

**CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**  
**FIXED PENALTY NOTICES**

**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**

**For Members to receive the report.**

**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     A complaint was received on 15 March 2012, alleging that waste materials had been deposited in Minton Street, Wolstanton, Newcastle under Lyme. Following examination of the waste it was established that it contained a substantial amount of household items and details of correspondence from Mr S Vella of Newcastle under Lyme. Mr Vella was invited for an interview at the Civic offices and under caution admitted that the items had originated from his address. He admitted loading the items into his car and leaving them in Minton Street, however he claimed that bins and black bags were already present in area and thought it was a legitimate refuse collection site.
- 1.2     Mr Vella attended the magistrates court and he pleaded guilty to the offence under Section 34 of the Environmental Protection Act of failing to properly dispose of household waste. Mr Vella apologised he received a fine of £380 with a victim surcharge of £15 and costs were awarded in the sum of £275.

**2.     Issues**

- 2.1     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 Sustainable Community Strategy and 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.

6. **Equality Impact Assessment**

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.