

Safer Cleaner Greener Strategy - Enforcement Activities

Table 1: Activity recorded by Environment & Neighbourhood Officers (ENO) - Winter 2012/13 (1st October 2012 to 31 March 2013) and previous 6 monthly data.

Activity recorded by Environment & Neighbourhood Officers (ENO)	Winter 2012/13 01/10/12 to 31/03/13	Summer 2012 01/04/12 to 30/9/12	Winter 2011/12 01/10/11 to 31/03/12	Summer 2011 01/04/11 to 30/9/11
Reactive enforcement work related to a specific fly-tipping incident (code 01FP)				
Number of fly-tipping incidents reported to the Council (codes 01FP & 01SC)	862	858	498	630
Incidents investigated (01FP with code EF01)	575	483	349	382
Warning/Enforcement letter sent (01FP with code EF03)	147	108	73	62
Statutory notice (01FP with code EF02)	33	8	4	6
Prosecution (01FP with code EF05)	5	6	3	4
Formal Caution (01FP with code EF06)	3	2	0	0
Proactive fly-tip related enforcement work (code ENFO)				
Investigation (ENFO with code EF01)	177	193	116	181
Warning/Enforcement letter (ENFO with code EF03)	141	85	94	77
Statutory notice (ENFO with code EF02)	27	11	53	6
Stop and Search (ENFO with code EF08) (see note 1)	1	0	31	6
Prosecution/caution not related to a specific fly-tip (ENFO with code EF05/06)	1	0	0	1
General enforcement work dealt with by ENO (not including fly-tipping detailed above)				
Total enquiries/complaints dealt with by ENO team	807	1018	706	945
1. Noise (total)	558	741	555	794
1.1 Out of hours noise service complaints included in above total	167	344	215	320
2. Bonfires (domestic and commercial)	49	75	64	103
3. Street Trading	22	11	24	39
4. Licensing consultation (see note 2)	78	122	18	15
Fixed Penalty Notices (FPN) (Dog Fouling, Litter, Waste receptacle offences)				
FPN income (£)	535	250	360	1575

Notes on table 1.

1. Stop/check work on suspect waste carriers relies on Essex police resources to stop vehicles. Due to the pressure on police resources due to the Olympics etc, stop/checks were cancelled in summer 2012. It is hoped that these will re-commence in 2013/14.
2. Increase due to change in licensing law that means that Environment & Neighbourhoods are now consulted on all Temporary Event Notices. Most of these applications require no comment and can be reviewed quickly.

Commentary on winter 2012/13

Fly-tipping incidents

All incidents of fly-tipping reported to the Council are recorded (862). 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 (575), prior to clearance.

Most incidents were on Council land (383), predominantly Council housing land, often due to householder's poor waste management rather than fly-tipping by somebody unrelated to the area e.g. bulky items deposited in bin stores, contaminated recycling bags etc. The second largest category was highway land (379). These two land types accounted for 88% of the reported incidents. The Environment & Neighbourhood team intend to continue to target fly-tipping/poor waste management by residents, to ensure that they comply with the Council's collection procedures and avoid illegally depositing waste (i.e. fly-tipping).

We have recently published articles in the Council's Forester magazine and business briefing (and have drafted a similar article for the Council's Housing news) to promote residents and businesses taking responsibility for their waste and avoid breaking the law. As well as educating residents, to avoid waste getting into the hands of potential fly-tippers and to promote residents disposing and storing their own waste correctly, the ENO team will be continuing to prosecute offenders and issue press releases to deter offenders.

Fixed penalty notices (FPN)

Pre-arranged operations to target littering offenders have been carried out across the district. Officers 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.

Twelve fixed penalty notices were offered in this period for littering and failure to comply with a notice requesting the correct waste receptacle to be used, resulting in an income of £535.

Taxi Licensing Enforcement

On Friday 7 December 2012, Environment & Neighbourhood Officers visited the High Rd, Loughton and Club 195, High St, Epping in the early hours of the morning from 10.30pm to 03.30am. 11 EFDC licensed taxis were inspected and a number of private hire vehicles from other authorities checked to ensure they were pre-booked and not operating illegally. Some minor issues were identified regarding stickers on licensed vehicles. A driver of a suspected unlicensed taxi was subsequently invited to attend a formal interview. He failed to attend, but has subsequently ceased allegedly operating in the district. The driver appeared to be receiving work directly from door staff of a licensed property in Loughton. This now appears to have ceased.

A further evening operation on Saturday 23 March 2013 was cancelled due to snow and is due to be re-arranged.

Prosecution/caution details

1. 5 October 2012 - A visitor to the district from Kent was issued with a formal caution for depositing waste in and around communal bins serving residents in Oakley Court, Loughton.
2. 12 October 2012 - A resident of Brooklyn Court, Loughton was issued with a formal caution for failing to comply with their household duty of care, leading to waste being fly-tipped in Church Lane, North Weald.
3. Evidence gathered by the Council's 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 Essex. 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.
4. 3 December 2012 - A resident of the Broadway, Loughton was issued with a formal caution for depositing waste wood in the bin storage area serving residents of the Broadway, Loughton.
5. 3 December 2012 – An owner of a business in the Broadway, Loughton was issued with a formal caution for fly-tipping commercial waste in and around bins provided for residents in the Broadway.
6. Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 8 January 2013. Mr. Ben Gan Chapman - Ozcam of Eastern Avenue Romford pleaded guilty to three offences in relation to some fly-tipped waste on garage land at Bushfields Loughton. He was fined a total of £1,500 and ordered to pay £1006.73 towards the Council's prosecution costs, which included £108.41 clearance costs.
7. Evidence from an Environment & Neighbourhood officer enabled the London Borough of Waltham Forest to link a fly-tipper to a business in Loughton Way, Buckhurst Hill. The case was heard in court on 15 Jan 2013 resulting in a £500 fine, £900 costs and £15.00 victim surcharge.

8. 30 January 2013 – A resident of Collard Avenue Loughton was issued with a formal caution for failing to comply with their household duty of care, leading to waste being fly-tipped in Roding Road, Loughton.

9. Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 20 March 2013. Mr. Zeshan Ali of Hillside Gardens Walthamstow pleaded guilty to fly-tipping waste (about 5 recycling bags) in Luxborough Lane Chigwell. He was fined a total of £75 and ordered to pay £200 towards the Council's prosecution costs.

10. Fly tipping around communal waste bins at Oakley Court Loughton led to Miss Nyree Hilton being fined £25 and ordered to pay £25 towards the Council's prosecution costs in Chelmsford Magistrates Court on 20th March 2013, for failing to reply to a formal request for her to answer questions in relation the incident made under Section 108 of the Environment Act 1995.