

ENFORCEMENT CO-ORDINATION PANEL

28 October 2015

Commenced: 10.30 am

Terminated: 11.30 am

Present: Councillor S Quinn (Chair)

Councillors Bowerman, D Lane, Robinson and Taylor

In Attendance: Alan Jackson Head of Environmental Services (Highways)

Sharon Smith Head of Environmental Services (Public Protection)

Jason Dugdale Development Manager (Planning, Development and Investment)

Kevin Garside Integrated Neighbourhood Services Manager

Mark Hobson Senior Enforcement Officer (Planning)

Sarah Dobson Head of Policy and Communications

Apologies for Absence: Councillors Middleton and Sweeton and Sandra Stewart, Executive Director (Governance and Resources)

8. DECLARATIONS OF INTEREST

There were no declarations of interest submitted at this meeting.

9. MINUTES

The Minutes of the meeting held on 29 July 2015 were approved as a correct record.

10. ENFORCEMENT ACTIVITIES

(a) Planning

The Panel received a report of the Assistant Executive Director (Development, Growth and Investment) summarising the enforcement activities during the second quarter, July to September 2015, showing that 73 complaints were received alleging a breach of planning and building control, of which 52 were found to be proven as breaches. This represented a level of breach of 71% meaning 7 out of 10 of the complaints received required further investigation and possibly further action.

During the reported period, 4 formal notices were issued. This included one Enforcement notice, one Planning Contravention notice and two Section 215 notices. The Enforcement Notice related to land at Station Road, Hyde where the owner of a nearby house had stationed a metal storage container and was operating a commercial vehicle repair and metal manufacturing business. The Planning Contravention notice related to a farm in Hyde where the farmer had carried out tipping operations and erected stables on the land. The Section 215 notices related to properties in Denton and Dukinfield which were both untidy residential properties.

It was explained that enforcement action had recently taken place with regard to a residential property in Denton. The Council had received regular complaints from an adjoining resident and local MP about the overgrown condition of the front, side and rear garden areas of the property.

There was also a collapsed timber shed and an accumulation of brick waste from garden walls that had previously been demolished and it was clear that no maintenance had been undertaken at the property for some time. A Section 215 untidy land notice was issued and served on the owner requiring improvements to be made. The owner did not appeal against the notice and also failed to comply with the notice requirements. Direct default action was therefore decided as the best course of action to improve the condition of the property. Default works were carried out at the site in late July 2015 by contractors at a cost of £660 including VAT and this cost was being re-charged to the owner.

Enforcement action had also recently been taken with regard to a residential property in Stalybridge. Regular complaints had been received from adjoining residents, New Charter Housing and Greater Manchester Police about the overgrown condition of the front, side and rear garden areas, broken windows, and missing rainwater goods of this property that had been empty for several years. A Section 215 untidy land notice had been issued to the owner requiring improvements to bring the property back to an acceptable condition. The owner chose to appeal against the notice to Tameside Magistrates Court who eventually rejected the owners appeal and, as the compliance date in the notice had expired without any improvement works having taken place, it was decided direct default action would be taken. Default works were carried out at the site on 10 September 2015 by contractors at a cost of £1440 which was being re-charged to the owner.

Reference was also made to **Appendix 1** containing details of the current enforcement activity where formal notice had been served and cases recently concluded.

RESOLVED

That the report be noted.

(b) Environmental Enforcement

Consideration was given to a report of the Assistant Executive Director (Environmental Services) summarising the key enforcement activity undertaken by the Environmental Enforcement Team during the period April to June 2015.

Panel Members were advised that Environmental Services had been alerted to a number of travellers who had taken up occupancy on Park Road, Hyde on land belonging to the Council. A Removal Order under Section 78 of the Criminal Justice and Public Order Act 1994 was served on all occupants stating that they were now directed to leave the land, remove the vehicle or vehicles and any other property within 24 hours. Officers visited the next day and the caravans were still in situ and following a Court Order being obtained officers visited the site the same day with Police and executed the Order. All caravans were removed and the site was cleaned up and made secure. However, since this time the same travellers had returned to five different sites in Tameside and were currently at Guide Bridge Station. A further group of travellers were also occupying land on Lord Sheldon Way. This issue was taking a significant amount of resources to deal with and regular meetings were being held with the Council's Legal Section to deal with these unauthorised encampments.

Following complaints from a resident of a noise nuisance coming from a food manufacturing plant in Droylsden, investigations had led to the serving of a noise abatement notice on the factory requiring the company to abate the nuisance by taking a staged approach to addressing the problem. The company had employed an acoustic engineer to assess the site and recommend mitigations measures which could be put in place including the fitting of soundproof doors and acoustic cowls to reduce the noise from vents and extraction units. Once these works had been completed, officers would be in a position to determine if these had been successful. The Development Manager (Planning, Development and Investment) added that he would be pursuing a breach of condition notice with the developer of the site who had failed to install an acoustic wall when the houses were constructed some years ago.

In addition, the following matters were also highlighted:

- Summary of Improvement Notices served during this period;
- Details of a prosecution of the owner of a house in multiple occupation for fire safety breaches;
- Public Health Act notice served on the owner of a filthy and verminous property;
- Counterfeit washing powder seized from a warehouse in Hyde;
- Infectious disease cases, Shigella and E-coli investigated by officers;
- Investigations ongoing into allegations that the plume of smoke coming from a chimney stack of a factory was causing health issues and a nuisance;
- Update on a number of waste transfer sights that were not complying with their waste permits;
- Details of the licensing review of Hughes Bar, Denton;
- Application for the transfer of a premises licence and change of DPS refused by Speakers Panel;
- Suspension of premises licence for Caesars Bar, Hyde, following a serious incident on 13 September 2015;
- Details of three taxi drivers reviewed by the Speakers Panel;
- Consultations in respect of three new / revised licensing policies.

RESOLVED

That the content of the update report be noted.

(c) Engineering Services

The Environmental Services Manager (Highways) submitted a report detailing information on enforcement activities relating to abandoned vehicles, skips, scaffolding, pay and display car parking / on-street parking, bus lane enforcement, banner permits and private drainage and utility works.

In particular, there were 95 reports of abandoned vehicles during the quarter compared to the previous quarter of 88, mainly relating to untaxed vehicles. The Service now had access to undertake keeper checks via the NAFN network. In terms of private drainage, the number of requests had decreased to 20, and 19 of the requests received were given an informal settlement. The number of utility openings had decreased slightly since the last quarter, but remained fairly consistent and as predicted the number of defects had decreased from 620 to 287.

As predicted in previous reports, the income from bus lane enforcement had decreased as motorists became aware of the cameras in operation. There was still one camera to be made live at New Beech Street in Hyde as the site required further work and consultation on Traffic Regulation Orders.

The Environmental Services Manager advised on the theft of paving flags from Park Bridge. The individuals responsible had been caught, arrested and charged and the matter was being dealt with through the Courts. The Council would be looking to recover its costs for the replacement and installation of the paving flags.

In conclusion, he stated that for future reports he would be including information on the work of the Risk Management Team in dealing with slip, trip and fall personal compensation injury claims made against the Council.

RESOLVED

That the update report be noted.

(d) Neighbourhood Services

Consideration was given to a report of the Head of Stronger Communities, detailing enforcement activities carried out by Neighbourhood Services over the reported period of 1 April to 30 June 2015 which showed:

- A reduction in reports of littering;
- A reduction in reports of dog fouling;
- A reduction in reports of anti-social behaviour;
- An increase in reports of fly-tipping; and
- 12 successful prosecutions.

Neighbourhood Services officers were at the forefront of partnership working and assisting with corporate projects and there were currently 10 officers on secondment. In addition, 12 officers had volunteered to assist with the Bin Swap initiative at various periods and this would have some impact on frontline capacity.

In relation to anti-social behaviour 4,007 incidents were reported during Quarter 1, a reduction of 440 reports on the corresponding quarter of last year. It was pleasing to note this reduction particularly in areas where joint initiatives with partners developing an approach of enforcement, prevention and diversionary activities was having the desired effect of reducing problems and improving the quality of life for residents having to endure the difficulties.

The service continued to tackle littering and the misuse of public litter bins and in one case a letter found within a bag led officers to an address in Denton and a FPN was issued. On Ridge Hill Lane a persistent offender was caught when he left out cardboard boxes that contained delivery details.

There had been an increase of 10% in the number of reports of fly-tipping and Neighbourhood Services was working closely with colleagues from Waste Services and partners from external agencies to address the problem. Reference was made to details of individual cases where enforcement action had been taken.

Councillor Taylor raised concerns regarding several incidents of graffiti in Ashton Town Centre. It was important to remove graffiti immediately to discourage the offenders from targeting the area again and 'taggers' gained more notoriety the longer the graffiti remained. Photographs had been circulated to partners and efforts were continuing to identify those responsible.

RESOLVED

That the content of the report be noted.

11. WASTE POLICY AND ENFORCEMENT STRATEGY

The Assistant Executive Director (Environmental Services) submitted a report, which explained that following discussion at the last meeting of the Enforcement Co-ordination Panel, a draft policy was considered at the Executive Board meeting on 23 September 2015 where it was agreed that authorisation be given to the commencement of a consultation exercise on the introduction of a proposed waste policy and enforcement strategy.

The consultation would be via 'The Big Conversation' and would run for a period of 5 weeks up to mid-November. Consideration would be given to the responses received and a report drafted for Executive Cabinet for its meeting in December 2015 with a launch date of 1 January 2016 subject to approval. The report for Cabinet would detail the final Waste Policy and Enforcement Strategy to be adopted by the Council together with a detailed communication plan.

Alongside the consultation, consideration was being given to how enforcement would be delivered by the Council moving forward and whether there should be a single regulatory service and a separate report would be taken to Board on this matter.

RESOLVED

- (i) That the content of the report be noted.**
- (ii) That a report be submitted to the next Enforcement Co-ordination Panel detailing the policy following consultation and agreement by the Council.**

12. URGENT ITEMS

The Chair advised that there were no urgent items for the consideration at this meeting.

13. DATE NEXT MEETING

It was noted that the next meeting of the Enforcement Co-ordination Panel would take place on Wednesday 27 January 2015 commencing at 10.30 am.

CHAIR