

Appendix A – Fly tipping/waste prosecutions (1 April 2017 – 5 March 2018)

1. Failed waste duty of care leads to fly-tipping, arrest and prosecution

Michelle Pettengell of Eversley Close Loughton (DOB 12 December 1962) was arrested after failing to attend court, fined £200 and ordered to pay £400 towards the Council's prosecution costs, together with a Victim Surcharge of £30 after she admitted failing to comply with her waste household duty of care at a hearing on 24 April 2017 in Chelmsford Magistrates Court.

She had carried out some work at her property and had allowed a man who had knocked on her door to take it for £40 cash in hand without checking that the person taking the waste was registered to transport the waste. Her waste was later found fly-tipped in a garage area in Pyrles Lane, Loughton.

2. £1,500 prosecution bill for a fly tipping offence could have been avoided by paying £24 for the correct waste collection

Mr Dominic Bennett (DOB 9 September 1991) of Colson Road, Loughton was ordered to pay a fine of £320, the Council's prosecution costs of £1,170.52 together with a Victim Surcharge £32 (total £1,522.52) after he pleaded guilty in Chelmsford Magistrates Court on 6 July 2017 to the offence of fly-tipping a fridge freezer on grassland in Bushfields, Loughton. Mr Bennett had been given the opportunity of paying a Fixed Penalty Notice of £200, as an alternative to prosecution, but had failed to do so.

Mr Bennet could have arranged collection of the fridge freezer (and 2 other items) for £24 if he had used the Council's Special collection service for bulky household waste items.

3. Fly-tipping in Chequers Road, Loughton leads to household waste duty of care prosecution and £461 fine

Mr James Leach (DOB 6 July 1988) of Harvey Gardens, Loughton was fined £461 and ordered to pay £758.86 for the Council's prosecution costs together with a victim surcharge of £46 after pleading guilty to failing his household waste duty of care at a hearing on 6 July 2017 in Chelmsford Magistrates Court.

Mr Leach pleaded guilty in relation to an offence relating to fly-tipped waste (consisting of about 40 black sacks of waste, some wood and children's toys) found in a garage area in Chequers Road, Loughton.

He had allowed a man who had knocked on his door to take it for £70 cash in hand without checking that the person taking the waste was authorised to transport the waste. He stated that he was not aware that he had to do so. The Magistrates told him that it had been a very expensive mistake.

4. R & A Waste Removal Limited, Alfie Smith and Richard McGuire of Unit 4, Pick Hill, Waltham Abbey prosecuted for depositing waste without a permit or an exemption and falling in their duty of care.

At Chelmsford Magistrates Court on 14 September 2017 R & A Waste Removal Limited, Alfie Smith and Richard McGuire were prosecuted by Epping Forest District Council for waste offences relating to the deposit of waste on Unit 4, Pick Hill, Waltham Abbey.

The defendants each pleaded guilty to depositing waste on the site without a permit or in accordance with an exemption administered by the Environment Agency. R & A Waste Removal Limited also pleaded guilty to failing their waste duty of care.

R & A Waste Removal Limited were fined £2,000 and ordered to pay a contribution towards the Council's prosecution costs of £1,000 and a Victim Surcharge of £170. Alfie Smith and Richard McGuire were each fined £1,000 and ordered to pay a contribution towards the Council's prosecution costs of £500 and a Victim Surcharge of £120.

R & A Waste Removal Limited occupy the land. They registered an exemption administered by the Environment Agency, allowing the company to sort up to 10 tonnes of mixed recyclable waste at any one time. Alfie Smith and Richard McGuire are Directors of the company.

On 20 February 2017, an Environment & Neighbourhoods Officer for Epping Forest District Council investigated an allegation that excessive waste was being stored at the site. The officer found waste piled higher than the perimeter fence and that well in excess of 10 tonnes of waste appeared to be stored at the site including significant quantities of non-recyclable waste that was not covered by the exemption.

Investigations and potential further formal action are ongoing to seek removal of the waste deposited on the site.

5. Failing to care costs a local resident £1,451 in costs and fines due to fly-tipping

Rachel Cooper (DOB 25 October 1972) of Lushes Road, Loughton failed to attend two previous court hearings and was arrested on 29 September 2017 and then transported to Chelmsford Magistrates Court.

Ms Cooper pleaded guilty to handing over approximately 10 bags of household waste to someone who then fly-tipped them at the junction of Bushfields and Parkmead, Loughton. She was fined £120 for handing over the waste without checking that the person was authorised by the Environment Agency and £50 for not attending an interview with Council's Environment & Neighbourhood team required under Section 108 of the Environment Act 1990. She was also ordered to pay the Council's prosecution costs of £1,281.33.

The bags could have been taken to an Essex County Council Recycling Centre for Household Waste or sorted correctly, recycled and disposed of using the normal doorstep collection provided by Epping Forest District Council.

6. Fly-tipping on Claypit Hill, Waltham Abbey led to arrest, £1,686 fine and costs

Mr Loredan Ilias (DOB 6 September 1982) of Gascoyne House, Gascoyne Road, London E9 was ordered to pay a fine and costs amounting to £1,686.81 after pleading guilty to fly-tipping on forest land in Claypit Hill, Waltham Abbey.

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court with an eventual hearing on 14 December 2017 against Mr Loredan Ilias.

Mr Ilias pleaded guilty to the offence of fly-tipping paving stones, rubble and roofing material. Mr Ilias had failed to attend a number of hearings in 2016, leading to a warrant being issued for his arrest. Mr Ilias admitted to fly-tipping from a Mercedes Sprinter van on 10 January 2016.

The Magistrates stated that it was a serious offence and a reckless act in a place of Special Scientific Interest.

He was also ordered to pay the Council's prosecution costs of £724.81 together with a Victim Surcharge £73. The Magistrates also ordered Mr Ilias to pay compensation for clearance of the waste of £150 to the Corporation of London.

7. Fly-tipping in and near resident's bins in Loughton results in fine and costs of £781

Fly-tipping cardboard and other waste in bins intended for the use of residents of flats at the Broadway, Loughton resulted in fines and costs of £781.

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 8 February 2018 against Mr Gavin James Pye of Chelmsford Road, Holland-on-Sea, Essex who pleaded guilty to the offence of fly-tipping. Mr Pye admitted to the fly-tipping from a Ford Transit van on 21 April 2017.

The Magistrates stated that it was a negligent act and Mr Pye was ordered to pay a fine of £231. He was also ordered to pay the Council's prosecution costs of £500 together with a Victim Surcharge £30.