

## Select Committee Agenda



### **Neighbourhoods Select Committee Tuesday, 19th March, 2019**

You are invited to attend the next meeting of **Neighbourhoods Select Committee**, which will be held at:

**Council Chamber - Civic Offices, High Street, Epping  
on Tuesday, 19th March, 2019  
at 7.30 pm**

**Derek Macnab  
Acting Chief Executive**

**Democratic Services  
Officer**

V. Messenger  
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democraticservices@eppingforestdc.gov.uk

#### **Members:**

Councillors N Bedford (Chairman), H Brady (Vice-Chairman), A Beales, P Bolton, R Brookes, K Chana, I Hadley, S Heather, L Hughes, L Mead, S Neville, A Patel, M Sartin, D Stocker and J H Whitehouse

**SUBSTITUTE NOMINATION DEADLINE:**

**6.30 pm**

**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

To report the appointment of any substitute members for the meeting.

**3. NOTES OF PREVIOUS MEETING (Pages 3 - 8)**

To agree the notes of the meeting of the Select Committee held on 29 January 2019.

**4. DECLARATIONS OF INTEREST**

To declare interests in any items on the agenda.

In considering whether to declare a pecuniary or a non-pecuniary interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 9 of the Code in addition to the more familiar requirements.

This requires the declaration of a non-pecuniary interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 9 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**5. TERMS OF REFERENCE AND WORK PROGRAMME (Pages 9 - 12)**

(Chairman / Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Committee. This is attached along with an ongoing Work Programme. Members are asked at each meeting to review both documents.

**6. LOCAL PLAN UPDATE**

To receive a verbal report on the current position of the Local Plan.

**7. LEISURE MANAGEMENT CONTRACT UPDATE**

To receive a verbal update on the Leisure Management Contract.

**8. ENVIRONMENT & NEIGHBOURHOODS ENFORCEMENT ACTIVITY 2018 (Pages 13 - 24)**

To consider the report (attached).

**9. RESOURCE AND NATIONAL WASTE STRATEGY - CONSULTATIONS**

(Waste and Recycling Manager) To receive a verbal report / presentation.

**10. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

**11. FUTURE MEETING**

To note that subject to the Overview and Scrutiny Committee select committee framework review, future dates will be advised in due course.

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF NEIGHBOURHOODS SELECT COMMITTEE  
HELD ON TUESDAY, 29 JANUARY 2019  
IN COUNCIL CHAMBER - CIVIC OFFICES  
AT 7.30 - 8.25 PM**

<b>Members Present:</b>	N Bedford (Chairman), A Beales, P Bolton, R Brookes, S Heather, S Neville, M Sartin, D Stocker and J H Whitehouse
<b>Other members present:</b>	J Philip
<b>Apologies for Absence:</b>	H Brady, K Chana, I Hadley, L Mead and A Patel
<b>Officers Present</b>	D Macnab (Acting Chief Executive), Q Durrani (Service Director (Contracts & Technical Services)) and V Messenger (Democratic Services Officer)

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**40. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

There were no substitute members for the meeting.

**41. NOTES OF PREVIOUS MEETING**

**RESOLVED:**

That the notes of the last meeting of the Neighbourhoods Select Committee held on 20 November 2018 be agreed.

**42. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Members' Code of Conduct.

**43. TERMS OF REFERENCE AND WORK PROGRAMME**

(1) Terms of Reference

The Committee noted the Terms of Reference.

(2) Work Programme

The Committee noted the current Work Programme. On item (4), Directorate Business Plan 2019/20, the relevant portfolio holders would present to members at the next Select Committee meeting in March, the highlights of priorities and service challenges within their respective portfolios.

**44. CORPORATE PLAN 2018-2023 - PERFORMANCE REPORT QUARTER 3 2018-19**

The Acting Chief Executive, D Macnab, reported that a Task and Finish Panel had been set up to review the current framework of the select committees. Going forwards any changes made to the select committees would impact on the key performance indicators sets.

- (1) Aim 1, People live longer, healthier and independent lives, Performance indicator M1.2, Number of take-away restaurants signed up to 'Tuck In'

This was an Essex County Council initiative. The Council had received additional funding for this public health initiative to try and raise the profile of the scheme within the Epping Forest District. A fourth business, The Three Colts (Public House), had signed up to the scheme.

- (2) Aim 3, operational objective 3.2.1, Provide leisure centres

The successful opening of the Waltham Abbey Leisure Centre in November 2018 had resulted in a growth in memberships and users. This was very encouraging as also numbers at Epping Sports Centre and Loughton Leisure Centre had increased.

Councillor J H Whitehouse asked if a decision had been taken on leisure facilities at North Weald. D Macnab replied that a report on the development of St John's Road, Epping, as the preferred site, had gone to Cabinet in December 2018. Meeting the future recreational needs of North Weald would be taken on board.

Councillor M Sartin asked if the leisure/sports centres had their own targets? D Macnab replied, yes, as the number of targets was set in the leisure management contract itself. The Leisure Management Contract Partnership Board regularly reviewed the performance of the contract, of which both the agendas and minutes were available for members to view on the intranet. Going forwards the Leisure Contract Manager, P Charman, would be asked to keep the Neighbourhoods Select Committee members apprised of progress reported at the Partnership Board meetings.

- (3) Aim 4, Delivering effective core services that people want, operation objective 4.1.1, Keeping the District clean and green

Councillor S Neville asked if there was a timeline for when the overview would be completed? Q Durrani, Service Director (Contracts and Technical Services), replied that the Government had recently published its Resources and Waste Strategy for England which would have a huge impact on local authorities and the waste industry. The Council would take part in consultations in the early part of 2019. Both this Council and Essex County Council would be highlighting to MPs some of the challenging issues the industry would be facing. Any changes to waste management services because of the new strategy would be reviewed during the year. D Macnab clarified that this Council was a waste collection authority while Essex County Council was a waste disposal authority.

- (4) Aim 4, Performance indicator M4.2, Percentage of the District with unacceptable levels of litter

Councillor M Sartin asked if the litter thrown from vehicles was in particular areas of the District or widespread? Q Durrani replied that through roads in the District were the worst affected. New legislation coming in April 2019 would allow the Council to use dash cam and photographic evidence given to the Council. Officers would be driving along these roads and use enforcement powers to try and curb such littering offences. Waste Management was also looking into increasing the frequency of the streets mechanical sweeps. Councillor M Sartin asked if an appropriate publicity campaign on this littering problem would be undertaken. D Macnab replied that officers made representations to schools on littering and the Council supported Keep Britain Tidy.

The Chairman, Councillor N Bedford, asked if specific areas were targeted. Q Durrani replied that the Council helped and supported local councils that undertook littering campaigns within their boundaries, but problems in other areas were based on intelligence received. The Chairman added that it might help if Legal Services drafted a statement for the public submitting dash cam footage.

Councillor S Heather asked if Neighbourhood officers could issue on the spot littering fines, to which Q Durrani replied, yes, this was currently done.

- (5) Aim 6, An environment where businesses thrive, corporate objective P114 for St John's Road Development

This was shown as being at the 'closure' stage to reflect that the Council was no longer with the previous scheme but as this was not clear, further clarification would be supplied next time.

- (6) Aim 6, Operational objective 6.3.1 Implement Tourism and Visitor Economic Strategy

Councillor M Sartin asked about progress on the Council's tourism strategy and investment plan, to which D Macnab replied that this was all in hand and on target.

- (7) Aim 6, M6.2 Number of new jobs

The Government was promoting the health of high streets, but only Waltham Abbey met the criteria. It was noted that the increase in visitors to the District shown on this graph for 3 November 2018 was to attend ten firework display events.

**RESOLVED:**

- (i) That the Select Committee reviewed and noted the progress of the Corporate Performance Report for 2018/19, Quarter 3 (outturn position), in relation to its areas of responsibility.
- (ii) That the Leisure Contract Manager, P Charman would keep the Neighbourhoods Select Committee members apprised of progress reported at the Leisure Management Contract Partnership Board meetings.

**45. LOCAL PLAN UPDATE**

Councillor J Phillip, Portfolio Holder (Planning Services), provided the following update.

The Local Plan public examination hearings would commence on 12 February 2019. The Planning Inspector and Programme Officer had visited the Civic Offices during January and some changes to the accommodation requirements had been made. The hearing would take place in the combined first floor Committee Rooms with the overflow being accommodated in the Chamber. It was fully expected that there would be certain sessions where a significant number of people would be speaking. The whole proceedings would be webcast live. The hearing statements were also live on the Council's website, as were the Local Plan Submission representations published under Regulation 19 along with all the rest of the evidence and documentation. The Council was well prepared for the public hearing. The Council would open the public hearing with an address to the Planning Inspector. Members would be constantly

informed and kept up to date with the progress of the Local Plan and press releases would be issued.

Councillor J H Whitehouse was reassured that the PA system and mobile webcast would be working with the hearing loop.

#### **46. LEISURE MANAGEMENT CONTRACT UPDATE**

Q Durrani, Service Director (Contracts and Technical Services) provided the following update.

The success of the new Waltham Abbey Leisure Centre continued to improve and membership figures had doubled since the opening on 17 November 2018. Loughton Leisure Centre memberships had also increased by 1,000 on last year due to works and facility improvements, such as the energy efficiency of the site. It was noted that an ongoing noise complaint would continue to be monitored.

Memberships at Epping Sports Centre had steadily improved. At Ongar Leisure Centre numbers were fairly static. While the swimming memberships had declined, there had been an upsurge in younger members. There were also ongoing problems with the heating at Ongar and repairs were proving to be challenging.

Councillor R Brookes acknowledged that the Waltham Abbey Leisure Centre had been a great achievement, but enquired if any problems had cropped up. Q Durrani was not aware of any.

Councillor S Heather was concerned that, as the swimming pool had clear windows, whether any complaints had been received from swimmers on people looking in from outside. Q Durrani was not aware of any. D Macnab added that the whole length of the pool had been designed to use natural light. It would be a management issue to take action against any individuals causing a problem. The Chairman remarked that the pool at Loughton had screening fitted to the glass, to which D Macnab replied that he would look into this.

#### **47. ENVIRONMENTAL CHARTER AND CORPORATE GREEN WORKING PARTY**

The major internal restructure being undertaken, as part of the Council's People Strategy, had gathered pace. The exit of the Council's environmental co-ordinator, E Ainslie, last summer had coincided with this restructure, which had prompted a change in approach to environmental matters. In future, the role of the environmental co-ordinator would be embedded into the work of all the directorates to provide a more holistic approach to the way the Council addressed these important issues. In the meantime, and whilst the transition was taking place, there would be no update reported on these issues.

D Macnab advised that the newly appointed Level 2 Service Manager (Regulatory), S Devine, would be given the responsibility of taking this forward. The Corporate Green Working Party (CGWP) would be kept sight of and he assured members that the Council had a statutory responsibility to monitor environmental performance within the District. A clearer way forward would be sought over the next couple of months.

Councillor S Neville wanted to ensure that the CGWP was not defunct, that each directorate would be involved and member participation would be allowed. D Macnab replied that the CGWP had not met since June 2018. A new internal

officer group was up and running across areas to deal with this issue and would be led by S Devine. Member involvement would be determined by the relevant portfolio holder.

Councillor J H Whitehouse asked about progress on electric charging points. As this came under the responsibility of the Service Director (Contracts and Technical Services), Q Durrani replied that Cabinet had made available £100,000 for the 2019/20 financial year. A feasibility report had gone to Cabinet to install electric charge points in Council car parks. The Council had also wanted to link up with Essex County Council over the provision of electric charge points on public highways, and not work in isolation. The Council had held meetings last year with the ECC officer tasked with this project, but no further progress had been made since that officer had left.

Councillor M Sartin asked about the number of electric charge points in the Civic Offices car park. Q Durrani replied that there were two electric charge points. There were also two electric vans in the Housing fleet. The electric vans' progress would be monitored to see if they were useful and if successful, the Council would possibly rollout more electric vans. D Macnab remarked that as the Local Planning Authority, the provision of electric charge points was already incorporated into the conditions of approved planning applications on the decision notices.

Councillor S Neville asked about progress on the reduction of single use waste plastics in Council buildings, particularly as water bottles were still being provided at Council meetings. Q Durrani replied that ways to reduce plastic usage had been rolled out across all recycling streams. D Macnab said that he would investigate the continued use of bottles of water.

#### **48. BOBBINGWORTH NATURE RESERVE**

The progress report by the Local Liaison Group followed a meeting on site on 24 August 2018 at the Bobbingworth Nature Reserve.

Councillor M Sartin asked about any further proactive action that had been taken against rabbits. Q Durrani was not aware of any further rabbit problems so this was under control. Councillor M Sartin also thought that it would be useful if new councillors appointed after the elections had the opportunity to tour around various sites like this one. Q Durrani said that he would look into the possibility of providing such tours for members.

The Chairman asked if a link could be provided on the Council's website to help promote the Bobbingworth Nature Reserve.

Councillor J H Whitehouse asked about the finished 'snake', to which Q Durrani replied that this referred to the snake path that led up to the mound.

Councillor S Heather asked about leachate. Q Durrani replied that as this was a former landfill site, lots of materials were in contact with water, which mixed into a liquid known as leachate.

#### **RESOLVED:**

- (1) That the report of the Local Liaison Group meeting of 24 August 2018 be noted.

- (2) That Q Durrani look into the possibility of organising tours for members around various sites, including the Bobbingworth Nature Reserve.

**49. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman reported that there were no reports to be made to the next O&S Committee on 26 February 2019.

**50. FUTURE MEETING**

It was noted that the next meeting of the Neighbourhoods Select Committee would be held on 19 March 2019 at 7.30pm.



## NEIGHBOURHOODS SELECT COMMITTEE

### TERMS OF REFERENCE 2018/19

**Title: Neighbourhoods Select Committee**

**Status: Select Committee**

#### **Terms of Reference:**

##### **General**

1. To undertake overview and scrutiny, utilising appropriate methods and techniques, of services and functions of the Neighbourhood Directorate;
2. To consider any matter referred to the Select Committee by the Overview and Scrutiny Committee;
3. To keep under review:
  - (a) environmental enforcement activities;
  - (b) waste management activities;
  - (c) leisure Management; and
  - (d) the development of the Local Plan;
4. To consider the effect of Government actions or initiatives on the services and functions of the Neighbourhoods Directorate and any implications for the Council's residents, service users and others, and to respond to consultation activities as appropriate;
5. To establish working groups as necessary to undertake any activity within these terms of reference;
6. To undertake pre-scrutiny through the review of specific proposals of the Council and its partner organisations or other local service providers, insofar as they relate to the services and functions of the Governance Directorate, to help develop appropriate policy;
7. To identify any matters within the services and functions of the Neighbourhoods Directorate that require in-depth scrutiny, for referral to the Overview and Scrutiny Committee;
8. To recommend the establishment of task and finish panels to the Overview and Scrutiny Committee as necessary, in order to undertake any activity within these terms of reference;

##### **Performance Monitoring**

9. To undertake performance monitoring in relation to the services and functions of the Neighbourhoods Directorate, against adopted Key Performance Indicators and identified areas of concern;

**Environment**

10. To monitor and keep under review the Council's progress towards the development and adoption of a corporate energy strategy/environmental policy and to receive progress reports from the Green Working Party;
11. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract;

**Leisure**

12. To monitor and keep under review leisure management matters and in particular the procurement of the Leisure Management Contract; and

**Transformation Programme**

13. To review relevant projects and associated closure and benefits reports arising from initiatives undertaken as part of the Council's Transformation Programme.

**Chairman:** Councillor N Bedford

## Neighbourhoods Select Committee (Chairman – Councillor N Bedford) Work Programme 2018/19

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) KPIs 2017/18 – Outturn Position	First meeting of each municipal year	Outturn report for 2017/18. <b>(COMPLETED)</b>	<del>26 June 2018</del> <del>20 September 2018</del>
(2) Corporate Plan Key Action Plan 2017/18 – Outturn Position	First meeting of each municipal year	Outturn report for 2017/18. <b>(COMPLETED)</b>	<del>20 November 2018</del> <del>29 January 2019</del> 19 March 2019
(3) Corporate Plan 2018-2023 – Performance Report (quarterly) for 2018/19	Quarterly	<i>(NB: Incorporates NSC KPIs)</i>	
		Q1 & Q2 November 2018 <b>(COMPLETED)</b>	
		Q3 January 2019 <b>(COMPLETED)</b>	
(4) Transformation Projects – new	As appropriate	Details of new projects to be submitted for scrutiny relevant to this select committee.	
(5) Transformation Projects – closure and benefits reports	As appropriate	Details of reports to be submitted for information relevant to the this select committee.	
(6) Local Plan – to receive regular updates on the current position	Update to go to each meeting	To keep a watch in brief on the position of the District's Local Plan.	
(7) Leisure Management Contract	As appropriate	To review the Council's leisure contract with Places for People Leisure from April 2017. P Charman – To provide a progress report following a Partnership Board meeting. <i>(NB: next Board meeting on 15 May 2019).</i>	
(8) Environmental Enforcement Activity	March 2019	Annual report to this select committee.	
(9) Environmental Charter and Corporate Green Working Party	TBC	As the future approach to environmental matters will be subject to change, no further updates will be provided until the Council restructure, as part of the People Strategy, is completed.	

**Neighbourhoods Select Committee (Chairman – Councillor N Bedford)**  
**Work Programme 2018/19**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(10) Environmental Charter – 6-monthly updates	June 2018	To receive an annual update of the Council's Environmental Charter as agreed on 28 June 2016. <b>(COMPLETED)</b>	
(11) Off-Street Parking Service – yearly review	June 2018	To annually review off-street parking services to 31 March 2018. NSL contract started April 2017. <b>(COMPLETED)</b>	
(12) Emergency Planning and Corporate Health and Safety Arrangements	September 2018	To receive a presentation on the Council's emergency planning and corporate health and safety arrangements. <b>(COMPLETED)</b>	
(13) Air Quality Officer	June 2018	Presentation made. <b>(COMPLETED)</b>	
(14) Public Health Officer	June 2018	Presentation made. <b>(COMPLETED)</b>	

## **Report to: Neighbourhoods Select Committee**

**Date of meeting: 19 March 2019**



**Subject:** Environment & Neighbourhoods Enforcement Activity 2018

**Officer contact for further information:** Richard Gardiner, Service Manager - Community Resilience (01992 564089)

**Democratic Services Officer:** V Messenger, Democratic Services Officer (01992 564265)

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### **Recommendations/Decisions Required:**

That the Environmental Enforcement Activity Report for the period 2018 be noted.

### **Environment & Neighbourhoods Enforcement Activity 2018**

#### **Summary**

This report is a summary of the enforcement activity carried out by the Council's Environment & Neighbourhoods (EN) team in 2018 (i.e. for the period 1 January 2018 to 31 December 2018) compared with the same period in 2017.

**Fly-tipping issues** currently require the most attention by officers in the EN team, with officers involved in the investigation and arranging clearance of deposits. We recorded 2606 incidents of fly-tipping in 2018 compared with 2431 incidents in 2017.

£4,236.80 of financial penalties were imposed on offenders through prosecution action in 2018. Twelve fixed penalty notices were also paid, amounting to an additional £2,540.

**Noise complaints** continue to make up the majority of the rest of the workload, with a peak in summer months. Loud music and barking dogs are the primary cause of complaint. However, we regularly receive complaints that appear to relate to normal living noise that neighbours can hear due to poor sound insulation. For cases with poor sound insulation that do not involve unreasonable behaviour, no formal nuisance action can be taken. We aim to resolve issues informally wherever possible and we will carry out simple noise tests to help those making noise understand what is acceptable. However, four formal notices were served to control excessive noise in 2018. Incidents of noise nuisance are often linked in with other anti-social behaviour (ASB) and can be quite challenging for officers dealing with vulnerable victims and perpetrators, who often suffer from mental health issues and/or addictions.

The team investigates **other neighbour nuisance issues, such as smoke, dust, odour, dog fouling, litter and light nuisance**. Taxi and other licensing issues are also investigated by the team, with regular late-night checks carried out.

The EN team additionally respond to **unauthorised encampments** on EFDC land, completing the eviction process for the Council if necessary and provide expert noise advice on planning applications and are statutory consultees on licensing issues regarding public nuisance control.

## The Team

In the review period, the EN team was made up of seven Environment & Neighbourhood officers (ENO) and an Environment & Neighbourhood Manager. This has now changed under the Council's service re-structure, which has resulted in the manager being appointed as a Service Manager for Community Resilience. An interim arrangement is currently being put in place which will see one officer work as a Senior Officer.

Each ENO is responsible for investigating all incidents in a specific geographical area of the district, although officers will work in all areas as required by workloads. The district is subdivided into three main areas (based on workloads) East, West and South and then further subdivided into East 1 & 2, West 1, 2 & 3 and South 1, 2 & 3.

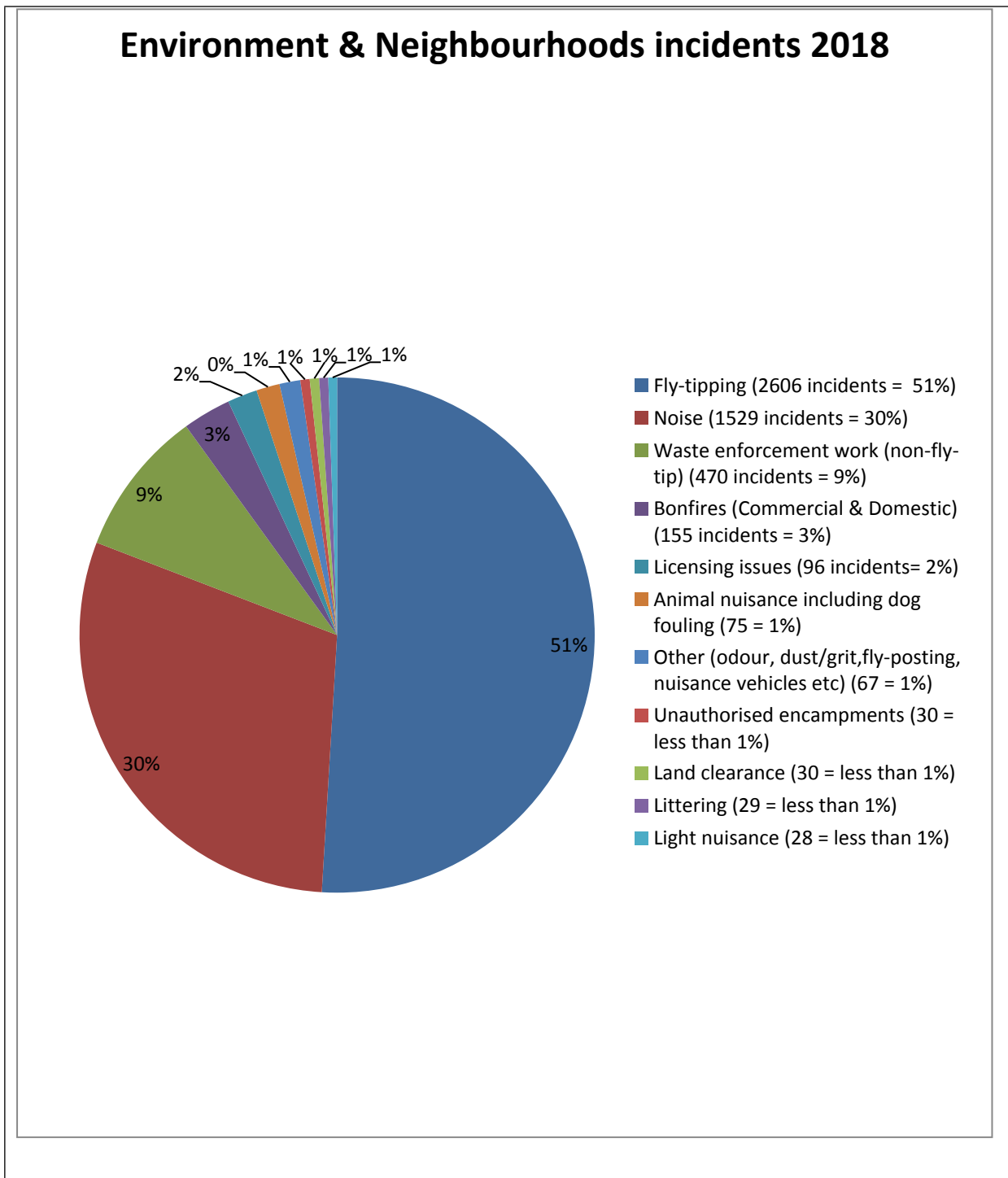
The team are responsible for providing the Council's "out of hours" noise service and provide a duty call out officer for every day of the year. The duty noise officer is available to respond to all noise calls up to midnight. After midnight a restricted emergency service is available for premises on an emergency call-out list, requests from the police and premises where three or more complaints are received.

**Table 1: Incidents logged to the Environment & Neighbourhood team 2017 & 2018**

Year (12 months data) 1/1 to 31/12	Year			
	2018	2018%	2017	2017%
Fly-tipping	2606	51	2431	51
Noise	1529	30	1412	30
Waste enforcement work (non-fly-tip)	470	9	497	10
Bonfires (Commercial & Domestic)	155	3	164	3
Licensing issues	96	2	91	2
Animal nuisance including dog fouling	75	1	66	1
Other (odour, dust/grit, fly-posting, nuisance vehicles etc)	67	1	50	1
Unauthorised encampments	30	<1	11	<1
Land clearance	30	<1	32	1
Littering	29	<1	29	1
Light nuisance	28	<1	17	<1

Notes: % refers to the % of incidents logged that year. The breakdown of percentage of incidents per year has remained virtually the same, with fly-tipping and noise increasing slightly in number of incidents in 2018 compared with 2017.

**Breakdown of complaints/incidents 2018**



Notes: In 2018, there were 2606 fly-tipping incidents logged, accounting for 51% of the total incidents logged to the EN team. For the same period 1529 noise complaints were logged (30%). The number of fly-tipping incidents refers to individual incidents of fly-tipping. Other incidents logged include some multiple complaints about the same issue. For example, five households complaining about the same noisy event would be logged as five incidents. Although there are 30 unauthorised encampment incidents this relates to approximately 12 encampments on different sites.

## **Commentary on specific enforcement activities**

### **1. Fly-tipping**

1.1 All incidents of fly-tipping reported to the Council are recorded. Incidents that may have some evidence to trace the source of the waste or fly-tipper are passed to the EN team to investigate. These are then prioritised and investigated if possible, prior to clearance. There were 2606 fly-tipping incidents recorded in 2018 (compared with 2431 in 2017 and 2231 in 2016).

1.2 There has been a steady increase in fly-tipping in the past three years. The size of fly-tipping incidents can vary considerably from a few household bags of waste to industrial sized organised fly-tips. Consequently, the type of offender can vary enormously ranging from local residents mismanaging their own waste to organised criminal fly-tippers. Somewhere in between these two extremes we have commercial waste fly-tips that can perhaps best be described as “a man in van”, either tipping their own commercial waste or operating a waste collection service and tipping any waste they have collected. “Careful” fly-tipping is a new phrase that is being used to describe waste tipped by residents near to where they live. This may be as simple as leaving waste on or near a bin store, not in compliance with the Council’s waste collection procedures e.g. bulky waste such as a fridge or a mattress will not be collected unless the item is booked in for collection and a small fee paid.

1.3 The Environment & Neighbourhood team continue to pursue fly-tippers through the courts and have also offered seven fixed penalty notices (FPN) of £200 for several less significant fly-tips, resulting in an income of £1,400. Five FPN have also been issued for related waste duty of care offences (FPN £300 discounted to £180 if paid within 10 working days), when alleged offenders have failed to provide documentary evidence to show that their waste was disposed of correctly, resulting in an additional £1,140 of penalties.

1.4 Details of prosecutions are published in the Council Bulletin and summarised at Appendix A. In 2018 there were three fly-tip prosecutions (offences included depositing waste illegally and associated waste duty of care offences) resulting in a total of fines and costs amounting to £4,236.80. In June 2018, one resident accepted a formal caution for fly-tipping waste in a commercial waste bin, to avoid their disposal costs.

1.5 To educate and act as a deterrent, press releases were issued for each case resulting in some local press coverage. Prosecutions were also highlighted as part of the Essex wide “Crime Not to Care” campaign discussed later in this report. The EN team currently have ongoing investigations from 2018, with two cases pending court action after the alleged offenders failed to attend court. Warrants have been issued for their arrest.

### **2. Noise**

2.1 Most noise complaints are resolved informally after the intervention of the EN team. Indeed, the EN team work hard to provide advice and informally resolve noise complaints wherever possible. Witnessing the noise, serving a noise abatement notice and prosecution for non-compliance are the last resort. There were 1529 noise incidents in 2018, compared with 1420 noise incidents registered in 2017 and 1383 in 2016. The trend is towards a slight yearly increase. We expect a similar level of complaint in 2019.

2.2 In 2018, three noise abatement notices were served on the following premises due to noise from loud music and shouting and screaming.

- Willingale Road, Loughton, Essex, (2 notices)



- Powell Drive, Waltham Abbey
- Welsh Harp, Market Square, Waltham Abbey

2.3 One prosecution for a breach of an abatement notice (in relation to loud music), was concluded in 2018. The alleged offender failed to engage with the EN team. On 11 October 2018, Victoria Lawn of Brickenden Court, Waltham Abbey was prosecuted for five offences of breaching the requirements of a noise abatement notice served on her on 3 October 2017 requiring her to not cause a statutory noise nuisance to her neighbours due to playing music and any other amplified sound. The offences occurred on 4 January, 20 February, 15, 23 and 26 May 2018. Ms. Lawn failed to attend at the court for a second time and the offences were proved in her absence. The Magistrates imposed a fine of £180. She was also ordered to pay a contribution towards the Council's prosecution costs of £150 together with a Victim Surcharge of £30. The EN team are happy to report that no further complaints about noise have been received.

2.4 In August 2018, the owners of a public house in Loughton accepted formal cautions for breaching a noise abatement notice served in 2015 regarding loud music. They also accepted a caution for breaching a requirement of their premises licence for failing to comply with a condition designed to control noise.

2.5 In December 2018, an EN officer had to use powers available to immediately disable a misfiring intruder alarm, after it was established that the owners of a domestic property were on an extended holiday and no keyholders were available to turn off the mis-firing alarm.

The neighbouring resident was quick to thank us for the action in an email:

*“Just a quick note to say thank you for arranging for our neighbour's alarm to be disabled last Thursday. We are really grateful for how serious you took it and how quickly the situation was resolved - we were worried we would have to listen to that alarm going off until Christmas (or worse - beyond!!!)”*

2.6 It is increasing unusual for the noise team to have to disable mis-firing intruder alarms, as technology in alarms has improved, which limits the number and duration of any mis-firing alarms. It is also possible with much greater use of mobile phones to contact somebody who can gain access to the property (in a relatively short time frame) and turn off the alarm.

2.7 The out of hours noise service continues to provide residents with the opportunity to contact the duty noise officer all year, 24 hours a day (if included on the emergency register) when incidents are occurring, so that we can visit and witness the incident first hand. We aim to respond in 15 minutes of being contacted and visit within 1 hour if a visit is deemed necessary.

### **3. Unauthorised encampments (UE)**

3.1 Unauthorised encampments that arrive in the area generate a lot of concern from residents and general dissatisfaction that the UE is preventing the normal use of the land. Some UE do try to manage their impact on the land they camp on, but many result in fly-tipping, littering, noise and other complaints of anti-social behaviour.

3.2 Work on UE is prioritised by the EN team. All UE on EFDC land will receive a visit on the first working day, so that the process of eviction can be commenced as soon as possible (any consideration of tolerance of the encampment is then looked at later in the process and will not delay any eviction). A delay caused by court availability for a possession hearing is normally the controlling factor in the speed of the eviction process at this point. The delay in court availability can result in a hearing two to three weeks after the UE first arrived. The EN

team will monitor sites and respond to any allegations. The EN team then liaise with the police to assess if the police are able to use powers (s.61) that they have available to evict UE instead of waiting for the possession proceedings to run their course.

3.3 In 2018, the EN team were involved in investigating UE on approximately twelve sites. Thirty incidents/concerns were registered with the team regarding the UEs (although this is under-reporting of the actual number of telephone calls and emails we receive from concerned residents). EN officers have started the eviction process in 2018 but the police have then used s.61 powers to evict the UE immediately, or the UE have chosen to move on before further formal action was taken.

3.4 There were several encampments on private land that the EN team monitored and provided advice to landowners. In addition, the EN team have responded to several complaints about individuals sleeping in vehicles, primarily as a temporary measure for the purposes of commuting to work in London.

#### **4. Taxi/licensing enforcement**

4.1 The EN team continue to carry out regular late night/early morning inspections of taxis at weekends, to ensure taxis licensed by EFDC are operating correctly and to deter illegal unlicensed taxis operating in the area. The inspections mostly identify minor issues that can be corrected on the spot or followed up the next working day.

4.2 However, one late night inspection on 25 March 2018, at an unofficial Hackney Carriage Taxi rank outside Buckhurst Hill Underground station resulted in Mr Ashuque Ahmed of Dalkeith Road, Ilford, Essex being fined £346 with costs of £300 and a victim surcharge of £34 after he pleaded guilty at a hearing in Chelmsford Magistrates Court on 11 October 2018, to plying for hire in an unlicensed taxi. Checks revealed that the Hackney Carriage licence for the vehicle being driven by Mr Ahmed had expired on 27 February 2018 and had not been renewed. Because of this action, the Hackney Carriage driver's licence held by Mr Ahmed was also suspended and he surrendered it back to the Council without appealing the Council's decision.

4.3 In June 2018, a shop owner in Buckhurst Hill accepted a formal caution for selling alcohol after the hours permitted by his licence, despite previous warnings.

#### **5. Other enforcement work of note**

5.1 The EN team are starting to use Community Protection Warnings (CPW) that can lead to a **Community Protection Notice** (CPN) if not complied with, for a range of issues. The test for formal action is wide ranging, potentially allowing a lot of unreasonable behaviour to be controlled, with a potential for a fixed penalty, prosecution and/or works in default of a CPN.

5.2 The test is that "The conduct of an individual or body is having a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality and the conduct is unreasonable."

5.3 Officers are in the process of serving our first CPN regarding the impact of cannabis/offensive odour. Two CPN's have been served to require dirty gardens to be cleared and in one case, works carried out in default of the notice to clear a front garden of a large pile of accumulated waste. A CPW has been served to control dogs straying and fouling and a large accumulation of dog waste to be cleared.

5.4 We envisage that the CPW/CPN process will see greater use in the future, to help us control issues that we currently investigate and help with issues that in the past the legislation has been difficult to use to control the behaviour e.g. the impact from cannabis odour.

5.5 The potential wide scope of the legislation has been criticised by some liberty groups, but the CPN has an official appeals process with the court and we will continue with our attempts to resolve issues informally wherever possible, before we consider pursuing breaches of any CPN.

## **6. Crime not to Care Campaign & Buy with Confidence Scheme**

6.1 Although this report concentrates on enforcement action, as part of our enforcement role the EN team aim to be proactive and educate residents and businesses to avoid causing environmental/nuisance issues and comply with the law.

6.2 Aware of the difficulties of catching fly-tippers in the act of tipping, officers have participated in an Essex wide “Crime not to Care Campaign” in partnership with the Cleaner Essex Group (CEG) and Keep Britain Tidy. The aim of the campaign was to try and raise awareness of household duty of care responsibilities, so that residents comply with the law, keep waste out of the hands of rogue traders and hopefully provide evidence to assist us in tracing fly-tippers.

6.3 The CEG produced a series of social media friendly films as part of advertising the message. These films are available to view and share on the Council’s YouTube channel at [#crimenottocare](#).

6.4 In addition, on a day of action, EN officers visited sites across the district where it appeared that waste needed to be collected and could attract a “man in van” cold calling offering waste services. Officers spoke to occupiers and workmen to provide advice on complying with their duty of care to avoid rogue traders and fly-tipping.

6.5 The message from this campaign is now even more relevant to residents, as a new FPN (£200) has been introduced nationally for household duty of care offences. The message is simple, “Before handing your waste to somebody else to dispose of, check, consider and record to protect yourself”.



## **7. Buy with confidence**

7.1 We are aware that it is very easy to obtain a waste carriers licence from the Environment Agency (£154 initially for 3 years on the register) and this is no barrier to rogue traders who are intent on fly-tipping.

7.2 In order to develop a list of trusted waste providers that we can direct residents to if they need to dispose of waste outside the Council’s collections procedures, we have been looking at using the Trading Standards backed “Buy with confidence” scheme with colleagues at Essex County Council. <https://www.buywithconfidence.gov.uk/>

7.3 Companies must pay a fee and submit to a Trading Standards audit to join the scheme. We had very little uptake from companies we contacted, only one company based in Waltham Abbey has joined. We then decided to offer subsidised entry, free to the first ten applicants, but this has still not attracted companies to sign up and submit to an audit.

7.4 We are due to meet in 2019 to discuss options going forward, but at this time, one must be concerned that the unwillingness to sign up for free with potential for extra work, is an indicator that these companies do not want to submit themselves to an audit and may be rogue traders intent on fly-tipping. Some companies have suggested that they are too busy already to handle the volume of work and do not need to join the scheme.

7.5 The EN team will continue to highlight the importance of complying with waste duty of care to help keep waste out of the hands of rogue traders and for residents and businesses to comply with the law and protect themselves.

## **8. Future enforcement work**

### **Waste vehicle stop checks**

8.1 In 2019 the EN team hope to continue to develop strong links with the EFDC funded police officers and increase the number and effectiveness of waste vehicle stop checks, with the potential to seize vehicles operating illegally.

### **“Wanted posters” and new guidance signs re “Careful fly-tipping”**

8.2 The EN team have recently been targeting “Careful” fly-tipping, mostly by residents of the district, who tip waste in and around where they live. One bin store in Springfields, Waltham Abbey has been a hotspot for fly-tipping, despite warning signs and letters to residents.

8.3 We have now installed new large warning signs, with pictures, that show examples of “Careful” fly-tipping, to make it very clear that this is not acceptable. An article has also been published in Housing News. These signs have been installed on many Housing bins stores across the district.

8.4 Recently we have developed a “Wanted poster” showing CCTV images of alleged fly-tipping offenders that we have been unable to identify by normal means. Posters have been installed around the bin store in Waltham Abbey, resulting in several leads and four FPN being issued. It is very early days, but we have seen a drop in the level of fly-tipping in this area. A similar sign has now been used in Limes Farm, Chigwell. After two hours in place, this led to a name and address that officers are now following up.

### **Fly-tip prosecutions/FPN Fixed Penalty Notice?**

8.6 Although we have achieved a total of 15 FPN prosecutions for fly-tipping offences and have two cases pending court action and several still under investigation from 2018, we are keen to increase these figures. Our reactive workload makes it difficult to make time for developing prosecution cases. We are looking at better prioritisation of cases and trying to release officers from reactive work on a rota basis, to provide time to develop some more complicated prosecution cases in a timely manner. As already mentioned, we are currently going through a re-structure of the organisation at all levels. We hope to retain the core of the existing EN enforcement team which we consider to be the minimum requirement to cover all the enforcement aspects the team are involved with.

8.7 Later this year, we will be asking members to consider the level set for littering and fly-tipping fixed penalties. Currently the FPN for fly-tipping is set at £200 by default, but members

can increase this up to a maximum of £400. This may seem a straightforward decision, but there are some interesting points to consider when setting the FPN level. For example, most FPN we offer are for relatively small fly-tips, (quite possibly one item e.g. a mattress) and in most cases when the offender has co-operated and admitted the offence. A FPN greater than £200 may seem excessive for these cases, especially for those on benefit or a low income? A £400 FPN would certainly act as more of a deterrent and allow the FPN to be used for a greater range of fly-tipping.

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## **Appendix A.**

### **Summary of Environment & Neighbourhoods prosecutions concluded in 2018 (as previously reported in members bulletins).**

#### **1. 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, Essex resulted in fines and cost 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 of £30.)

On 21 April 2017 Epping Forest District Council became aware of waste having been deposited in bins in Vere Road at the rear of the shops at The Broadway, Loughton, Essex from a white Ford Transit van. It had been reported by a member of the public who had witnessed the incident. Evidence led to Mr Gavin James Pye who was interviewed under caution and admitted depositing the waste (a quantity of cardboard and approximately five black sacks of waste) in waste bins intended for the use of residents of flats at The Broadway, Loughton, Essex. He told the Council that he ran a gardening business and had deposited waste in the bins on several previous occasions.

It is illegal to dispose of commercial waste in bins provided for residents' household waste or use bins intended for the sole use of others. Depositing commercial waste in household bins can contaminate recycling and lead to further fly-tipping and other waste management problems. Passing off commercial waste as household waste to try and avoid commercial waste disposal costs is illegal and not a victimless crime.

#### **2. Prosecution for handing over waste without checking costs a resident £1,560**

A negligent act led to fly-tipping, resulting in costs and fines amounting to £1,560 being imposed on a resident in Loughton. On 13 September 2018 in Chelmsford Magistrates Court, Mr Tjoluskins admitted to failing his household waste duty of care, by giving his waste to somebody else to dispose of without carrying out the necessary checks to ensure that the person taking the waste was authorised by the Environment Agency. Mr Tjoluskins admitted that he handed over some large cardboard boxes which were found fly-tipped amongst a larger pile of waste. Mr Tjoluskins' failure to consider the implications of giving his waste to somebody without checking and not recording their details was a costly mistake. The waste was found fly-tipped in Oakley Court, Loughton by a bin store provided for residents.

The Magistrates stated that it was a negligent act. Mr Tjoluskins was ordered to pay a fine of £600. He was also ordered to pay the Council's prosecution costs of £900 together with a Victim Surcharge of £60. The Magistrates stated that had he not pleaded guilty the fine would have been £900.

### **3. Prosecution for unlicensed taxi plying for hire in Buckhurst Hill**

Mr Ashuque Ahmed of Dalkeith Road, Ilford, Essex was fined £346 with costs of £300 and a victim surcharge of £34 after he pleaded guilty at a hearing in Chelmsford Magistrates Court on 11 October 2018, to plying for hire in an unlicensed taxi at Buckhurst Hill Underground Station. The Magistrates stated that Mr Ahmed was an experienced driver and the period when he was not insured to drive a hackney carriage because the vehicle was not licensed could have resulted in a catastrophe for those who hired his vehicle.

Environment & Neighbourhood Officers carried out late night spot checks on 25 March 2018 at an unofficial Hackney Carriage Taxi rank outside Buckhurst Hill Underground Station. Mr Ashuque Ahmed, a licensed Hackney Carriage driver was at the front of the rank waiting for a passenger. Checks revealed that the Hackney Carriage licence for the vehicle being driven by Mr Ahmed had expired on 27 February 2018 and had not been renewed. Because of this action, the Hackney Carriage driver's licence held by Mr Ahmed was also suspended and he surrendered it back to the Council without appealing the Council's decision.

### **4. Prosecution for noise nuisance**

In Chelmsford Magistrates Court on 11 October 2018 Victoria Lawn of Brickenden Court, Waltham Abbey was prosecuted for five offences of breaching the requirements of a Noise Abatement Notice served on her on 3 October 2017 requiring her to not cause a statutory noise nuisance to her neighbours due to playing music and any other amplified sound. The offences occurred on 4 January, 20 February, 15, 23 and 26 May 2018. Ms. Lawn failed to attend at the court for a second time and the offences were proved in her absence.

The Magistrates imposed a fine of £180 for the offence that occurred on 26 May 2018 with no separate penalty for the other offences. She was also ordered to pay a contribution towards the Council's prosecution costs of £150 together with a Victim Surcharge of £30. The Environment & Neighbourhoods team are happy to report that no further complaints about noise have been received.

### **5. "Crime not to Care" resulted in fly-tipping and £1,780.82 in fines and costs**

Mr Christian Akinrinade of Willingale Close, Loughton, Essex was ordered to pay a fine of £1,153. He was also ordered to pay the Council's prosecution costs of £627.82 together with a Victim Surcharge of £115 after he pleaded guilty to the offence of transferring household waste to an unauthorised person, which was then deposited in a trade refuse bin belonging to a shop in The Broadway, Loughton without the consent of the owner. Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 22 October 2018.