

Report to: Neighbourhoods Select Committee

Date of meeting: 20 March 2018

Subject: Environmental Enforcement Activity 2017/18

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Committee Secretary: Vivienne Messenger (01992 564265)



Recommendations/Decisions Required:

That the Environmental Enforcement Activity Report for the period 2017/18 be noted.

Summary

This report is a summary of the enforcement activity carried out by the Council's Environment & Neighbourhoods (EN) team in 2017/18 (i.e. for the period 1 April 2017 to 5 March 2018 when this report was drafted).

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. In 2018 there has been a noticeable increase in the size and regularity of fly-tipping in Stanford Rivers and Stapleford Abbots, with waste coming out of London on a regular basis. However, there are a number of fly-tipping hotspots across the district with all areas suffering to some extent.

£13,677 of financial penalties has been imposed on offenders through prosecution action. 14 fixed penalty notices have been paid amounting to an additional £2,800.

Noise complaints 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. Most cases are resolved informally, but seven formal notices have been served to control excessive noise.

The team investigates **other neighbour nuisance issues, such as smoke, dust, odour, dog fouling, litter and light nuisance**. Investigation led to a dust abatement notice being served on a wood yard in Hoe Lane, Nazeing.

Taxi and other licensing issues are also investigated by the team, with regular late night checks carried out.

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

The team

The EN team is made up of seven Environment & Neighbourhood officers (ENO), a Neighbourhoods Response Officer (NRO) and Environment & Neighbourhood Manager. Each ENO is responsible for investigating all incidents in a specific geographical area of the district.

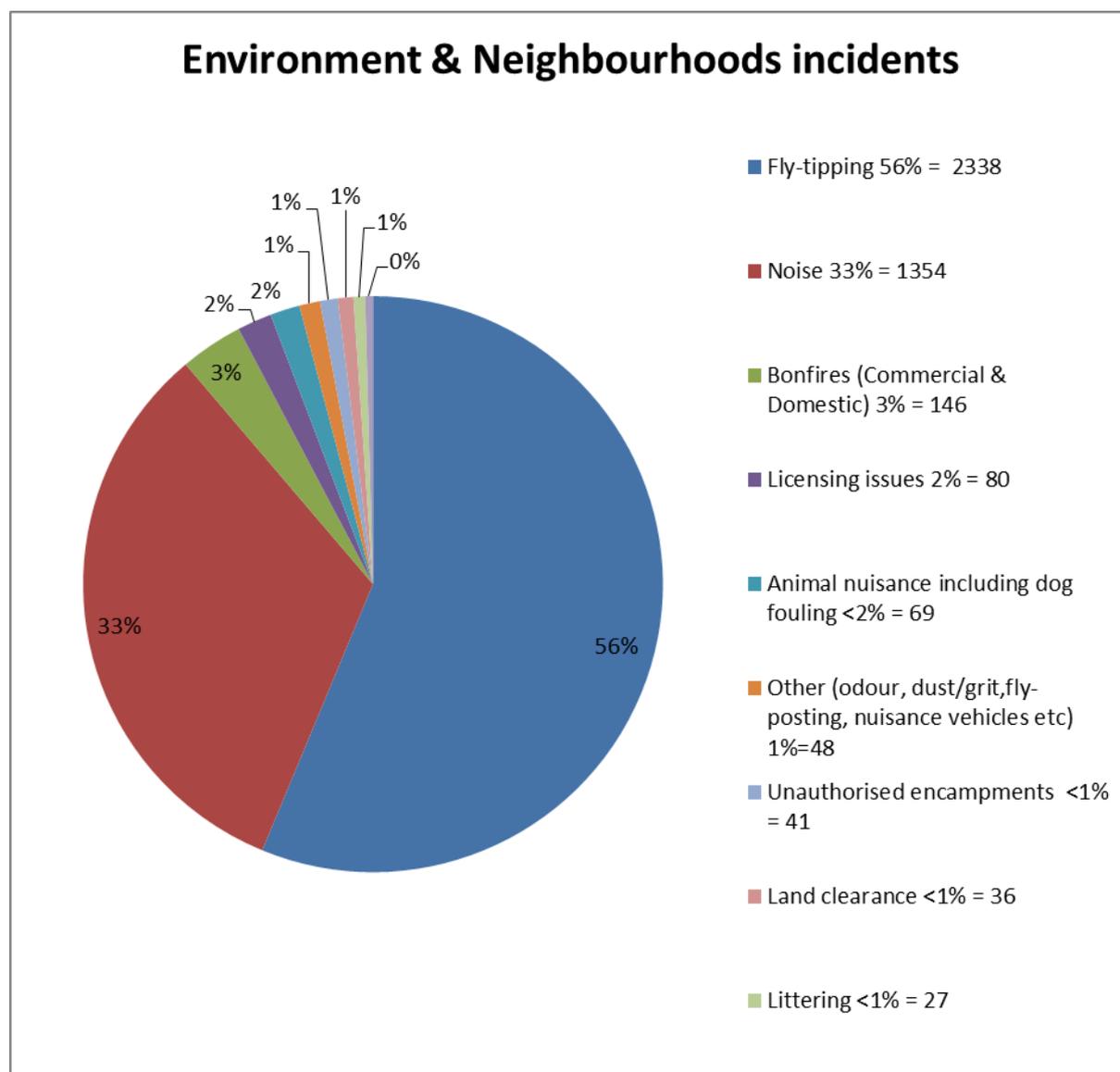
The district is subdivided into 3 main areas - East, West and South and then further subdivided into East 1 and 2, West 1, 2 and 3 and South 1, 2 and 3.

The team are responsible for providing the Council's "out of hours" noise service. On a rota the ENO 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.

For more information on the range of enforcement work carried out by the ENO team, please see the Council website at:

www.eppingforestdc.gov.uk/environment-and-neighbourhoods-team

Figure 1. Breakdown of complaints/incidents 2017/18



There were 2,338 fly-tipping incidents logged, accounting for 56% of the total incidents logged to the EN team. For the same period 1,354 noise complaints were logged (33%). 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 41 unauthorised encampment incidents, this relates to approximately nine encampments.

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. The incidents passed to the EN team are then prioritised and investigated if possible prior to clearance. There were 2,338 fly-tipping incidents recorded in 2017/18 (compared with 2,156 in 2016/17 and 1,683 in 2015/16 for the same time period).

1.2 There appears to be a link between the increase in fly-tips and new restrictions imposed on the Recycling Centres for Household Waste (RCHW), but this is a very simple analysis based on the recent pattern of fly-tipping. We understand that tight restrictions have also been imposed on centres in other areas outside Essex. It is clear that the new restrictions on RCHW will have excluded a lot of commercial waste that should never have been taken to the household recycling centres. Recently this type and size of waste appears to have been fly-tipped more frequently.

1.3 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.

1.4 Evidence suggests that the recent increase in fly-tipping in Stapleford Abbotts appears to be linked to one company/group of individuals operating a waste clearance service advertised on Gumtree. Investigations are continuing. We are hopeful of securing a prosecution in due course, although at this time all efforts to confirm the full identity and address of the offenders have been unsuccessful.

1.5 The Environment & Neighbourhood team continue to pursue fly-tippers through the courts and have also offered 16 fixed penalty notices (FPN) of £200 for a number of less significant fly-tips with the **payment of 14 FPN resulting in an income of £2,800.**

1.6 Details of prosecutions are published in the Members Bulletin and summarised at Appendix A. In 2017/18 there have been seven prosecutions (offences include depositing waste illegally and associated waste duty of care offences) resulting in a total fines amounting to £6,071, costs awarded of £6,835.52 and victim surcharge/compensation of £771. **In total, £13,677.52 of financial penalties imposed on offenders through prosecution action.**

1.7 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 a number of ongoing investigations.

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 seen as the last resort. There were 1,354 noise incidents registered in 2017/18, compared with 1,439 in 2016/17 and 1,070 in 2015/16. There is no clear trend in the number of noise complaints. We expect a similar level of complaint in 2018/19.

2.2 In 2017/18, noise abatement notices were served on the following premises due to noise from loud music and in the case of Wimpy – excessive hours of work on a construction site.

- 293 Willingale Road, Loughton, Essex, IG10 2DH.
- Wimpy Bar, Wimpy, 168A High Road, Loughton, Essex, IG10 1DN.
- 4 Brickenden Court, Waltham Abbey, Essex, EN9 3EF.
- Sun Inn, Nazeing Common, Nazeing, Waltham Abbey, Essex, EN9 2DE.
- Woolston Manor Golf Club, Abridge Road, Chigwell, Essex, IG7 6BX.
- The Gardeners Arms, Gardeners Arms, 103 York Hill, Loughton, Essex, IG10 1RX.
- 15 Jessel Drive, Loughton, Essex, IG10 2EX.

2.3 One formal caution has been issued and accepted in relation to the breach of an abatement notice, when the duty noise officer witnessed an excessively loud party in the early hours of the morning. One prosecution for a breach of an abatement notice (in relation to loud music), is currently pending court action. The alleged offender has failed to engage with the EN team and complaints persist.

2.4 In the summer of 2017 in response to ongoing complaints, officers spent a number of hours monitoring noise from drag racing events at North Weald airfield. Whilst it was clear at the outset that noise from events was inevitable, some extremely high noise levels were recorded. Despite an ongoing dialogue with the organiser of the drag racing, a reasonable compromise could not be established to allow viable events to continue without the risk of causing excessive noise. The hire of the airfield for drag racing has now been cancelled.

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 started 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 Early in 2017, the EN team were involved in evicting 6 caravans from the EFDC managed nature reserve off Old Shire Lane, Waltham Abbey. EN officers started the eviction process but after gathering further evidence regarding fly-tipping by the occupiers of the site, the police then used s.61 powers to evict the UE immediately.

3.4 Similarly in July 2017, an UE on the Chigwell Recreation Ground consisting of 9 caravans resulted in EN officers starting possession proceedings, but as the incident escalated and some evidence of anti-social behaviour came to light, the police used s.61 powers to evict the UE.

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

4. Other action of note - 2017/18

4.1 A **wood yard in Hoe Lane Nazeing** that was an ongoing concern due to previous extremely large fires on the site caused further complaints in 2017 in relation to dust emissions and the potential for a fire on the site due to an excessive accumulation of wood waste.

4.2 Although the site operated under a waste exemption issued by the Environment Agency (EA), the EA had insufficient resources to monitor the site and asked for assistance from the EN team to help monitor and control the site.

4.3 EN officers visited the site on a regular basis in 2017. On 10 May 2017, EN officers established that the operation was causing a statutory nuisance, due to wood dust emanating from the site. An abatement notice was served on the operators of the site to control the emissions, requiring adequate dust suppression to be installed and operated. At this point the site effectively stopped operating. The EN team asked the EA to remove the exemption for the site. The EA agreed to this action but before that took place there was a large fire on the site (16 May 2017) that destroyed most of the un-shredded wood on the site.

4.4 The site has not reopened as a wood yard since then and has now been taken over by the neighbouring site, which operates a soil and concrete recycling operation. To date the new use has not resulted in any complaints and clearly does not pose the same fire risk which was a major concern for local residents. The current occupier of the site appears to have much better control over the operation and currently poses no concerns to the EN team.

5. Taxi licensing enforcement

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

6. Crime not to care campaign

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, EN officers also visited sites across the district where it appeared that waste needed to be collected and may 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.

7. Future enforcement work

Littering from vehicles - campaign and enforcement

7.1 In April 2018 the law is changing in relation to littering from vehicles. From April, the registered keeper of a vehicle can be held responsible for littering from their vehicle, even if it was discarded by somebody else. Previously the person who dropped the litter from the vehicle had to be identified.

7.2 The EN team believe that this change in the law will make enforcement of vehicle littering more productive. The EN team will be joining a Cleaner Essex Group campaign to highlight the change in the law and then targeting some resources specifically at enforcing this issue. The fixed penalty available for littering is also due to increase to a default level of £100 from the existing £75.

Crime Not to Care and Buy with Confidence scheme for waste companies

7.3 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. The Cleaner Essex Group will be looking to highlight this issue again in 2018/19.

7.4 However, persuading residents and business to comply with their duty will only be effective if the waste disposal companies who appear legitimate are not fly-tipping waste. We know that obtaining a waste carriers licence from the Environment Agency poses no significant restriction to rogues intent on fly-tipping, so it can be difficult to identify potential fly-tippers. The Environment & Neighbourhood Manager is working with colleagues in Trading Standards and Essex County Council to investigate if a "Buy with Confidence" scheme can be set up to provide a list of Trading Standards audited waste companies. Further information of the scheme in general can be found online at:

<https://www.buywithconfidence.gov.uk/>.

7.5 The aim is to provide a list of audited waste companies providing waste disposal service in EFDC, who can be trusted and promise to help residents and companies comply with their duty of a care. There is an annual fee for joining the scheme to cover Trading Standards audit costs. If the scheme appears effective in attracting a sufficient number of companies the aim is to expand the scheme across Essex in order to reduce the amount of waste getting into the hands of rogue traders who are intent on fly-tipping for profit.

Waste vehicle stop checks

7.6 In 2018 the EN team hope to develop strong links with the police officers funded by EFDC and increase the number and effectiveness of waste vehicle stop checks, with the potential to seize vehicles operating illegally.

Greater use of mobile working for reporting and arranging clearance of fly-tipping

7.7 Colleagues in IT have recently been able to provide the EN team with a much improved online reporting form for logging fly-tipping incidents, improving the information initially reported and enabling greater use of mapping and mobile working to log inspections. The form should greatly reduce the administration time required to log incidents and issue clearance instructions.