

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

**Subject: Environment Portfolio**

**Date: 30 July 2013**

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

---

### **Recommending:**

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

---

### **Waste Management**

Work on the procurement of the next waste management contract is now well underway, with Cabinet having received a report setting out the companies who have been selected to be part of the first phase of the procurement exercise and agreeing the initial contract documents and specifications. I would remind Members that this procurement is using the "Competitive Dialogue" procedure which means that there will be a number of stages to the procurement process, with opportunities for changes to the proposed arrangements along the way. My Portfolio Holder Advisory Group has been kept informed throughout – something I will continue over the coming months – and I would like to thank the members of the Group for their time and hard work so far.

One of our contractor's loaders, Mr Anthony Stearns, was unfortunately involved in a very serious accident in Nazeing, resulting in the loss of a leg below the knee. Whilst it would be inappropriate for me to comment in any way upon the circumstances surrounding the accident, I am sure that all Members will wish to join me in wishing Anthony a speedy recovery from his injuries.

### **Environmental Health & Neighbourhoods**

**Health & safety** - Members may well have seen in the local and national media that the trials of Casterbridge Nurseries and Kayley Murphy, in relation to the death of two year old Rhiya Malin, have finally been concluded at Chelmsford Crown Court. At the sentencing hearing in late June, Casterbridge were fined a total of £150,000 plus costs to the Council of £70,000 and Miss Murphy was fined £2,400. This case started some five and a half years ago, although this Council's enforcement action did not commence until after various considerations by the Crown Prosecution Service relating to Corporate Manslaughter and a Judicial Review of their decision not to proceed along those lines. As I am sure Members can imagine, this has been a highly complex investigatory and legal process, and I know that Rhiya's parents have been very grateful for the support provided to them and for the Council pursuing the case as diligently as it has. In thanking all the Council's officers who have been involved in bringing this case to a successful conclusion, I would like to take the unusual step of singling out two in particular; Brian Stalabrass, Environmental Health Officer, who undertook the investigation, gathered the required evidence etc; and Graeme Oakley, Senior Legal Executive, who had the task of ensuring that all the

necessary papers were provided to the Council's barristers and the Courts at the right time. They carried out these tasks in an exemplary and professional fashion, and their diligence was instrumental in the Council's success at Court.

On a separate health and safety matter, officers are preparing a prosecution report following an accident at a residential care home where a passenger lift containing a resident and three ambulance crew failed and fell from the second to the ground floor.

**Other Environmental and related matters** - A resident of Boxted Close, Buckhurst Hill, was issued with a noise abatement notice on 4 April 2013 to control loud music. Unfortunately, the music continued to be played at an unacceptable level. Officers subsequently witnessed the noise abatement notice being breached on nine occasions. This resulted in officers obtaining a warrant and, supported by the police, seizing equipment from the premises on two occasions. Officers also successfully applied for an interim anti-social behaviour order (ASBO) at Chelmsford Magistrates' Court. The resident now risks arrest and imprisonment if the order is breached.

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 14 May 2013. An Ongar resident pleaded guilty to nine offences of street trading in the car park at Billie Jeans Public House in Epping High Street between 29 November 2012 and 19 December 2012 by exposing or offering Christmas trees and other similar decorative items for sale without having a Street Trading Licence. He was fined a total of £900 and was ordered to pay a contribution towards the Council's prosecution costs of £775.

In accordance with our enforcement policy officers warned the resident in October 2012 that a Street Trading Licence was required. He was verbally warned again on 2<sup>nd</sup> November 2012 and a letter was sent to him reemphasising the need to have a Street Traders Licence.

A resident of Pancroft, Abridge, was given a 12 month conditional discharge, and ordered to pay the waste removal costs of £92.23, after she pleaded guilty to failing in her "household duty of care", by not taking all such measures available to her as were reasonable in the circumstances to secure that the transfer of waste from her property was only to an authorised person. She was prosecuted on 14 May 2013 after fly-tipped waste had been found which was traced back to her.

A resident of Cheshunt pleaded guilty in Chelmsford Magistrates Court on 11 June 2013 to depositing waste otherwise than as authorised by a waste management permit, in that he unlawfully disposed of a liquid, used in removing contaminants in the processing of bio fuels, into a ditch/pond in Green Lane, Hastingwood, on 9 November 2012. He was fined £750 and ordered to pay the Council's prosecution costs of £621.

On 15 May and 21 June 2013, officers carried out evening checks on taxis and visited a number of licensed premises in Loughton, to check on licence conditions. Officers also checked to ensure that all door staff were Security Industry Authority (SIA) authorised.