

TONBRIDGE & MALLING BOROUGH COUNCIL
LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 PROSECUTIONS

1.1 The following prosecutions have taken place:

1.1.1 Jordan Chan – littering offence, section 87 Environmental Protection Act 1990

1.1.2 On 17 July 2013 an officer of the Council witnessed the male driver of a vehicle throw a cigarette end from the driver's window, at Ashton Way, West Malling.

1.1.3 The matter was reported to an environmental enforcement officer who made enquiries with the DVLA as to the registered keeper of the vehicle. The DVLA advised that Mr Jordan Chan of Minster-on –Sea was the registered keeper. As a result the officer issued Mr Chan with a fixed penalty notice for the littering offence, requiring payment of £80 or reduced to £50 if paid within 10 days.

1.1.4 Mr Chan advised that he was the driver of the vehicle on the date of the offence but denied committing the offence and lodged an appeal against the notice. However, the appeal was refused.

1.1.5 The fixed penalty notice remained unpaid and, as a result, Mr Chan was summonsed to appear before Sevenoaks Magistrates Court on 18 March 2014. Mr Chan failed to attend the hearing but submitted a guilty plea by post. The court imposed a fine of £100, ordered that he pay a contribution of £100 towards the Council's costs and a victim surcharge of £20.

1.2 Sandra Palmer –littering offence, section 87 Environmental Protection Act 1990

1.2.1 On 14 September 2013, whilst on duty at Barden Road, Tonbridge, an environmental enforcement officer, observed a female throw a lit cigarette end from the passenger window of a Ford Mondeo, marked as a taxi.

1.2.2 The officer spoke to the female about the littering offence, who identified herself as Sandra Palmer of Trench Road, Tonbridge, The officer issued a fixed penalty

notice to Ms Palmer for the offence requiring payment of £80 or reduced to £50 if paid within 10 days.

- 1.2.3 The fixed penalty notice remained unpaid and, as a result, Ms Palmer was summonsed to Sevenoaks Magistrates Court on 22 April 2014, for the offence. Ms Palmer failed to attend the hearing but submitted a written plea of guilty. The Court imposed a fine of £135, ordered that she pay a contribution of £100 towards the Council's costs and a victim surcharge of £20.

1.3 Colin Batney – failing to provide information –section 110 of the Environment Act 1995

- 1.3.1 On 25 November 2013 an environmental enforcement officer served by first class post a notice under section 108 of the Environment Act 1995 on Colin Batney of Dunkery Road, London, SE9 4HW, regarding an alleged littering offence outside Tonbridge rail station on 23 July 2013, as she had reasonable cause to believe that he may be able to give information relevant to the investigation.
- 1.3.2 The request for information stipulated that reply should be received within 14 days. However, no reply was received.
- 1.3.3. Mr Batney was summonsed to Sevenoaks Magistrates Court on 22 April 2014, for the offence. He failed to attend the hearing and the case was proved in his absence by reading the witness statements. The court duly recorded a conviction and imposed a fine of £200, ordered that he pay a contribution of £100 towards the Council's costs and a victim surcharge of £20.

Adrian Stanfield

Director of Central Services