

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 18 March 2015, a complaint was received of a fly-tipping incident at Lymes Road, Newcastle under Lyme. A visit to the area was carried out on the 19 March 2015, and an officer witnessed an accumulation of assorted household items and a carpet. The investigation revealed evidence leading the officer to an address at Silverdale Road , Newcastle under Lyme. On the 23 March 2015 the officer sent a letter to the occupant of the property inviting them to attend an interview on 7 April 2015. During the interview it was ascertained that a Mr Dominic Cartwright was responsible for the removal and subsequent disposal of the waste items found at Lymes Road. Mr Cartwright admitted that he had taken the waste from the property.

On the 23 September 2015 this matter was heard at Stafford Magistrates' Court. Mr Carwright attended the court to plead guilty and in mitigation he stated that he was genuinely sorry and it would never happen again. The magistrates took a serious view of the matter and having given him credit for his early guilty plea fined him:-

£400 fine  
£275 costs  
£40 victim surcharge  
£180 court charges

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 Clean Neighbourhood and Environment Act 2005 place duties on the Council and provide powers.

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.