

Report to the Council

Committee: Cabinet

Date: 24 April 2018

Subject: Environment

Portfolio Holder: Councillor W Breare-Hall

Recommending:

That the report of the Environment Portfolio Holder be noted.

Fly-tipping

Fly-tipping incidents remain at a high level. The District has recently fallen victim to several industrial sized fly-tips, including an estimated 20-30 tonne trailer, with a full container of waste being left on the highway. Any identifying marks had been deliberately removed. Environment & Neighbourhood Officers (ENO) have found some evidence that could possibly lead to the source of the waste, and this evidence has been passed to the Environment Agency (EA), who have ongoing investigations into organised criminal fly-tipping. If the fly-tipping leads to sites in the District, the EN team will continue with the investigation in partnership with the EA, but invariably these large industrial sized fly-tips lead to sites outside the district, usually in London.

These large fly-tips impose significant clearance costs on landowners, including this Council. Anybody who has unused buildings that may be accessible to vehicles should be particularly vigilant to ensure that their land is as secure as reasonably possible. Organised fly-tippers have recently illegally entered a site between Ongar and North Weald, changed the locks, and returned to fly-tip waste. The EA are investigating this incident.

Officers recently reported to the Neighbourhood Select Committee, detailing last year's results for legal action in relation to waste offences. Officers reported that £13,677 of financial penalties had been imposed on offenders through prosecution action. In addition, 14 fixed penalty notices were paid, amounting to an additional £2,800.

A number of questions were raised in relation to fly-tipping. The fixed penalty notice (FPN) for fly-tipping offences is currently set at a default level of £200. Officers currently only offer (as an alternative to prosecution) a FPN for minor offences (a few bags of waste or an individual item such as fridge), when the offender has cooperated and admitted the offence under caution. It was agreed that Officers will produce a report for members to consider whether or not the FPN level should now be increased to its maximum of £400.

Hazardous fly tipping

This authority, in common with others, has been experiencing increasing problems with the removal and disposal of fly-tipped hazardous and asbestos waste. In the past we had to use the Waste Disposal (Essex County Council) contractor, who is based in Stevenage, Hertfordshire.

In order to speed up the process and remove all fly-tips, hazardous as well as non-hazardous, as quickly as practicable we have negotiated a revised arrangement with ECC.

This will mean that the Council can collect and dispose of both categories of fly-tips. We are now making the necessary arrangements to enable this to happen. I am hopeful that this will result in fly-tips being cleared from the public highway more quickly.

Fly-tipping in Loughton

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 8th February 2018 against Mr Gavin James Pye of Chelmsford Road, Holland-on-Sea, who pleaded guilty to the offence of fly-tipping. Mr Pye admitted to fly tipping cardboard and other waste in bins intended for the use of residents of flats at the Broadway, Loughton. He told the Council that he ran a gardening business and had deposited waste in the bins on a number of previous occasions.

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.

Change in littering law

From April 2018, for the first time, the EN team are able to apply penalties for littering to vehicle owners if it can be proved the litter was thrown from their vehicle, even if it was discarded by somebody other than the vehicle owner. Previously it was necessary to identify the person who dropped the litter.

The new penalty is different to the existing litter FPN that is still available for other littering offences. The new penalty is a civil penalty akin to parking penalty charge notices. Indeed the new penalty introduces an internal and external appeals process using the Traffic Penalty Tribunal as an independent adjudicator for this enforcement regime. The penalty doubles and becomes a civil debt if unpaid (rather than resulting in a prosecution if an existing litter FPN is unpaid).

The external appeals process is not yet in place. When details have been confirmed, officers will be looking to introduce a procedure to use the new penalty to tackle littering from vehicles.

Also from April 2018, the maximum fine local authorities can issue for dropping litter will increase, from £80 to £150. The minimum fine will increase from £50 to £65, while the default fine will increase from £75 to £100. The Council currently uses the default level but the actual level can be set by Members and will be the subject of a report in due course.

The Cleaner Essex Group (CEG), made up of local authority representatives from across Essex, will be running a campaign later in the year to highlight the change in the law. The CEG will also be encouraging members of the public with good evidence to report vehicle litter offenders. Such evidence will be much more likely to result in a litter penalty than was previously the case, particularly if that evidence is recorded as video on a vehicle dash cam. Members of the public who are willing to provide vehicle dash cam evidence and attend an appeal or court hearing, if necessary, can do so without their address being revealed to the alleged offender.

Recycling banks

We have a number of Recycling Bring Banks across the District where residents can deposit various recycling materials. Despite the Council offering a comprehensive door step recycling scheme, some of the Bring Banks remain popular with residents. An audit of the

Banks will be carried out to establish their popularity, and whether or not it is feasible to keep them operational. Those that receive enough recycling materials will be retained and upgraded to modern standards.

Compost giveaway

Officers are working with ECC to organise a “Compost giveaway” during the ever-popular Compost Awareness Week; 7th to 11th May. On Tuesday 8th May, between 10am and 2pm, residents will be able to collect, in their own bags, free compost from outside Bakers Lane car park in Epping. Officers will be there to answer any questions and offer advice to residents.

DCLG Recycling Rewards project

As a part of the DCLG Recycling Rewards project, that I have reported on previously, we will deliver food waste wheeled bins to selected blocks of flats. The residents will also receive a kitchen caddy, information leaflet and free plastic compostable caddy liners. The object of this exercise is to encourage the separation of food waste, and to increase the level and quality of all recycling in flats.

Misconnections campaign

Working in conjunction with the Roding, Beam and Ingrebourne Catchment Partnership, the Engineering Drainage and Water Team have designed a small campaign to raise awareness of the issue of misconnections within the District. Misconnections occur when foul and surface water systems are incorrectly fed into each other; for example, if the foul water drain is misconnected into the surface water drain, then waste water can travel untreated directly into the environment where it has a negative impact on ecology and local wildlife and causes a nuisance to residents. When the opposite happens and the surface drain is misconnected into the foul drain, rainwater collects and disposes into the foul water sewer adding to the volume flowing through the system, potentially causing it to overwhelm and flood.

As a result, misconnections are causing real problems. In accordance with The EU Water Framework Directive, all UK water bodies must be of good ecological health by 2027. In England and Wales only 27% are currently achieving this target. Reports indicate that 15% of our rivers and 9% of our beaches are failing water quality standards due to misconnections alone. Analysis suggests the River Roding may be particularly susceptible to pollution from misconnections. This initial campaign involves distributing upwards of 500 leaflets and letters to houses within the river’s catchment. Furthermore, the Council’s PR team is organising a press release to go out to local media and an article will be placed on the Council’s website. The objective is to highlight the negative impact misconnected pipes are having within our district and to encourage residents to work collaboratively with the Council in an effort to tackle pollution together. Follow up campaigns are also planned.

And finally...

As this is my last report to Full Council I would like to take this opportunity to publicly thank the many excellent officers I have had the pleasure of working with during my time as a councillor and as Environment Portfolio Holder. Their professionalism, knowledge and dedication are all too easy to take for granted, but their commitment to serving our residents is what makes Epping Forest District Council a great authority.