

## Appendix 2

### Environmental Crime Case Examples

#### **Private land;**

- **Prosecution for fly tip;** Lee Taylor was prosecuted for 11 offences of fly tipping on land belonging to Watford Borough Council, Watford Community Housing Trust and private land owners. Lee Taylor was sentenced to a total of 13 months imprisonment and disqualified from driving for 12 months. (Digital image attached).

Based on the facts and findings the officer in this case made the decision to prosecute, as this individual was a registered waste carrier who over a substantial period of time went out looking for waste and flagrantly and deliberately fly-tipped it, he failed to engage with the environmental crime team when requested and failed to heed previous warnings, these acts were too serious to consider anything other than prosecution.

- **Prosecution for domestic duty of care;** Jatin Patel was prosecuted for passing a large accumulation of building waste produced from works at his property to an unlicensed waste carrier. This waste was later fly tipped on private land belonging to another. Mr Patel was later sentenced to pay £420 fine, £598 costs and £42 victim surcharge. (Digital image attached).

The officer in this case made the decision to prosecute on the basis that this Individual knowingly gave permission for his waste to be passed to an unlicensed waste carrier as it was cheaper than hiring a skip or using a licensed waste carrier who would dispose of his waste legally. The individual showed no remorse to the victim who had to pay a large sum to dispose of his waste from their private land legally. The individual failed to comply with parts of the investigation, causing the officer to invest further time in this case.

- **Restorative justice - fly tipper and victim;** Young male from Watford found to be fly tipping waste at local community centre.

Whilst this case involved an individual who admitted to fly tipping, the officer in this case made an executive decision not to prosecute. The reason for this was further investigation and multi agency working with relevant bodies revealed that the young male had been fly tipping his mothers domestic/household waste and black bags of recyclable alcohol bottles produced as a result of his mothers alcohol addiction. The officer worked closely to build a trusting relationship with the mother and son to understand the reasons behind the reoccurring fly tipping. The son later confided in the officer explaining that his mother had been set a deadline by their housing association to clear the house of all accumulations, before losing their property. Further enquiries revealed that the young male was a full time carer for his mother who suffered from alcoholism and mental health issues and was struggling to maintain the upkeep of the house. The officer advised that they would not be pursuing a prosecution in this instance, due to the circumstances.

The community centre were extremely understandable and asked if they could provide the young male and his mother with a Christmas food hamper

as a sign of forgiveness. Environmental crime worked with the young male to clear the remaining waste and arranged for adequate bin and recycling storage to help dispose of the larger amount than average household recycling. The young male later agreed with the officer to meet with the manager of the community centre who had to arrange for his fly tipped waste to be removed from their private property. Consequently, the young male agreed to undertake some voluntary work at the community centre to show his sincere apologies, which later led to him pursuing his dream career as a care assistant and additional help was sought for his mother.

### **Public Land;**

- **Prosecution for flytip;** Tammy Moseley was prosecuted for fly tipping over 30 black bags of cardboard, plastic packaging, household and garden waste in the woodland area belonging to North Watford Cemetery. Ms Moseley was sentenced to a three month curfew order preventing her from leaving her property between the hours of 8.00pm and 7.00am. She was also given a conditional discharge for 12 months and ordered to pay £600 towards the prosecution's costs. (Digital image attached).

After an extremely thorough and time consuming investigation the officer in this case made the decision to prosecute the offender. The reason for this was because the offender knowingly threw a large proportion of waste over her rear garden fence and into North Watford Cemetery woodland area, which she denied from the beginning of the investigation. She failed to comply with parts of the investigation and began ignoring all contact from the officer. The situation of the fly tip showed complete ignorance and lack of respect for the feelings of residents and visitors of Watford who visit the Cemetery to pay their respects to loved ones. The flytip was detrimental to the visual amenity of North Watford Cemetery, and posed a potential health risk. The presence of the waste has caused upset for local Watford residents within the vicinity. The cost of removing this waste was at the expense of the local purse. As previously mentioned, no remorse was shown as the offender pleaded not guilty to this offence until her final hearing at the crown court.

- **Long term solution – flytip;** Series of fly tips in the shrubbery area on Coates Way, Watford.

The officer in this case investigated three different fly tips over the period two weeks. Further enquiries led the officer to a flat based in an accommodation for independent living for people suffering from mental health issues and or learning disabilities. There the officer visited a mother and daughter who she evidence to suggest that they were responsible for the fly tipping incidents. Unfortunately, the mother and daughter were in the property but would not answer the door. The officer followed the failed visit up with a letter and over time managed to build a relationship with the mother and daughter who later agreed to meet. During the meeting the mother and daughter admitted to the officer that they were responsible and wanted to be brought to justice or pay a fine. The officer worked with them to establish the reason behind the regular dumping of their waste. It was later unravelled that they were afraid of their shared bin shed due to it constantly being dark with no of lighting and automatic shutting doors which frightened them. The officer made the decision not to prosecute in such circumstance and instead worked with the

housing provider to adapt the bin shed and erect adequate lighting. The mother and daughter were extremely appreciative of the changes and now use the adapted bin shed.

### **Duty of Care offences**

- **Prosecution for trade waste duty of care;** Dean Smith prosecuted for failing in his duty of care in relation to his business waste, which was found fly tipped in Whippendell Woods. He was later sentenced to pay £850 fine, £2346.10 costs and £15 victim surcharge. (Digital image attached).

Based on the facts and findings the officer in this case made the decision to prosecute on the basis that this was a business knowingly passing his controlled trade waste to a waste carrier. He fail to check if the waste carrier was licensed nor did he obtain a waste transfer note, which he is legally required to keep for two years. This fly tip polluted a very sensitive public area of ancient woodland, a site of special scientific interest, enjoyed by a large proportion of Watford local residents. This fly tip was cleared at the expense of the local purse.

- **Working with our local businesses;** Environmental crime recorded an increase in complaints with regards to local businesses illegally storing Basco Bakers baskets to the front of their shop frontages to display their fruit and vegetables.

In order to work with the local businesses the team took this as an opportunity to work with the business owner and ensure compliance with their duty of care. This gave the team a chance to build positive relationships with the business owners whilst ensuring they were fully compliant with the law. The team arranged a joint operation with the Basco Bakers enforcement team to visit the businesses, discuss whether or not they had adequate bin storage for their trade waste and if not provided them with information and education as well as scheduling a revisit to check compliance. Basco Bakers retrieved the illegally stored bread baskets from the businesses, no formal action was taken in this case and advice and education was provided to business owners.

This gave the business owners the opportunity to improve their shop frontages and therefore increase business. Secondly, the businesses appreciated the face to face contact with the environmental crime team to help ensure compliance with the law. The businesses were initially spectacle of the operation, however thanked the team on their second visit stating it had improved the visual appearance of the shop. These changes were also acknowledged by local residents and passers by, who appreciated the targeted approach to an issue that was becoming a widespread problem in Watford. Approximately 1000 Basco Bakers were retrieved by Basco, costing £7 per unit.

### **Student littering hot spots**

- **Fixed Penalty Notice issued;** Environmental crime recorded an increase in littering from students identified from Westfield Secondary school. Repeat complaints identified sixth form students congregating behind the Holywell

parade of shops and doctors surgery. Complainants stated that the students were intimidating and were littering the area with cigarette butts and general litter during break times everyday.

The officer raised this issue with the sixth form head of year and arranged a joint meeting with the schools police officer. Following the meeting the officer presented a PowerPoint presentation to the sixth form students with the schools police officer. The officer outlined the offence and Watford Zero tolerance policy for littering. The schools police officer then explained the impact of having a criminal offence on their record when applying for a job, if they were to receive an FPN for littering that they failed to pay. A discussion was held with the students and the officer arranged for further litter bins to be installed as requested. The officer provided the sixth form department with the anti littering campaign posters and explained to the students that the team would be targeting this area during break times. The team has seen a positive improvement to the area. As a result of the targeted enforcement only one student was issued with an FPN for purposefully depositing litter on the floor in front of the officer, before laughing and running back to the school. The sixth form head identified the individual who later paid an FPN for littering. The school were happy with the officer's decision to issue an FPN in this case as the students had been warned and they felt it would send out a message to the remaining pupils.

- **Schools information and education;** Following the secondary school littering education work the team took the opportunity to visit local primary schools and target students from a young age surrounding the effects of littering. The team arranged a joint project with the recycling officer and the sustainability officer and prepared a presentation and activity for the students, spreading the message of the impact of litter, the importance of recycling and energy efficiency at schools across the town. One of the teachers in the press release commented "Our children really enjoyed and responded well to the interactive sessions. They particularly liked the litter picking and recycling activity at the end". These workshops were extremely positive and engaging, as well as aiding the schools towards becoming an Eco-school.

**Fly tip case example digital images**

**Lee Taylor Fly tip**



April 2013



November 2013



November 2013



December 13



January 2014



March 14



March 14



April 14

**Jatin Patel fly tip**



**Tammy Moseley fly tip**



**Prosecution for trade waste duty of care**





**Basco bakers bread basket operation examples**

**Before**



**After**



Before



After



# NEWS RELEASE

**Angela Farrance - Communications Officer**

Tel: 01923 278252 email: [angela.farrance@watford.gov.uk](mailto:angela.farrance@watford.gov.uk)



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## **Spreading the message about litter, recycling and energy.**

Watford Borough Council staff are spreading the message of the impact of litter, the importance of recycling and energy efficiency at schools across the town.

Kerrie Barrett - Environmental Crime Officer, and Hayley Page - Recycling Officer have been giving environmental workshops in a number of primary schools in Watford, talking about the negative effects of litter, litter enforcement, street cleansing and how rubbish can be recycled. Each session ended with a litter picking and recycling activity, to put what the pupils had learnt into practice.

Councillor Derek Scudder, Cabinet member with responsibility for environmental issues, said: "We hope that good habits learned in schools are followed through into homes and communities. We recycle over 40% of our waste in Watford, which is great, but we can always strive for more"

The picture shows pupils from Holy Rood Catholic Primary School, who are working towards becoming part of the Eco-Schools programme. This is an international programme which aims to bring about behaviour change in young people and those connected to them.

Rhona Valvano, Eco Coordinator at Holy Rood, said: "Our children really enjoyed and responded well to the interactive sessions. They particularly liked the litter picking and recycling activity at the end"

The school's work towards becoming an Eco-School saw them combining the anti-littering and recycling workshop with an energy efficiency workshop given by the council's Sustainability Officer, Naheeda Khan, for years 5 and 6. The children learnt about different forms of energy, where they come from, their uses, carbon emissions and sustainability, ending with an experiment looking at the effects of insulation.

For more information on litter and recycling please visit: [www.watford.gov.uk/recycling](http://www.watford.gov.uk/recycling) and for more information on innovative energy efficiency measures, please visit [www.watford.gov.uk/greendeal](http://www.watford.gov.uk/greendeal)

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