

Safer Cleaner Greener Strategy - Enforcement Activities

Table 1: Activity recorded by Environment & Neighbourhood Officers (ENO) – Summer 2014 (1st April 2014 to 30 September 2014) and previous 6 monthly data for comparison.

Activity recorded by Environment & Neighbourhood Officers (ENO)	Summer 2014 01/04/14 to 30/9/14	Winter 2013/14 01/10/13 to 31/03/14	Summer 2013 01/04/13 to 30/9/13	Winter 2012/13 01/10/12 to 31/03/13
Reactive fly-tip work in response to an incident				
Number of fly-tipping incidents reported to the Council (codes 01FP & 01SC)	893	865	773	862
Incidents investigated (01FP with code EF01)	642	652	554	575
Warning/Enforcement letter sent (01FP with code EF03)	70	126	104	147
Statutory notice (01FP with code EF02)	5	18	11	33
Prosecution (01FP with code EF05)	3	4	7	5
Formal Caution (01FP with code EF06)	3	9	2	3
Proactive waste/fly-tip work				
Investigation (ENFO with code EF01)	213	234	184	177
Warning/Enforcement letter (ENFO with code EF03)	50	98	55	141
Statutory notice (ENFO with code EF02)	3	13	8	27
Stop and Search (ENFO with code EF08) (see note 1)	0	0	6	1
Prosecution/caution not related to a specific fly-tip (ENFO with code EF05/06)	0	1	1	1
Other non-fly-tipping work				
Total enquiries/complaints dealt with by ENO team (excluding above)	1145	759	1248	807
1. Noise (Out of hours noise service complaints included in total)	805 (220)	468 (138)	893 (298)	558 (167)
2. Bonfires (domestic and commercial)	116	57	109	49
3. Street Trading	18	19	9	22
4. Licensing consultation	146	106	146	78
5. Other (light pollution, littering, planning consultations, unauthorised encampments, flyposting).	60	109	91	100
Fixed Penalty Notices (FPN) (Dog Fouling, Litter, Waste receptacle offences)				
FPN income (£)	3	12	11	12
	175	525	420	535

Commentary on Summer 2014

Fly-tipping incidents

All incidents of fly-tipping reported to the Council are recorded (893). 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 (642), prior to clearance.

Most incidents were on Council land (407), 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 (338). These two land types accounted for 83% of the reported incidents.

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

Fly tipping of waste in a garage area in Pyrles Lane Loughton led to the source of the waste, Mr D Reynolds of Newmans Lane, Loughton (d.o.b. 29.09.67). Mr Reynolds was fined £500 and ordered to pay the prosecution costs of £916.96 which included £160 towards the clear up costs of the fly tipped waste. He attended Colchester Magistrates Court on 23rd May 2014 and pleaded guilty to failing in his duty of care, with respect to disposal of waste from his building jobs.

Mr Anthony Baptiste (d.o.b. 22/06/57) of Harries Court Waltham Abbey was fined £167 and ordered to pay a contribution towards the Council's prosecution costs of £150 after he pleaded guilty to fly-tipping two doors in a known fly tipping hotspot in Caneland Court Waltham Abbey. He attended Colchester Magistrates Court on 24th June 2014 after evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution.

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 11th September 2014 against Mr. Lexi Mukoyi of Copperfield Chigwell who pleaded guilty to an offence in relation to some fly-tipped waste found in Copperfield Chigwell. He had deposited some furniture and other items in a known fly tipping hotspot on about 6th March 2014. Mr Mukoyi was fined £200 and ordered to pay the Council's prosecution costs of £529.43 together with a Victim Surcharge £20.

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.

Only 3 fixed penalty notices were offered in this period for littering, resulting in an income of £175. This reduction is in part due to the ENO team participating in a County wide litter prevention campaign in this period, with deterrent and education rather than enforcement in mind e.g. litter patrols were accompanied by large full size cardboard cut outs of the campaign models with the campaign message "Its not smart/pretty to litter - Bin your litter or face a fine from £75" and cigarette butt pouches were handed out.

Noise

At a sentence hearing on the 14 July 2014, Chrissie Holyoak (DOB 28th June 1960) of 36 Boxted Close Buckhurst Hill was sentenced to 10 weeks imprisonment, suspended for one year after being prosecuted and found guilty of antisocial behaviour due to music noise from her property. Ms Holyoak was ordered to pay a proportion of the Council's prosecution costs at the rate of £10 per month for a period of 18 months. She was also ordered (with her consent) to take part in the Bridge Project for a period of 23 days (an intensive community programme designed and developed in Essex).

Four Environment and Neighbourhood officers employed by the Council gave evidence as to what they had heard on six occasions and the effect they had seen it had on the neighbour who experienced the noise nuisance. The neighbour also gave evidence the noise had had on her and her family. The ENO team had previously seized equipment from Ms Holyoak's property to abate the nuisance. Ms Holyoak has subsequently been evicted from the property.

Noise abatement notices to control music and amplified sound to reasonable levels have been served on the occupiers of 18 Crossways, Loughton and 19 Palmers Grove, Nazeing. A notice was also served to control the working hours for noisy demolition work on the Winston Churchill public House, The Broadway, Loughton.

Taxi licensing checks

On 27 June and 7 September 2014 officers carried out checks on taxis late in the evening and into the early hours of the morning. Most EFDC taxis were complying with licence conditions. Some minor breaches of conditions e.g. missing stickers and incorrect display of driver identification were recorded and advice provide regarding future compliance. One driver was stopped operating due to lack of an identification card and incorrectly fitted taxi plate. One alleged unlicensed taxi allegedly operating in Loughton is in the process of being prosecuted.

Prosecutions for illegal street trading

Mr. David King (d.o.b. 16/09/19) of The Drive Goffs Oak Hertfordshire was fined a total of £1,800 and was ordered to pay the Council's prosecution costs of £884.73 after a hearing in Colchester Magistrates Court on 24 June 2014. Mr King was summonsed for nine offences of street trading in the access road adjacent to Loughton Hall in Rectory Lane Loughton between 5th December and 20th December 2013 by exposing or offering Christmas trees and other similar decorative items for sale without having a street trading licence. Mr King failed to attend at the hearing and the offences were proved in his absence.

Mr. Robert White (d.o.b. 30/10/63) of Berwick Road, Marlow was fined a total of £700 and was ordered to pay a contribution towards the Council's prosecution costs of £500 after pleading guilty in Colchester Magistrates Court on 24 June 2014, to fourteen offences of street trading in Epping Road near the Wake Arms roundabout Epping between 3rd December and 20th December 2013, by exposing or offering Christmas trees and other similar decorative items for sale without having a street trading licence.

The site at Wakes Arms is now being operated legitimately under a new street trading consent and the trading in Rectory Lane has ceased.