

1. **Environmental Protection Act 1990, Section 33 , 34 and 34(2A)**

Submitted by **Head of Environmental Health Services**

Portfolio **Environment and Recycling**

Ward(s) affected **All**

Purpose of the Report

To advise the Committee of the action taken in respect of a Fly Tipping offence within the Borough.

Recommendations

That the report be received

Reasons

Consistent enforcement is needed to challenge people who choose to ignore the law and commit environmental crime throughout the Borough.

1. **Background**

On the 17 February 2014, a complaint was received of a fly tipping incident at Howle Close, Newcastle under Lyme. A visit to the area was carried out on the 17 February 2014, and an officer witnessed an accumulation of debris and concrete. Information was received linking the accumulation with a registered rental vehicle. The officer's investigation revealed that at the time the fly tipping occurred the vehicle was in control of a Mr Howle of Pear Tree Lane, Newcastle.

On the 25 March 2015 this matter was heard at Stafford Magistrates' Court.

Mr Howle attended to plead guilty at the first opportunity. In mitigation he explained how he had returned to the site to remove the rubbish and correctly dispose of it. As such Mr Howle received a degree of sympathy from the Magistrates.

He was sentenced to a 12 month conditional discharge, costs of £100 and £15 victim surcharge.

2. **Issues**

There are large environmental, social and financial impacts associated with fly-tipping and the illegal dumping of waste. Local authorities, the Environment Agency and landowners spend more than £100 million every year tackling the consequences of fly-tipping. This is a constant drain on Borough Council taxpayers who ultimately pay the bill.

3. **Policy Considerations**

There are none arising from this report.

4. **Outcomes Linked to Corporate Priorities**

4.1 Creating a cleaner, safer and sustainable Borough.

- Streets and open spaces are clean and the community have pride in the Borough and take responsibility for seeing that it is clean and pleasant by reducing waste.
- The community is not put at risk from pollution or environmental hazards.

5. **Legal and Statutory Implications**

5.1 The Environmental Protection Act 1990 and CNEA 2005 place duties on the Council and provide powers.

Comment [PW1]: Type in full as I can not see that it has previously been used

6. **Equality Impact Assessment**

6.1 There are no differential equality impacts identified within this report.

7. **Financial and Resource Implications**

The Council were awarded costs during the court proceedings.

8. **Major Risks**

8.1 Non payment

There are none arising from this report.