

Report to the Council

Committee: Cabinet

Date: 15 December 2015

Subject: Environment

Portfolio Holder: Councillor W Breare-Hall

Recommending:

That the report of the Environment Portfolio Holder be noted.

Waste Management

Members will recall that in my last report I commented on the improving performance of the waste and recycling contractor, Biffa Municipal, and that I committed to securing further improvements. I am pleased to inform Members that this is being achieved, with a sustained reduction in the number of missed Assisted Collections (those collections from properties where residents are unable to present their waste at the boundary of their property).

I would like to take this opportunity to remind Members of the special meeting, on 17th December, of the Neighbourhoods and Communities Select Committee. This meeting will review the performance of the new waste management contract, particularly during the period following the switch to a 4 day collection service in May 2015. I encourage Members to attend to help with the review process and to ensure that lessons are learnt for the future.

Fly-tipping clearance and enforcement

On 17th November, the Environment & Neighbourhoods team asked Members of the Neighbourhoods and Communities Select Committee to consider the financial impact on the victims of fly-tipping crime, and specifically whether or not the Council should offer any financial support towards clearance of fly-tipped waste from private land.

Whilst Members sympathised with the victims of this crime and asked officers to provide advice, support and, if possible, access to the Council's waste contractor for a competitive quote for clearance work, they agreed with the officers' recommendation that the Council should not change the existing policy and should not seek additional funds to pay for clearance of waste from private land. Members were keen for officers to continue with enforcement work to catch the perpetrators of fly-tipping, where possible supported by CCTV.

Enforcement of waste containers stored on the public highway

At the same Neighbourhoods and Communities Select Committee meeting, Members were asked to consider the implications of proposed enforcement action against businesses and householders who continually store waste and waste containers on the public highway, without consent from Essex County Council.

Waste stored on the highway can cause similar issues to fly-tipping; it can look unsightly, pose a hazard to users, and encourage others to dump waste in the area. Any spillages of waste can easily escape onto the highway causing litter, and marking of the road surface.

Grease deposits from repeated waste spillages can build-up over time and become potentially hazardous.

However, there are examples of where well managed bins stored on the public highway cause no significant issues or complaints and may be tolerated.

It was resolved that officers be allowed to exercise sensible enforcement of this issue, whilst retaining some discretion, and that the Council should adopt a procedure to assess the impact of the breach of the waste legislation before deciding whether or not EFDC should seek to use waste laws to remove bins containing waste stored on the highway.

Drainage

Officers are currently working alongside Essex County Council and their consultants to produce a Surface Water Management Plan (SWaMP) for Loughton, Buckhurst Hill and Theydon Bois. SWaMP's are produced to record and identify known and potential surface water flooding locations, assess risk and explore broad solutions. The plans can then be used to inform local plans as part of the wider Evidence Base. The Plan for Loughton, Buckhurst Hill and Theydon Bois is within the second tranche of such plans being overseen by the County Council in their capacity as the Lead Local Flood Authority and their responsibility to coordinate and work with other Risk Management Authorities to identify and reduce flood risk. With Epping Forest district being unique in Essex in still retaining a dedicated Drainage Team the level of local knowledge available will help ensure the Plan is a robust and authoritative document. The first draft of the Plan is expected by March 2016.

Noise nuisance

On 9th November 2015, Natasha Thompson, of 22 Longcroft Rise, Loughton, was prosecuted by Epping Forest District Council for breaches of noise abatement notices served on her. The offences occurred on 16th May 2015 and 29th July 2015. Ms Thompson had previously been prosecuted for a breach of a noise abatement notice.

At a hearing in Chelmsford Magistrates Court on 8th October 2015 Ms Thompson pleaded not guilty to the offences and a trial was fixed for 9th November. Despite pleading not guilty, Ms Thompson failed to attend at the trial, which proceeded in her absence. Environment and Neighbourhood officers gave evidence as to what they had witnessed, which they deemed to be a statutory nuisance in breach of the noise abatement notices. Evidence was gathered by officers after they responded to complaints made to the Council's out of hour's noise service. They also gave evidence about the numerous offers of advice, regarding the level of permissible sound, that the Council had made to Ms Thompson.

Ms Thompson was found guilty of the new offences and received a total fine of £1,220. Prosecution costs of £2,247.34 were also awarded to the Council. She was also ordered to pay a Victim Surcharge of £150 and Court Charges of £150. The Magistrates stated that Ms Thompson had shown a blatant disregard for the abatement notices.

The Council has also now obtained an outright possession order against Ms Thompson, who is a Council tenant.