

TONBRIDGE & MALLING BOROUGH COUNCIL
LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

02 March 2015

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 PROSECUTIONS

1.1.1 The following prosecutions have taken place:

1.2 Robert Ritchie – littering –section 87 Environmental Protection Act 1990

1.2.1 On 5 March 2014 whilst on duty outside Tonbridge Rail Station, an environmental enforcement officer observed a male discard a cigarette end onto the road.

1.2.2 The officer approached the male, who identified himself as Mr Robert Ritchie of Povey House, London SE17 1TP. The officer issued a fixed penalty notice to Mr Ritchie requiring payment of £80 but reduced to £50 if paid within 10 days of the date of issue.

1.2.3 Payment of the penalty notice was not received, and, as a result, a prosecution for the offence was commenced. The court hearing took place on 30 September 2014 at Sevenoaks Magistrates Court and Mr Ritchie entered a written plea of guilty to the offence. A conviction was duly recorded and the sentence of the court was a fine of £100, an order that he pay costs of £50 and a victim surcharge of £20.

1.3 Menzies Distribution Limited – Health & Safety - Provision and Use of Work Equipment Regulations 1998

1.3.1 On Monday 22 September 2013, an employee of Menzies Distribution Limited at their site in Aylesford sustained a fractured arm after he became trapped in an unguarded conveyor belt at Menzies Distribution, Unit E4 Larkfield Trading Estate, Larkfield ME20 6SW. The company had not guarded the conveyor to prevent this type of injury.

1.3.2 Menzies Distribution Ltd, entered a guilty plea at Sevenoaks Magistrates' Court on 30 September 2014 and apologised for the accident. Their representative said the guard had been in place the day before and that this was an isolated incident. The machinery was guarded immediately after the incident.

1.3.3 The Court handed down a fine of £4,000 and awarded the Borough Council full costs of £1,207. The Company was also required to pay a victim surcharge of £120.

1.4 Tracy Ivell – Littering – Section 87 Environmental Protection Act 1990

- 1.4.1 On 24th June 2014 an environmental enforcement officer observed a female discard a cigarette end onto the pavement in High Street, Snodland.
- 1.4.2 The officer approached the female, who identified herself as Tracy Ivell. The officer issued a fixed penalty notice to Ms Ivell requiring payment of £80, reduced to £50 if paid within 10 days of the date of issue.
- 1.4.3 Further investigations were carried out which established Ms Ivell's place of residence in Snodland. The officer visited the residence and Ms Ivell offered a payment plan of £1 per week. This was declined, and the officer subsequently wrote to Ms Ivell proposing a repayment plan of £30 per month for two months, plus a final payment of £20. No payments were received, and a prosecution was therefore commenced. No plea was entered.
- 1.4.4 On 27 January 2014, the matter was proved in the defendant's absence at Sevenoaks Magistrates' Court, and the court ordered payment of a fine of £200, £75 costs plus a £20 victim surcharge.

Background papers:

contact: Cliff Cochrane

Files TM-EH4-45, TM- EH4- 49, TM-EH4-44