

Safer Cleaner Greener Strategy - Enforcement Activities

Table 1: Activity recorded by Environment & Neighbourhood Officers (ENO) – summer 2013 (1st April 2013 to 30 September 2013) and previous 6 monthly data.

Activity recorded by Environment & Neighbourhood Officers (ENO)	Summer 2013 01/04/13 to 30/9/13	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
Reactive fly-tip work in response to an incident				
Number of fly-tipping incidents reported to the Council (codes 01FP & 01SC)	773	862	858	498
Incidents investigated (01FP with code EF01)	554	575	483	349
Warning/Enforcement letter sent (01FP with code EF03)	104	147	108	73
Statutory notice (01FP with code EF02)	11	33	8	4
Prosecution (01FP with code EF05)	7	5	6	3
Formal Caution (01FP with code EF06)	2	3	2	0
Proactive waste/fly-tip work				
Investigation (ENFO with code EF01)	184	177	193	116
Warning/Enforcement letter (ENFO with code EF03)	55	141	85	94
Statutory notice (ENFO with code EF02)	8	27	11	53
Stop and Search (ENFO with code EF08) (see note 1)	6	1	0	31
Prosecution/caution not related to a specific fly-tip (ENFO with code EF05/06)	1	1	0	0
Other non fly-tipping work				
Total enquiries/complaints dealt with by ENO team (excluding above)	1248	807	1018	706
Selected data:				
1. Noise (Out of hours noise service complaints included in total)	893 (298)	558 (167)	741 (344)	555 (215)
2. Bonfires (domestic and commercial)	109	49	75	64
3. Street Trading	9	22	11	24
4. Licensing consultation (see note 2)	146	78	122	18
5. Other (Light nuisance, littering, land clearance, flyposting, other licensing work)	91	100	69	45
Fixed Penalty Notices (FPN) (Dog Fouling, Litter, Waste receptacle offences)				
FPN income (£)	420	535	250	360

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. A series of Stop/Checks are planned for October 2013 as part of a Burglary Week of Action.

2. Increase in summer 2012 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 summer 2013

Fly-tipping incidents

All incidents of fly-tipping reported to the Council are recorded (773). 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 (554), prior to clearance.

Most incidents were on Council land (341), 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 (287). These two land types accounted for 81% of the reported incidents.

The Environment & Neighbourhood team continue to pursue fly-tippers through the courts.

Mr. Panayiotis Panayi pleaded guilty in Chelmsford Magistrates Court on 11 June 2013 to depositing waste otherwise than as authorised by a waste management permit. He was fined £750 and ordered to pay the Council's prosecution costs of £621.

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 9th July 2013. Mr. Raymond Tunstall of Fairview Close Walthamstow pleaded guilty to an offence of knowingly causing some waste to be fly-tipped on land at Burton Road Loughton. He was fined £300 and ordered to pay the Council's prosecution costs of £1210.

On 16th July 2013 Mr Andrew Way of Belvedere Road Leyton was fined £250 and ordered to pay the Council's prosecution costs of £1843 which included clear up costs of £300 after pleading guilty to eight offences in relation to some fly-tipped waste on land at the rear of the shops in Loughton Way Buckhurst Hill.

On 13 August 2013, Ms. Moji Allison of 472 Limes Avenue Chigwell pleaded guilty to the offence of fly-tipping approximately 34 black bin bags of waste on land next to the Yellow Block of flats on the Limes Farm Estate Chigwell. The Magistrates gave her a 12 month conditional discharge and taking into account her financial position, awarded a contribution towards the Council's prosecution costs of £150.

Household duty of care

Ms Susan Morey, aged 56, 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.

On 23 August 2013 a resident of Higham View, North Weald, received a formal caution for failing in her household duty of care, which led to a small amount of her waste being fly-tipped in a car park in Greensted Road, Ongar.

Failure to co-operate with an investigation into a fly tipping incident

On 3 September 2013 Karen Booth of Winters Way Waltham Abbey failed to attend at the hearing relating to an offence of failing to respond to a statutory notice served on her under section 108 of the Environment Act 1995 requiring her to supply information in relation to a large quantity of fly-tipped waste on land at the rear of her property. She was fined £400 and ordered to pay the Council's prosecution costs of £184.

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.

11 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 £420.

Officers are working toward the Council participating in a County wide litter prevention campaign in partnership with McDonalds in 2014.

Noise

At a trial on 24 July 2013, Ms Chrissie Holyoak (aged 53) of 36 Boxted Close Buckhurst Hill was fined a total of £150 and ordered to pay a contribution towards the Council's prosecution costs of £500 after being convicted of eight breaches of a Noise Abatement Notice served on her on 4 April 2013. She had pleaded not guilty to all eight offences in relation to playing music at her property on various occasions between 8 April and 20 May 2013, witnessed by the Councils Environment & Neighbourhoods team.

The Magistrates made a forfeiture order in respect of the equipment used by Ms. Holyoak to breach the noise abatement notice, which had been seized at the property by Council officers on two occasions.

An Anti-Social Behaviour Order (ASBO) on conviction was also made against Ms Holyoak prohibiting her from causing harassment alarm and distress to others by playing loud music and amplified sounds and from bringing any equipment onto her property capable of causing the statutory nuisance. An interim ASBO had been made by the Court at an earlier hearing.

Officers have now witnessed a further four breaches of the noise abatement notice and ASBO. Ms Holyoak is due to attend court on 22 October 2013 to enter a plea for these incidents. The Council's Housing Management are also pursuing proceedings to evict their tenant.

The Kings Oak Hotel in High Beach, Sheesh in Chigwell and The Sultan in Waltham Abbey have recently been served with noise abatement notices to control music and amplified sound to reasonable levels. All these premises had been given a warning and advice in the recent past to avoid causing a noise nuisance. Notices were served after the duty noise officer responded to a complaint and witnessed loud music coming from these properties. Similarly a resident of Fairways, Waltham Abbey was served with a noise abatement notice on 11 September 2013. The noise team aim to resolve complaints informally where possible, but are duty bound to serve a notice when satisfied that a nuisance exist or is likely to occur.

On the 10 September 2013 the Environment & Neighbourhood Team applied to extend an ASBO served on Mr D Bicker of 5 Clifton Road, Loughton. After consideration the Magistrates found that all three elements of the original ASBO had been breached since its imposition two years ago. They extended the current ASBO for a period of two years until 13 September 2015. Mr Bicker is currently being held at Chelmsford prison after being arrested by the police for allegedly breaching the ASBO.

Taxi & Licensing checks

On 15 May and 21 June, 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. The Royal Oak in Forest Road, Loughton has recently been refurbished and required some follow up work to check on compliance, but in general the licensed premises were complying with conditions and all the door staff were SIA authorised.

On Saturday 7 September 2013, officers carried out evening checks on taxis and visited a number of licensed premises in Waltham Abbey to check on licence conditions. In general the licensed premises were complying with conditions although one property was found to have an excessive number of gaming machines without the necessary permit. This is currently being followed up.

Street trading without consent

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 14 May 2013. Mr. James Mattock of The Gables Ongar 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.