

ENFORCEMENT CO-ORDINATION PANEL

26 October 2016

Commenced: 10.30 am

Terminated: 11.50 am

Present: Councillor S Quinn (Chair)
Councillors Bowerman, Middleton, Robinson, Sweeton and Taylor

In Attendance: Aileen Johnson Head of Legal Services
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

Apologies for Councillor D Lane
Absence:

7. DECLARATIONS OF INTEREST

There were no declarations of interest submitted at this meeting.

8. MINUTES

The Minutes of the meeting held on 27 July 2016 were approved as a correct record.

9. ENFORCEMENT ACTIVITIES

(a) Planning

The Panel received a report of the Assistant Executive Director (Development, Growth and Investment) advising that the second quarter July to September 2016 showed that 79 complaints were received alleging breach of planning and building control, of which 55 were found to be proved as breaches. This represented a level of breaches of 66% meaning that nearly two thirds of the complaints received required further investigation and possibly further action. The level of breach had increased slightly from the first quarter but the number of complaints received had decreased by 25. This reduction was attributed to the service directing customers to use the online form on the Council's website to submit their complaint rather than over the telephone.

During the reporting period, four formal notices were issued. This included one Enforcement notice and three Section 215 (Untidy Land) notices. The Enforcement notice related to a address in Denton where the owners were operating a dog grooming, dog day care and dog boarding business from their residential property. The Section 215 (Untidy Land) notices related to one residential property in Stalybridge and two residential properties in Droylsden.

Enforcement action had recently been taken with regard to an empty privately owned residential property in Ashton-under-Lyne. The main concerns related to the property being open to trespass and the garden areas being in an untidy state and co-ordinated enforcement action was taken with colleagues in Housing Services to address the complaints. The property was reported to be attracting anti-social behaviour related problems with local youths congregating and using the garden as a cut through the land behind. Following several attempts to try and get the owner to

voluntarily secure the property a Section 215 (Untidy Land) notice was served on the owner requiring improvements to be made. As the owner did not appeal the notice and also failed to comply with the notice requirement, default works were carried out at the site in September 2016 by contractors at a cost of £708.00 and this cost was being recharged to the owner. Photographs included in the report showed the appearance of the rear garden area of the property before and after the intervention of Planning and Building Control Enforcement and Housing.

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

In conclusion, the Development Manager reported on an emerging issue at an address in Mottram where the owner was operating a waste disposal service from his residential property. The Development Manager would provide further details in his January 2017 update report.

RESOLVED

That the content of the Planning and Building Control enforcement activity update 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 1 January to 30 June 2016.

The Head of Environmental Services (Public Protection) was disappointed to report that the Service had commenced investigations into fresh complaints received about the Ashton-under-Lyne Travel Agent sentenced in July at Manchester Minshull Street Crown Court for offences under the Consumer Protection from Unfair Trading Regulations 2008. She would keep the Enforcement Co-ordination Panel updated as investigations progressed.

The involvement of Tameside Environmental Services in a Government backed programme – Business for All was outlined. The programme was designed to help regulators from across a region to develop a co-ordinated approach to deliver greater consistency of advice, making it simpler for business to understand regulatory support available, improve communication with business and demonstrate how good relations was good business. It had also been announced recently that 'Regulation' would be one of the new measures included in the fourth Greater Manchester devolution agreement. The new measure required the Greater Manchester Local Enterprise Partnership, the Growth Hub and Combined Authority work with Government to develop a strategic approach to the regulation of businesses, building on the Better Business for All national programme.

In addition, the following matters were highlighted and discussed:

- Improvements made at private water supplies in the borough;
- Food hygiene inspections carried out resulting in poor food hygiene ratings;
- Work carried out with multi-agency partners to tackle a range of issues often resulting in exploitation;
- Investigation into foam on the River Tame;
- Housing Prohibition Notice served on an unfit house;
- Update on Redmond Close, Audenshaw;
- Revocation of a premises licence for a store in Dukinfield;
- Meeting held with premises licence holder following a number of incidents at a premise in Stalybridge;
- Taxi driver application refused and results of taxi spot checks on Rossendale vehicles;
- Visits undertaken to commercial businesses to advise on waste disposal and littering; and

- Consultation on the proposed changes to policies and conditions for licensed taxi and private hire drivers and vehicles.

Members of the Panel made reference to recent communication from Jonathan Reynolds MP regarding noise nuisance from a plastics recycling company in Stalybridge and the Head of Environmental Services agreed to look into this matter.

RESOLVED

That the content of the Environmental Services enforcement activity 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.

It was explained that due to the increasing reports of abandoned vehicles, communications and publicity would focus on checks being made using the DVLA website to confirm if the vehicle was taxed / MOT before being reported as abandoned. In terms of banner permits, 55 had been issued in the reported period and 17 illegal banners had been removed. Members reported recent occurrences of illegal banner / posters and the Head of Environmental Services agreed to investigate these incidents.

The Head of Environmental Services also made reference to Traffic Penalty Tribunals and a new online system designed to reduce the amount of time officers spend in submitting the appropriate documentation to the Tribunal. He gave a presentation of the appeals system now online, avoiding costly paper files.

The Chair proposed that a working group comprising Councillor Robinson, Councillor Bowerman and representatives of Legal Services and Environmental Services be established to consider 'A' Board enforcement.

RESOLVED

- (i) That the content of the Engineering Services activity update report be noted.**
- (ii) That a working group comprising Councillor Robinson, Councillor Bowerman and representatives from Legal Services and Environmental Services be established to consider 'A' Board enforcement.**

(d) Neighbourhood Services

Consideration was given to a report of the Head of Stronger Communities containing an update on progress with the two Integrated Neighbourhood Hubs and outlining activities carried out by Neighbourhood Services over the period 1 April to 30 June 2016 covering the following sections:

- Update on Integrated Working;
- Activity summary of Community Safety;
- Activity summary of Community Engagement; and
- Recommendations.

In terms of integrated working, daily meetings were continuing to take place in Ashton and Hyde police stations to consider issues affecting residents and communities. Neighbourhood Services officers moved into the two hubs on 9 May 2016 and since that date the North Hub had been presented with 130 cases and the South Hub had been presented with 114 cases. The majority of the cases investigated involved residents or families presenting multiple issues, with drug and alcohol misuse and mental health problems featuring in many. Reference was made to data

providing a breakdown of cases presented at the North and South Hubs and an example of how agencies had dealt with an issue concerning drug use at a property in multiple occupation in Ashton was provided.

The Integrated Neighbourhood Development Manager stated that recent media reports had suggested that hate crimes and incidents had increased since the European Referendum took place on 23 June 2016. With that in mind hate crimes and incidents would be monitored closely in the coming months. The Tameside Hate Incident Partnership held quarterly meetings to discuss incidents and develop and deliver an action plan aimed at reducing the number of incidents within the borough. This partnership included representatives from minority groups as well as partner organisations such as registered social landlords, Greater Manchester Police, probation services and various council services. During quarter 1 there were 99 crimes or incidents recorded but there had been no significant change in reports during this period.

Consideration was given to the data for reports of anti-social behaviour and it was reported that during quarter 1, 3,138 incidents were reported in Tameside. The highest number of reports totalling 931 was received in the North (Ashton Wards).

Members made reference to recent serious incidents of anti-social behaviour in Ashton resulting in damage to vehicles / property and threatening behaviour. It was understood that a dedicated Police Officer and two PCSOs would be joining the team next month to provide additional and much needed support.

RESOLVED

That the content of the report be noted.

10. PROCESS FOR DEALING WITH BREACHES OF PLANNING CONTROL

Consideration was given to a report of the Assistant Executive Director (Development, Growth and Investment), drawing Members' attention to the introduction of a new Planning Enforcement complaint form. The new enforcement complaint form, a copy of which was appended to the report, and list of priorities and timescales would make it clear to customers how their complaint would be dealt with.

Work was currently being undertaken on the priorities and timescales and these would be submitted to a future meeting of the Panel.

RESOLVED

- (i) That the contents of the report and new enforcement complaint form be noted.**
- (ii) That a further report detailing priorities and timescales would be submitted to a future meeting of the Panel.**

11. PROCESS ON NOISE NUISANCE

Consideration was given to a report of the Assistant Executive Director (Environmental Services) summarising the current procedure for the investigation of requests for service relating to alleged noise nuisance and proposed changes that would be necessary following a recent Local Ombudsman decision.

The Council had now revisited its duty to carry out assessments as to whether poor acoustic insulation was having a detrimental effect on occupiers of the properties using the Housing Health and Safety Rating System and take enforcement action if necessary. Currently there were two officers qualified to undertake these assessments and the Service would need to ensure adequate resources were in place to deal with any increase in service demand.

In conclusion, it was reported that a robust procedure for determining when requests for service were passed on for assessment under the Housing Health and Safety Rating System was being developed.

RESOLVED

That the proposed changes to the procedure for the investigation of requests for service relating to alleged noise nuisance following a recent Local Government Ombudsman decision be noted.

12. WASTE POLICY AND ENFORCEMENT STRATEGY: DELIVERY OF ENFORCEMENT ACTIVITY

Consideration was given to a report of the Assistant Executive Director (Environmental Services) providing an update on the implementation of the Council's new Waste Policy and Enforcement Strategy.

Work had begun to further develop the current successful 'Bin App' allowing members of the public and Councillors to report waste accumulations, fly-tipping, missed bins etc. The app would also allow the user to track the report and receive regular updates and notifications as to where their complaint was up to. Updates would be sent to the 10,000 users of the current bin app advising them to download the new application and this work was expected to be completed by January 2017.

It was explained that currently all waste complaints were either allocated to one of the Enforcement Officers (Internal / NSL staff) or were sent directly to the Operations Team for direct clearance. This would depend upon the circumstances and whether there was any evidence or not. The programme of training with NSL staff was currently ongoing and so far 8 NSL staff had received the second part of the training programme where NSL officers shadowed experienced enforcement officers and serving FPNs whilst under supervision.

During the period July to September 2016, 16 FPNs had been issued for littering offences, of these a total of 6 were sent to Legal Services as a result of non-payment of the fine.

The Panel heard that the enforcement team was forming closer links with the street cleansing staff within the Operations Service. It was proposed that a waste enforcement vehicle would visit the fly-tipped areas around the borough and would visually advertise the fact that it was looking for offenders and would take enforcement action. It was intended that the vehicle would be manned by an enforcement officer together with a member of the operations team. The enforcement officer would collate any evidence at the same time as the waste was being removed. This would assist in making the process of dealing with complaints much more efficient, cutting out a number of stages in the current process and reducing the number of complaints being received about the same job.

In exploring alternative ways to tackle fly-tipping, portable CCTV cameras had been purchased and would be deployed in hot spot locations and this targeted enforcement would ensure the best use of current resources. The use of the CCTV cameras would be overt and follow the Council's CCTV Policy. Results of the use of CCTV would be reported back to the Enforcement Co-ordination Panel.

In conclusion, the Head of Environmental Services (Public Protection) made reference to a large scale fly-tipping complaint on land owned by the National Grid. Approximately 20 articulated lorries arrived in broad daylight to deposit 80 tonnes of shredded household waste in large bales. Early indications linked this fly-tipping to a spate of similar instances across the North West and officers were working with the National Crime Team to identify the culprits and also with the National Grid to ensure the material was swiftly removed.

Members of the Enforcement Panel updated the meeting on their participation in recent Days of Action and in particular the disability blue badge enforcement day where they joined five teams working throughout the day at various location in the borough.

RESOLVED

That the content of the update report be noted.

13. URGENT ITEMS

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

14. DATE NEXT MEETING

It was noted that the next meeting of the Enforcement Co-ordination Panel would take place on Wednesday 25 January 2017 commencing at 10.30 am.

CHAIR