

Report to Safer, Cleaner, Greener Scrutiny Standing Panel



Date of meeting: 6 January 2011

Subject: Enforcement activity

Officer contact for further information: Jim Nolan

Committee Secretary: Adrian Hendry

Recommendation:

To receive and consider the update report on enforcement activity undertaken within the Neighbourhoods Team of the Environment & Street Scene Directorate

Report:

1. The Panel received a report in July 2010 setting out details of enforcement activity for the six month period commencing January 2010. Members of the Panel felt that it would be more helpful if reporting was better aligned with the Council's normal statistical reporting periods which did not cross municipal years. The information set out this report therefore covers the period April 2010 to the end of September 2010.

2. It should be noted that only the work of the Neighbourhoods Team, alongside the Waste Team and Safer Communities Team where appropriate, is included. Therefore no data is included on enforcement activities by the Public Health Team which covers issues such as food and health and safety and some nuisance related work. If Members wish that to be included officers will do so for the next six month report.

3. The table below sets out the core activities:

Activity	01/04/10 to 30/09/10
Fly-tipping	
Incidents reported	812
Incidents referred to ENO "to consider investigation"	646
Incidents investigated	408
Warning/Enforcement letter sent	74
Statutory notice	3
Duty of Care inspection	1
Prosecution	3
Stop and Search	3
General enforcement work dealt with by ENO (Selected codes, typically the top 5 codes, not including fly-tipping detailed above).	
Total enquiries/complaints dealt with by ENO team	1022
1. Noise (of which 335 were outside normal hours)	733
2. Bonfires	98
3. Refuse nuisance	83
4. Litter	21
5. Street Trading	42
6. Waste duty of care	11

4. Of the 812 reported fly tipping incidents, most were on the highway (382) including verges that form part of the highway. The second largest land type was on Council land (327), predominantly Housing land, often due to householders' poor waste management rather than fly-tipping by somebody unrelated to the area. These two land types accounted for 87% of the reported incidents.

5. In terms of the breakdown between rural and urban areas, there is currently so simple way to extract this information. Similarly, we are unable to report on the number of incidents in each ward (as requested at the July meeting); however we are currently looking at improvements in mapping incidents (to help target enforcement work) and we may therefore be able to provide this detail in the near future.

6. Finally, full use of the database system for recording fly-tipping enforcement work was not established until January 2010 making comparison with data before and after January 2010 very unreliable. In the future, it will be possible to provide accurate comparative data.

7. There has been additional enforcement activity of interest to the Panel in addition to that set out above. Particular activity thought to be of particular interest include:

(i) Mr Emmerson, Roadside House, Avenue Road, Dobbs Weir prosecuted on 10 September 2010 – fined a total of £5,000 and £580 costs for burning waste and breaching a smoke abatement notice despite numerous warnings (6 offences witnessed between April 2010 and June 2010, most of these witnessed outside normal working hours using the Councils emergency call out service).

(ii) Mr Erbil, licence holder of Valley Express prosecuted on 13 August 2010 for serving alcohol after licensed hours (after a test purchase), despite warnings to comply with licence conditions. Fined £200 and £115 costs

(iii) Mr Ahmed prosecuted on 14 May 2010 in relation to household duty of care responsibilities with regard to a fly-tipping incident on Roding Valley Nature Reserve in July 2009. Fined £1,000, with £500 costs and an additional £1,000 towards the clearance costs for Essex Wildlife Trust

(iv) 7 Felstead Road, Loughton, warrant obtained and equipment seized to enforce a noise abatement notice. Court case pending.

(v) Abatement notices served under section 80 of the Environmental Protection Act 1990 for noise and bonfire smoke at other premises