

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

Submitted by **Head of Environmental Health Services**

Portfolio **Operational**

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**

- 1.1 On the 27 March 2017, a complaint was received of a fly-tipping incident at Oaklea Court, Bignall End Road, Newcastle under Lyme. The investigation revealed evidence leading the officer to an address at Woodlands Road, Stoke on Trent.
- 1.2 The officer identified the occupant of Woodlands Road, as Mrs Stechly who stated that she was the individual that had deposited the waste.
- 1.3 Mrs Stechly stated that she had taken the waste to the incinerator at Sideway, Stoke on Trent, but unfortunately the facility was closed. Later on that day the smell from the waste became very strong and she took it from the vehicle and placed it at the entrance to Oaklea Court.
- 1.4 On 1st August 2017 Committee resolved to institute legal proceedings in relation to this offence.

2. **Issues**

- 2.1 On the 2nd October 2017 this matter was heard at North Staffordshire Magistrates' Court. Mrs Stechly attended the court to plead guilty. She was fined £400, £720 costs and £40 victim surcharge
- 2.2 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.

2.3 This matter has already been reported in the local media.

3. **Policy Considerations**

3.1 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**

7.1 The Council were awarded costs during the court proceedings.

8. **Major Risks**

8.1 Non payment

There are none arising from this report.