

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 15 June 2015, a complaint was received of a fly-tipping incident at Stadmorslow Lane, Newcastle under Lyme. A visit to the area was carried out on the 16 June 2015, and an officer witnessed an accumulation of assorted household items including soft toys, books, nappies and bottles. The investigation revealed evidence leading the officer to an address at Oversley Road ,Stoke on Trent.

Mr Christopher Smart admitted that he had taken the waste from the property, however he alleged that he had first taken it to a waste site at Bemersley Road. After depositing some of the waste, a twenty minute delay occurred at the site, and therefore the waste was beginning to make his car smell. At this point Mr Smart left the site and travelled to Stadmorslow Lane where he deposited the remaining waste.

On the 10 February 2016 this matter was heard at Cannock Magistrates' Court. Mr Smart attended the court to plead guilty, and in mitigation he stated that he knew he shouldn't have done it and he regretted it after. He did go to the tip and got rid of most of the waste in a proper manner.

The magistrates took into account that it was a first offence and that Mr Smart had tried to dispose of the waste at the correct site. They stated that if it happened again, future benches may not be so lenient. Mr Smart was fined as follows:-

£560 fine  
£275 costs  
£56 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 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.