

# ITEM NO: 3(c)

## ENFORCEMENT CO-ORDINATION PANEL

29 July 2015

Commenced: 9.00 am

Terminated: 10.15 am

**Present:** Councillor S Quinn (Chair)

Councillors Middleton, Robinson, Taylor and Sweeton.

**In Attendance:** Sandra Stewart Executive Director (Governance and Resources)

Ian Saxon Assistant Executive Director (Environmental Services)

Lisa Lees Head of Neighbourhood Services

Alan Jackson Head of Environmental Services (Highways)

Sharon Smith Head of Environmental Services (Public Protection)

Jason Dugdale Development Manager (Planning)

Mark Hobson Senior Enforcement Officer (Planning)

**Apologies for  
Absence:** Councillors Bowerman and D Lane

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest submitted at this meeting.

### 2. MINUTES

The Minutes of the meeting held on 1 April 2015 were approved as a correct record.

### 3. ENFORCEMENT ACTIVITIES

#### (a) Planning

The Panel received a report of the Assistant Executive Director (Development, Growth and Investment) summarising the enforcement activities during the first quarter (April to June) showing that 74 complaints were received alleging a breach of planning control, of which 49 were found to be proven as breaches. The level of planning breaches of 66.2% meaning two thirds of the complaints received required further investigation and possibly further action. During the April to July 2015 period, 4 formal notices had been issued. This included two Planning Contravention notices, one Enforcement notice and one Breach of Condition notice.

The Enforcement Notice related to a property in Ashton-under-Lyne where the owner had erected a large shed / aviary building in the rear garden area. The Planning Contravention Notices related to a residential property in Dukinfield being used as a children's home and a property in Denton where the owners were carrying out a dog grooming and boarding business from home. The Breach of Condition Notice related to a property in Denton where the developer building a house on the land had failed to comply with a working hours condition attached to the planning permission.

It was further reported that successful prosecution had recently been taken by the Planning and Building Control Enforcement Service against the owner / occupier of a detached dwelling house with large grounds in Stalybridge. The owner had purchased the property in 2014 and whilst undertaking large renovation works on site had carried out the unauthorised felling of 11 trees from the front, side and rear garden areas that were subject to protection by Tree Preservation Orders.

The owner had claimed he did not know the trees were protected despite the fact that they were revealed on his Local Land Charges Search and his solicitor had notified him in correspondence.

The owner pleaded guilty to four separate charges at Tameside Magistrates Court and was fined £1,600 and £350 costs. Tree Replacement Orders would be issued to the owner in the next few weeks and advice was being sought from the Council's Arboricultural Officers on the species, size and location of trees to be planted in the garden area of the property.

Reference was made to the current enforcement activity where formal notice had been served and cases recently concluded and responses were provided to queries raised relating to individual cases.

## **RESOLVED**

**That the report be noted.**

### **(b) Environmental Enforcement**

The Assistant Executive Director (Environmental Services) submitted a report summarising the key enforcement activity undertaken by the Environmental Enforcement Team during the period January to March 2015.

The Panel Members were advised that on 13 January 2015 the owner of a carpet business in Hyde was fined £10,000 and ordered to pay £4,000 costs after pleading guilty for failing to comply with Section 3(2) of the Health and Safety at Work Act 1974 following an investigation into a fatal accident that occurred on 3 November 2012 at his shop premises. A carpet fitter had fallen down the cellar staircase whilst retrieving underlay from the basement and during a visit to the premises Environment Health Officers had found that there was no handrail on the staircase, no barrier to prevent a fall into the basement when the hatch was open and there was a significant slop on the cellar staircase. Although the breaches were not established as being causative of the death, the condition of the cellar staircase was such that it presented a risk to the health and safety of those utilising the cellar.

Reference was also made to the offences associated with Hajj and Umrah Pilgrimages where Tameside Business Compliance had been investigating the activities of a travel agent based in Ashton-under-Lyne specialising in arranging pilgrimages. The business had been unable to obtain visas for travel and pilgrims lost their money which had been paid to the company estimated at £500,000. The director of the business had been interviewed under caution and a prosecution report had been submitted relating to offences under the Fraud Act 2006, the Consumer Protection from Unfair Trading Regulations 2008, the Package Travel, Package Holidays and Package Tours Regulations 2008 and the ATOL Regulations 2012. Summons had been served for these offences and the initial hearing date for the case would be 7 July 2015 at Tameside Magistrates Court.

In addition, officers from Tameside Business Compliance had interviewed an Ashton-under-Lyne motor trader regarding the selling of a Renault campervan for £7,295 to an 85 year old man and the vehicle was in such poor condition that it had to be scrapped. When the purchaser complained to the garage and stopped his cheque he was visited at home and assaulted but due to the lack of witnesses the Police had been unable to take action. However, the sale of mis-described goods and aggressive trading were an offence under the Consumer Protection from Unfair Trading Regulations 2008 and a report had been submitted to Legal Services with a recommendation that the trader be prosecuted.

A waste transfer station in Hyde was currently in the process of constructing new, covered, storage bays for the waste and it was hoped, along with current controls, that this would alleviate any further potential issues with dust and litter escaping from the site. There appeared to be a delay with the erection of a 7 metre fence at the site and enquiries would be made with the company to ascertain if there were any issues to be addressed.

In addition, the following matters were also highlighted:

- Number of 5 star increased by 20% showing an improvement in Food Hygiene compliance;
- A number of Health and Safety Prohibition Notices served of businesses;
- Launch of the Tameside's Tattoo Hygiene Rating Scheme;
- Investigation by Business Compliance Officers of an American food and drink importer based in Droylsden following complaints received from consumers, other importers and trading standards authorities;
- Following a routine inspection of a restaurant in Dukinfield, Hygiene Improvement Notices were served on the owners;
- Tameside Trading Standards had signed up to the Stop Loan Sharks Charter;
- Following an Abatement Notice served on Network Rail for the accumulation of bird droppings under the railway bridge at Turner Lane, Ashton-under-Lyne, further compliance visits had been carried out;
- Officers had met with the Environment Agency and representatives of Total Petrochemicals to discuss the remediation of the site on Bridge Street, Stalybridge, following the demolition of the site;
- A Noise Abatement Notice had been served on a food manufacturing business in Droylsden following the investigation of complaints of noise nuisance disturbing their sleep;
- Two licensed drivers had their licences revoked following their attendance at Speakers Panel in March 2015;
- Co-ordinated visits carried out across the Borough at 60 off licenced premises.

## **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 parks / on-street parking, bus lane enforcement, banner permits and private drainage and utility works.

In terms of abandoned vehicles, there were 88 reports in the reported quarter as compared to the previous quarter of 68 reports. The majority were untaxed vehicles which had been reported straight to the DVLA for their attention. Since the move to Tame Street offices, the DVLA WEE system used to check for keeper details had been unavailable and work was continuing to identify the fault and rectify the situation.

Statistics for all off street car parking had remained fairly consistent but the number of PCNs issued had decreased by 663 this quarter. This was due to a number of staff vacancies and a recruitment process had been undertaken and training of the new members of staff had begun. The number of payments made was 1492 and although this was a small decrease remained it similar to previous quarters. In relation to on-street car parking there had been a slight decrease for penalty notices over the past quarter in Ashton-under-Lyne. All other towns remained fairly similar apart from Hyde and Stalybridge which had seen an increase.

In terms of New Roads and Street Works Activities, the number of utility openings had decreased slightly since the last quarter but remained fairly consistent. The number of defects had decreased from 930 to 620 and there were no 'overstays' during the reported quarter.

As predicted, there had been an increase in income for bus lane enforcement. It was anticipated that this would decrease and begin to plateau as drivers became aware that cameras were live. A second camera on Audenshaw Road near Manor Road had now been made active and also a camera on Manchester Road South in Denton. It had also come to light during works in the area that a resident had removed bus lane enforcement signage from Audenshaw Road resulting in the Council not being able to take enforcement action. The Police had been contacted and advice from Legal Services would be sought regarding prosecution / recovering costs for the loss of income. In relation to New Beech Street, Hyde, this site required further work and consultation on Traffic Regulation Orders.

**RESOLVED**

**That the update report be noted.**

**(d) Neighbourhood Services**

Consideration was given to a report of the Head of Stronger Communities, outlining enforcement activities carried out by Neighbourhood Services over the period 1 January to 31 March 2015 and detailed partnership initiatives relating to enforcement and prevention activities and details of prosecutions which had taken place during the reported period.

As Neighbourhood Services increased the level of integration with partners, a new multi-agency meeting was launched in March 2015, bringing together key partners and agencies to look at how ongoing concerns and issues could be addressed. The meetings take place in each of the four neighbourhoods targeting issues posing a threat to Tameside communities and providing an opportunity for early action through prevention and enforcement, reducing the risks of problems escalating and reducing the pressures on frontline service providers.

In relation to incidents of dog fouling, 258 complaints were received during the reported period compared to 273 during the corresponding quarter of 2013/14 representing a reduction of 5%. Days of action and observations carried out in specific hot spot locations were detailed and a total of 4 FPNs for dog fouling had been issued during the quarter.

The number of littering complaints received during the quarter had decreased by 95 on the corresponding quarter last year and 56 FPNs had been issued for this offence. Saturday 21 March 2015 was the first National Clean-Up Day and groups from across the Borough took part in litter picks and community led clean-up events.

However, it was noted that there had been an increase in the number of fly tipping reports received and 966 complaints had been received during the quarter representing a rise of 16%. For future reports, photographs of the fly tipping incidents the service was responding to would be included.

**RESOLVED**

**That the content of the report be noted.**

**4. WASTE POLICY AND ENFORCEMENT STRATEGY**

Consideration was given to a report of the Assistant Executive Director (Environmental Services) seeking the comments of the Panel on undertaking a consultation exercise on the introduction of a draft Waste Policy and Enforcement Strategy setting out what Tameside residents and key stakeholders could expect from the Waste and Recycling Service, including education and support and enforcement action.

As bin swap was rolled out across the Borough it was recognised that it was important to have a clear policy regarding waste collection. The Council would be aiming to maximise the amount of waste recycled by residents and reduce waste disposal charges. Litter and illegal dumping of waste was expensive to remove and had a negative impact on the visual amenity of the

environment. Alongside the waste policy, it was proposed that a formal enforcement policy be adopted setting out in a transparent manner how the Council would take enforcement action for occurrences of non-compliance. Clear work instructions had also been developed outlining the Council's approach to enforcement. As part of the consultation process, a full equality impact assessment would be undertaken.

#### **RESOLVED**

- (i) That the draft Waste Policy and Enforcement Strategy be noted.**
- (ii) That the commencement of a consultation exercise on the introduction of a proposed Waste Policy and Enforcement Strategy be supported, following which a report would be submitted to Executive Board.**

### **5. 'A' BOARDS AND OTHER ADVERTISING STRUCTURES ON THE HIGHWAY**

Consideration was given to a report of the Assistant Executive Director (Environmental Services) outlining the arrangements to be introduced for the safe management and enforcement of 'A' Boards and other advertising structures on the highway, detailing the background, objectives and procedures.

The Council supported businesses as key drivers for the local economy, and the Panel recognised that for businesses to succeed and expand they would need to advertise. However, there had been a steady rise in the amount of 'A' Boards placed on the public highway causing problems for pedestrians and particularly those with restricted mobility or the visually impaired. It was acknowledged that a balance needed to be achieved between meeting the needs of businesses to advertise but also protecting highway users and improving the street environment.

This type of service described would be subject to a charging policy in line with other services to recover the costs of administration, monitoring and enforcement of the scheme. The proposed charging regime was for an annual registration fee of £72 plus a weekly charge of £5 per 'A' Board. This would be subject to an annual review of Fees and Charges in Environmental Services.

#### **RESOLVED**

**That the Panel recommends the introduction of a scheme for the safe management and enforcement of 'A' Boards which would be detailed in a subsequent report to Executive Board.**

### **6. URGENT ITEMS**

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

### **7. DATE NEXT MEETING**

It was noted that the next meeting of the Enforcement Co-ordination Panel would take place on Wednesday 28 October 2015 commencing at 10.30 am.

**CHAIR**