

## **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 Tjokuskins 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 Tjokuskins admitted that he handed over some large cardboard boxes which were found fly-tipped amongst a larger pile of waste. Mr Tjokuskins' 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 Tjokuskins 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.