

## ***Report to the Council***

**Committee: Cabinet**

**Date: 18 December 2012**

**Subject: Environment Portfolio**

**Portfolio Holder: Councillor Will Breare-Hall**

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### **Recommending:**

**That the report of the Environment Portfolio Holder be noted.**

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### **Waste Management**

At the most recent meeting of the Waste Management Partnership Board, on 5 November, we learnt of significant changes within the Sita management hierarchy resulting in a new Regional Manager, Dave Swire, being appointed. I am confident that these changes will have no negative impact upon the Council's excellent relationship with Sita, and look forward to working with Mr. Swire over the remaining two years of the waste management contract.

Having mentioned that the contract has just two years to run, officers have already started work on what the nature and content of the next contract might look like and how best to procure it. I shall return to this subject in the New Year to inform Members how I intend to progress this very important issue and involve them in the process.

As we run into the Christmas and New Year break I urge all Members and residents to pay special attention to their waste collection calendars and the Christmas edition of "Forester", where details of changes to collection dates are set out. These details are also available on the Council's website. Everyone should note that collection dates will be 1 or 2 days later for the period commencing 24 December 2012, with normal collections being resumed on Monday 14 January 2013. As Members will be aware, we do not ordinarily collect side waste, but for the first residual (black wheelie bin) collection after Christmas we will do so, although I hope that residents will recycle as much of their excess Christmas waste as they can using the Council's kerbside and bring bank recycling services.

### **Environmental Health & Neighbourhoods**

Members may have read recent local press coverage on the health and safety prosecution related to the death of a two year old at a nursery within the District. At the recent Cabinet meeting it was agreed to make additional budgetary provision to support the probable costs of this enforcement action. The prosecution is scheduled to commence on 7 January 2013 and has been listed for a 4 week duration. It is likely that during this time there will be considerable media interest so I'd like to remind Members that any media enquiries should be referred to the Council's Public Relations team for an official response.

Evidence gathered by the Environment & Neighbourhood team led to a case heard in Chelmsford Crown Court on 25 & 26 October 2012. Adam Southall was found guilty of causing controlled waste to be fly-tipped on land at Weald Hall Lane Thornwood. He was subsequently fined £735, ordered to pay a victim surcharge of £15 and to pay a contribution towards the Council's prosecution costs of £2,250, making a total of £3000. Previously, the Rent Team Limited was prosecuted under the Environmental Protection Act 1990 for the offence of not securing that the transfer of waste was to an authorised person and not exchanging a written description of the waste. The company pleaded guilty to the offences at Harlow Magistrates Court and were fined £500 (and ordered to pay £396.81 costs, including £105.10 towards the cost of clearance). Mr Southall also attended at the hearing and was identified by the Director of the Rent Team as being the person who had cleared the rubbish from Milwards Harlow. After further investigations Mr Southall was charged with fly-tipping.

A press release has subsequently been issued that received coverage in Harlow. Advice to companies on complying with their duty of care with regard to waste has also recently been published on the Council's web site and in the October Business Briefing.

CCTV recently installed in The Broadway, Loughton, by colleagues in the Safer Communities team has provided evidence that has led to offenders accepting formal cautions for fly-tipping in or around bins provided for residents. The CCTV has revealed an under reported problem of visitors to The Broadway transporting waste in their vehicles and disposing of this in communal bins or the shops' commercial containers. This can lead to bins being overloaded quickly, using up the capacity well before the collection date, leading to further deposits. The Environment & Neighbourhood Team have a number of ongoing cases pending further investigation and intend to issue a press release to try and deter the "lesser crime" of tipping in somebody else's bin.

Large fly-tipping from vehicles on rural roads in Nazeing has started again. The waste contains no evidence to enable the source to be traced and the areas involved are unsuitable for CCTV. If police resources allow, the ENO team hope to re-introduce stop/checks on suspect vehicles in 2013 in order to try and deter and detect illegal waste carriers (as well as assisting the police to deter burglary and scrap metal theft).

Littering patrols recently carried out in Loughton caught five offenders dropping cigarette butts. All five are due to be offered fixed penalty notices. It appears that all the offenders were aware that dropping cigarette butts constitutes littering and that officers may be patrolling. A press release will be issued to help educate and warn smokers.

The out of hours noise service is running smoothly with the rota now set for the whole of 2013. The duty officer recently had to obtain a warrant to gain access and disable a misfiring intruder alarm in Highbridge Street, Waltham Abbey. The cost of the work, amounting to £470, is due to be re-charged to the owner of the property.

A recent change in the law means that the Council can no longer apply for RIPA (Regulation of Investigatory Powers Act ) authorisation to carry out directed covert monitoring of incidents that attract less than a 6 month custodial sentence, such as noise. There is some debate as to whether RIPA authorisation is ever required for noise monitoring, and at EFDC we have adopted the procedure that all noise

monitoring is carried out with prior warning (to make it overt to some degree) or as an immediate response to events. There appears to be no reason to change this procedure, however the change in the law has made it clear that the Council should not carry out covert directed surveillance that is likely to obtain private information, for less serious offences.

### **Land Drainage/Flooding**

The recent wet weather has once again tested the Council's Engineering, Drainage and Water Team, as some parts of the District were flooded. The rainfall in November brought about the same type of flooding incidents that were experienced during the summer (flash flooding from surface water runoff). Various Flood Alerts were received and monitored, 19 calls were received from residents and businesses seeking assistance or reporting flooding problems. The Council's term contractors delivered and deployed 50 filled sandbags, whilst officers were available to deliver the lighter self-inflatable sandbags to a number of properties at high risk of flooding.

Advice and assistance was given to residents and works were carried out on Council's own infrastructure and flood risk assets to try to mitigate the affects of the floodwaters. Follow up investigations are being carried out and any enforcement action required will be taken.

I would like remind members that the Council, whilst it has no duty to do so, has always assisted residents at times of flooding. However, we cannot always respond in time to prevent damage to property and therefore residents who are regularly affected by flooding, howsoever caused, should take steps to protect their properties