

ENVIRONMENTAL PROTECTION ACT 1990 SECTION 81(4)
OUTCOME OF PROSECUTION PROCEEDINGS AGAINST MRS JULIE GRIFFITHS, 123
CHURCH STREET, BUTT LANE

Submitted by: (Environmental Protection Team Manager – Darren Walters)

Portfolio: Environmental Health

Ward(s) affected: Butt Lane

Purpose of the Report

To advise Committee of the outcome of legal proceedings taken by the Council regarding a breach of a noise abatement notice.

Recommendations

- (a) That the report be received.
- (b) To resolve that the Council's Communications section report details of the case in the next available edition of the Council's Reporter Newspaper.

Reasons

To act as deterrent to the creation of noise nuisance within the Borough and to raise the profile of the range of work carried out by the Environmental Health Division.

1. Background

1.1 At a meeting of the public protection Committee held on 3 December 2012, the Public Protection Committee resolved to prosecute Mrs Julie Griffiths for the breach of a noise abatement notice served under the provisions of Part III of the Environmental Protection Act 1990. The Committee were also advised that in the event of a successful prosecution, that the Council would make an application to the Court for a Criminal Anti Social Behaviour Order to secure long lasting abatement of noise nuisance for affected residents (Minute 8 of 3 December 2012).

2. Issues

2.1 At a court hearing held on 19 December 2012, Magistrates' sitting at Stafford Magistrates' Court accepted a guilty plea from Mrs Griffiths in respect of 47 occasions of noise nuisance caused by shouting and screaming. Mrs Griffiths was subsequently fined £500 (maximum fine of £5000 for each offence) with a £15 victim surcharge and £250 costs awarded to the Council. The Chair of the Magistrates' bench advised Mrs Griffiths that should she be brought before the bench again for similar offences, that on conviction she would be likely to be fined a minimum of £500 for each single occurrence of noise nuisance.

2.2 Following the conviction, an immediate application was made for a Criminal Anti Social Behaviour Order (CRASBO). This was granted by the court for a period of five years and prohibits Mrs Griffiths from engaging in behaviour or conduct likely to cause nuisance, disturbance, alarm or distress; create audible noise in neighbouring properties or to shout, scream or bang on internal walls. Additionally she cannot contact or communicate with named individuals. Should Mrs Griffiths breach the CRASBO she risks arrest and on conviction, imprisonment for upto five years.

- 2.3 This case and its outcome has since received significant press coverage in the local and national newspapers and has generated significant public interest as a result.
- 2.4 As a result of this action, partnership working between the Council and the Police has again been shown to produce significant benefits for the residents of the Borough. It is also hoped that this action will provide long lasting relief for local residents and secure a positive change in behaviour without further need for intervention by either the police or council.

3. **Reasons for Preferred Solution**

- 3.1 The action taken is proportionate to the perceived environmental harm caused and is in accordance with the Environmental Protection Enforcement Policy and government policy regarding environmental crime enforcement and the Governments Better Regulation agenda.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 4.1 The action taken achieves the following priorities within the Sustainable Community Strategy and the Council's corporate priorities:
 - creating a cleaner, safer and sustainable Borough
 - creating a Borough of opportunity

5. **Legal and Statutory Implications**

- 5.1 The Environmental Protection Act 1990 provides a discretionary power to the Council to take the action reported and creates the offence.

6. **Financial and Resource Implications**

- 6.1 The full costs incurred by the Council, in taking this action have not been recovered and a partial costs awarded of £250 has been made by the Court.
 - 6.2 Officers will be meeting with the Head of Legal Services to discuss how the Council can seek to recover its full costs and minimise costs to the public purse in any future legal action as provided for by the Prosecution of Offences Act 1985 s.18(1) and Rule 76.5 Criminal Procedure Rules 2011.

7. **Background Papers**

Public Protection Committee Report 3rd December 2012 - Prosecution of Mrs JG for breach of a statutory noise nuisance abatement notice
Prosecution case file (Held by Legal Services)