Abatement Notice served on him on 11th June 2015 which required him to maintain the volume of music and amplified sound emanating from 38 Marlescroft Way Loughton at a level that will not cause a statutory nuisance to the occupiers of noise sensitive premises. The breach occurred on 19th June 2015.

4.4. Mr Piper failed to attend at a hearing in Chelmsford Magistrates Court on 8th October 2015 and the Magistrates found him guilty of the offence in his absence. They imposed a fine of £120. He was also ordered to pay a contribution towards the Council's prosecution costs of £200, the new Criminal Court charge of £520 and a Victim surcharge of £20. Essex Police subsequently obtained a Closure Order in respect of the property on 18th September 2015 and the Council also obtained a forthwith possession order in Edmonton County Court on 6th October 2015.

4.5 **Hannah Hines of Caneland Court** was prosecuted by Epping Forest District Council for a breach of Noise Abatement Notices served on her on 22 April 2015. Notices were served after Council officers were satisfied that a statutory nuisance was being caused by noise coming from her property and required her to restrict the level of shouting, screaming, raised voices, banging and impact noise at a level that will not cause a statutory nuisance to the occupiers of noise sensitive premises. The breach occurred on 26th April 2015.

4.6 At a hearing in Chelmsford Magistrates Court on 9th July 2015 both Ms Hines pleaded guilty to the offence. She was fined £110 and ordered to pay a contribution towards the costs of the prosecution of £200. She was also ordered to pay a Criminal Court Charge of £150 and a Victim surcharge of £20. The Magistrates were informed that a complaint of noise nuisance had been received by the Council on 26 April 2016 at about 01.25 hours. An Environment and Neighbourhoods officer visited the complainants and between 01.47 and 02.40 hours witnessed shouting, screaming, swearing, live singing and banging which was at a level that would have prevented sleep and disturbed the complainant's enjoyment of their property throughout that time.

4.7 **Jaqueline Hunt and Nicholas Hunt** of Hoveton Way Fairlop (near Barkingside) Essex were prosecuted by Epping Forest District Council for a breach of Noise Abatement Notices served on them on 5th March 2014 in respect of the fish restaurant "**Catch**" **147 Queens Road Buckhurst Hill** of which Jaqueline Hunt is the Designated Premises Supervisor and Nicholas Hunt is the manager. The Notices were served after Council officers were satisfied that a statutory nuisance was being caused by noise coming from the restaurant and require them to maintain the volume of music and amplified sound emanating from the restaurant at a level that will not cause a statutory nuisance to the occupiers of noise sensitive premises. The breach occurred on 27th February 2015.

4.8 At a hearing in Chelmsford Magistrates Court on 21st May 2015 both Mr & Mrs Hunt pleaded guilty to the offence. They were each fined £400 and each ordered to pay costs of the prosecution of £270. The Magistrates were informed that a complaint of noise nuisance had been received by the Council on 5th February 2015 at about 21.55 hours. An Environment and Neighbourhoods officer had visited the complainants and between 22.40 and 23.10 heard music and live singing which was at a level that would have prevented sleep and disturbed the complainant's enjoyment of their whole property throughout that time. It was therefore in breach of the Abatement Notice.

£660 fine for breach of noise abatement notice due to loud music

4.8 Ms Natasha Thompson of 22 Longcroft Rise Loughton was found guilty of breaching a noise abatement notice and fined £660 in Chelmsford Magistrates Court on 27 April 2015. She was also ordered to pay a victim surcharge of £66 and a contribution towards the Council's prosecution costs of £200.

4.9 At an earlier hearing Ms Thompson pleaded not guilty to the offence and a trial was fixed for 27th April 2015. Ms Thompson failed to attend at the trial which proceeded in her absence. An Environment and Neighbourhood officer gave evidence as to what he had heard. He also gave evidence about numerous offers to Ms Thompson by the Council to visit her and provide advice to help her comply with the notice.

5. Taxi licensing checks

5.1 The ENO team carry out regularly checks on taxis late at night and into the early of the hours of the morning throughout the year, to check compliance with taxi licence conditions and to detect and deter unlicensed taxis from operating. Recently there have been no reports from licensed drivers that unlicensed drivers have been operating in the area after a successful prosecution earlier in the year. In the past EFDC licensed taxi drivers have been quick to notify the Council if they suspect that an illegal taxi is operating, taking their trade. However, checks in June 2015 did result in a prosecution of an unlicensed driver.

Prosecution for unlicensed taxis – Mr R Wilkinson

5.2 Robert Wilkinson of St Mary's Way Chigwell was fined £150 and ordered to pay the Council's prosecution and investigation costs of £677.83 after he pleaded guilty by post to an offence of standing or plying for hire as a Hackney Carriage without the appropriate licence.

5.3 The Council's Environment & Neighbourhood team carried out spot checks on unofficial taxi ranks at Loughton and Epping in the early hours of 21st June 2015. This resulted in a prosecution in Chelmsford Magistrates Court on 10th December 2015. Officers witnessed a Citroen Belingo owned by Robert Wilkinson in both locations apparently standing or plying for hire. At the location in Loughton he drove off when officers approached his vehicle. They were able to speak to him at the Epping location when he told them that he was waiting for his son to come out of one of the clubs. It was noted that the expiry of the Hackney Carriage Licence plate on the vehicle was 19 March 2016. However the following day it was found that the licence had expired on 19th March 2015 and had not been renewed. Also on that date Mr Wilkinson had applied for a new Licence and had returned his previous licence plate with the corner showing the year of expiry broken off. There however appeared to be an indication that a marker pen had been used to change the date. Further CCTV evidence was also obtained to show that Mr Wilkinson had been "ranking up" in Epping and had also displayed his illuminated "For hire" sign in Loughton. When subsequently interviewed under caution Mr Wilkinson denied that he was standing or plying for hire but admitted that it looked like he was displaying his illuminated for hire sign in Loughton and that he was parked in the unofficial taxi rank in Epping.

Appendix 1 - Safer Cleaner Greener Strategy - Enforcement Activities – 2015

Table 1: Activity recorded by Environment & Neighbourhood Officers (ENO) – “Winter” 2015/16 (1st October 2015 to 2 March 2016) and previous 6 monthly data for comparison.

Activity recorded by Environment & Neighbourhood Officers (ENO)	Winter 2015/16 01/10/15 to 02/03/16 (note 1)	Summer 2015 01/04/15 to 30/9/15	Winter 2014/15 01/10/14 to 31/03/15	Summer 2014 01/04/14 to 30/9/14
Reactive fly-tip work in response to an incident				
Number of fly-tipping incidents reported to the Council	821	858	959 (note 2)	893
Incidents investigated	226	257	432	642
Warning/Enforcement letter sent	83	43	108	70
Statutory notice	31	21	42	5
Prosecution	3	2	1	3
Formal Caution	2	4	3	3
Proactive waste/fly-tip work				
Investigation	107	129	139	213
Warning/Enforcement letter	39	58	56	50
Statutory notice	6	1	7	3
Prosecution/caution not related to a specific fly-tip	0	1	1	0
Other non-fly-tipping work				
Total enquiries/complaints dealt with by ENO team (excluding above)	676	1051	807	1145
1. Noise (Out of hours noise service complaints included in total)	443 (184)	782 (313)	549 (252)	805 (220)
2. Bonfires (domestic and commercial)	45	80	64	116
3. Street Trading	7	5	13	18
4. Licensing consultation	3 (note 3)	56	127	146
5. Other (light pollution, littering, planning consultations, unauthorised encampments, flyposting).	34	41	36	60
Fixed Penalty Notices (FPN)				
Litter, Waste receptacle offences, dog fouling.	3	7	10	3
FPN income (£)	110	295	600	175

Note 1 – data incomplete for this period, data produced on 2 March 2016, “winter period” finishes 31 March 2016. 5 month instead of 6 months data.

Note 2 – codes used for data collection changed in this period to accommodate integration with new waste contractor. Figure may include some duplication.

Note 3 – Consultations on Temporary Event Notices (TENS) are no longer recorded by the ENO team unless a representation is made. The majority of TENS require no comment.