

## **ENFORCEMENT CO-ORDINATION PANEL**

**17 April 2019**

**Commenced:** 10:35 am

**Terminated:** 11.40 am

**Present:** Councillors Bowerman, D Lane and Robinson

**In Attendance:**

Aileen Johnson	Head of Legal Services
Sharon Smith	Head of Public Protection
Khush Ahmed	Environmental Services Manager
Tracy Gallimore	Environmental Services Manager
Stephen Penning	Senior Planning Enforcement Officer
Mike Robinson	Regulatory Compliance Officer (Licensing)

**Apologies for Absence:** Councillors Quinn, Gwynne and Ward.

### **1 ELECTION OF CHAIR FOR THE MEETING**

#### **RESOLVED**

**That Councillor Bowerman be nominated Chair for the duration of the meeting.**

### **2 MINUTES**

The Minutes of the previous meeting of the Enforcement Co-ordination Panel held on 23 January 2019 were approved as a correct record.

### **3 ENFORCEMENT ACTIVITY UPDATE – STATISTICAL SUMMARY**

The Assistant Director of Operations and Neighbourhoods submitted a report, updating the Panel on the Single Regulatory Service and provided information on enforcement activities undertaken by the service during the period 1 January 2019 to 31 March 2019.

The Environmental Services Manager reported during the period the service had received 1227 requests, the majority of which related to accumulation of refuse, general and noise. The team had visited 220 fly-tipping complaints and 34 Fixed Penalty Notices had been issued for littering offences, which had a potential income of £2,720.

It was reported that there had been 85 reports of abandoned vehicles, 66 scaffolding permits had been issued and 314 skip permits. Information was provided on the monthly income that was generated from issuing scaffolding and skip permits, which remained consistent. Statistical information was given with regard to Penalty Charge Notices issued in Pay and Display Car Parks, On-Street Car Parking and bus lane enforcement.

With regard to new roads and street works activities, Members were informed that the number of utility openings had increased to 1408 and there had been 519 defects. There had been a decrease in the number of banner permits issued and 18 illegal banners had been removed.

With regard to bus lane enforcement, there were 758 Penalty Charge Notices (PCN), 952 PCNs had been paid and 119 were unrecoverable. During the period 1 January 2019 to 30 March 2019 an income of £31,574.60 had been collected for bus lane fines.

Members were informed that on the 5 February 2019 officers carried out a Blue Badge Enforcement Day in areas of Tameside. During which the following actions were carried out:

- 2 PCNs were issued for no ticket on display;
- a PCN was issued for a vehicle parked in an area for permit areas only;
- a PCN was issued for parking on double yellow lines;
- a PCN was issued for parking in a no parking zone area;
- a PCN was issued for not parking in a designated bay;
- a PCN was issued for a blue badge infringement.

In Total approximately 80 blue badges were checked on the day and 15 personal checks were carried out.

Members enquired on a whether a banner was permitted to be fixed against a garden wall on Stockport Road. Members asked for total value of PCNs issued since Bus Lane enforcement began.

#### **RESOLVED**

- (i) That the content of the report be noted.**
- (ii) That the Environmental Services Manager report to members on the status of the Banner on Stockport Road.**
- (iii) That the Environmental Services Manager report to the next Panel meeting with the total value of PCN issued for Bus Lane enforcement.**

#### **4 ENFORCEMENT ACTIVITY UPDATE – ENVIRONMENTAL ENFORCEMENT**

The Assistant Director of Operations and Neighbourhoods submitted a report summarising the key enforcement activities undertaken by the Environmental Enforcement Team during the period 1 January to 31 March 2019.

The Regulatory Services Manager reported that five Hygiene Improvement Notices had been served during the quarter.

The Panel were informed that following a routine inspection a takeaway in Denton closed its business on a Voluntary basis because of a rodent Infestation. The business had attempted to tackle the issue themselves with aid of a sticky trap and a small sachet of bait. The sticky trap had trapped a mouse but it was evident that the infestation was severe and proper treatment measures were required. A revisit took place on the 18 February 2019 to ensure that enough work had been carried out to allow the business to reopen. The business is currently rated as a 1\* and the FBO has work to do to make necessary improvements before submitting a request in writing for a rerating. The business is a category B and will be monitored and revisited between now and the next due inspection in 12 months

During a routine food hygiene inspection of a takeaway in Ashton-under-Lyne on the 13 March 2019, Business Compliance Officers found evidence of a rat infestation which resulted in voluntary closure of the premises. The business was covered by a pest control contract. The Pest Control Contractor was informed of the problem and visited the following day to commence a treatment programme. Several visits were carried out by Officers to monitor the progress. The business was allowed to re-open on the 18 March 2019 when Officers were satisfied that immediate risk had been removed.

Members were informed that a further 6 premises were visited in February which were believed to be involved in the sale of illicit and counterfeit tobacco products. This resulted in the seizure of counterfeit cigarettes and counterfeit nail clippers.

In March Officers searched a further 6 premises which were believed to be involved in the sale of illicit and counterfeit tobacco products. This resulted in the seizure of tobacco and a large quantity of Nitrous Oxide Canisters.

In total, 460 sticks of Cigarettes, 1 Empty Packet, 6 x 50g Amber Leaf Hand Rolling Tobacco and 912 Nitrous Oxide Gas Canisters (seized by Police) plus 2 Crackers (used to open Nitrous Oxide Canisters) were seized. Greater Manchester Police is dealing with the Nitrous Oxide Canisters and we shall be looking at Enforcement Action against the business for the Illicit tobacco.

Members were informed that in February 2019, 5 complaints were received regarding a Funeral Service. The complaints related to burials being delayed for up to two months, fraudulent payments taken from customer accounts, donations not being forwarded to charities, poor customer services, customers being misled and customers being overcharged.

Members were informed that following the execution of Warrants, two individuals were arrested and a large quantity of paperwork and four computers were seized. The individuals were later bailed and have since temporarily ceased trading.

## **RESOLVED**

**That the report be noted.**

## **5 ENFORCEMENT ACTIVITY UPDATE – ENVIRONMENTAL PROTECTION AND HOUSING ENFORCEMENT**

The Assistant Director of Operations and Neighbourhoods submitted a report summarising the key enforcement activities undertaken by the Environmental Enforcement Team during the period 1 January to 31 March 2019.

As part of the National Air Quality Plan 11 road links in seven of the Greater Manchester Authorities including a stretch of A635, from the motorway junctions at the Snipe Retail Park down to Park Parade in Ashton town centre, where further action is required to improve air quality.

Members were informed that an initial Strategic Outline Case (SOC) was submitted to and approved by the government earlier this year, outlining a list of potential measures that will be considered to improve air quality across Greater Manchester. The Greater Manchester approach will require significant government funding. Without full financial support, the package of measures is unlikely to deliver the intended results. In a scenario of inadequate government support, the most obvious outcomes are a failure to improve air quality as quickly as required, and economic damage, for example to local businesses who are left unsupported but required to upgrade their vehicle fleet.

The core goal of the GM Clean Air Plan is to address the legal requirement to remove ALL exceedances of concentrations of NO<sub>2</sub>. A wide range of CAZ scenarios were modelled. The option that delivers compliance in the shortest possible time, at the lowest cost, least risk and with the least negative impacts is a GM wide class B CAZ initially, becoming a class C CAZ in phase 2. This will allow owners of light goods vehicles (i.e. vans) time to consider options and seek funding for replacing their vehicles. It is predicted that if phase one of this option is implemented at the start of 2021, with phase two following in 2023 compliance would be achieved across GM by 2024.

Members were informed that officers were notified of two vacant properties where vandals had attempted to gain access to the building. One property following contact from officers was immediately sealed off with metal shutters. The second site was unoccupied, a legal notice was served on the properties under section 29 of the Local Government Miscellaneous Provisions Act 1982 requiring the owner to secure the building. The notice was complied with and the houses secured.

The Panel were informed that officers in Housing Standards received an emergency request from Tameside Housing Advice service to inspect a property in Hyde, they felt was uninhabitable. An Emergency Prohibition Order was served on the property and the tenant and her four children were placed into temporary accommodation until the damage was repaired or is suitably re-housed.

## **RESOLVED**

**That the report be noted.**

## **6 ENFORCEMENT ACTIVITY UPDATE – PLANNING ENFORCEMENT**

The Assistant Director of Operations and Neighbourhoods submitted a report summarising the key enforcement activities undertaken by the Senior Planning Enforcement Officer during the period from 1 January to 30 March 2019.

Members were informed that during this period there were 94 requests for service which will require further investigation and possibly further action, with commentary, followed by the list of individual current cases. During this period no formal notices were issued. The Senior Planning Enforcement Officer is now in post and is working with the 10 Regulatory Compliance Officers dealing with both new cases and the large backlog of outstanding complaints.

Following complaints from neighbours, officers were called out to a property undergoing an extension. The building is clearly not built in accordance with the approved plans in that the height of the roof is over 2m taller than the planning permission granted. We have written to the owner explaining that the work is unauthorised and must be corrected. The owner of the property does have the right to apply for retrospective permission to rectify the breach, however, officers are of the opinion that planning permission would not be granted given the size of the development and feel it significantly affects the amenity of the neighbourhood. If works have not commenced by the twelve week timescale, the council will seek to take enforcement action.

Following complaints from neighbours regarding the construction of a car port and a fence, officers visited the property and confirmed both the structures would need planning permission. The owner of the property has so far ignored all attempts to contact them and enforcement notice will now be served for the removal of the car port and to lower the fence to 1m so they do not cause any harmful effects to the amenity of the surrounding area.

Complaints were received from residents regarding an empty residential property in Mottram where renovation works to the building had ceased for some time and that the property was not being properly maintained. An officer visited the site and could clearly see that development was not built in accordance with the approved plans. The roofline over the garage has been altered and the bedroom window above the garage had been bricked up. The Council has, subsequently, written to the landowner and explained the works carried out are not in accordance with the approved plans and the building is unauthorised and therefore would need a retrospective application submitting otherwise the Council will seek to take enforcement action. An application to regularise the works was received on the 15 February 2019.

Members of the Panel asked for a further update of this property at the next Panel meeting.

The Council received complaints from local residents about the untidy condition of land in Droylsden. All interested parties have now been identified and informed the land needs to be cleared. Officers have visited the site on several occasions and found that the area of land unfortunately is in the same condition. The Council will now be serving a Section 215 Notice on all landowners, formally requiring them to undertake all the necessary work.

## **RESOLVED**

- (i) That the information provided be noted.**
- (ii) That an update on the Enforcement Action taken with reference to the property in Mottram be presented at the next Panel meeting.**

## **7 ENFORCEMENT ACTIVITY UPDATE – LICENSING**

The Assistant Director of Operations and Neighbourhoods submitted a report summarising the key enforcement activities undertaken by Licensing during the period from 1 January 2019 to 31 March 2019.

The Panel were informed that following an application from the Licensing Department to review a premises in Hyde. The premises was visited by Greater Manchester Police in October 2018 and the premises licence holder was found to be serving alcohol beyond licensing hours and there were in excess of 20 customers drinking and smoking.

After hearing the evidence presented by the Licensing Authority, Greater Manchester Police and the Licensee, the Panel came to the decision to modify the conditions of the licence and a reduction in licensable hours to a terminal hour of 00:00.

A review application was submitted to the Speakers Panel (Liquor) by the Licencing Department following a long history of non-compliance at a premise in Dukinfield. The Panel determined that they had no confidence that the premises could be run in a compliant manner and felt it was appropriate to revoke the premises licence. The statutory period to appeal the decision has now lapsed and compliance officers have since visited the premises to ensure that no licensable activities are taking place.

Following a long period of non-compliance with the legislation and conditions of the premises licence, on 4 February 2019, the designated premises supervisor (DPS) voluntarily vacated premise in Denton. The brewery who own the premise have taken the decision to sell the premises and currently no licensable activities are taking place.

Members were informed that Under the Licensing Act 2003, the annual fee for a licensed premises becomes payable each year on the anniversary of the date the licence was initially granted. Following a review of annual fees that had been paid in 2017/2018 and 2018/2019, the Licensing Department identified a number of premises where payment of the fee was overdue. Between 30 January 2019 and 28 February 2019, a total of 168 premises were visited and served with a suspension notice.

On 25 January 2019 an application was submitted by Greater Manchester Police for a review of the premises licence for a Bar in Hyde. On 21 March 2019, the matter was heard by the Speaker's Panel (Liquor). The Panel heard evidence from the senior investigating officer on behalf of Greater Manchester Police and also officers from the Licensing Department. It was clear this premises had failed to promote the licensing objectives and clearly these convictions completely undermined the licensing objectives. The Panel decided that the only appropriate course of action was to revoke the licence.

Members were informed that on the 5 March 2019 a planned day of action was carried out to visit licensed gambling premises in the company of representatives of the Gambling Commission. In total 6 premises were visited in Hyde and Denton, 5 bookmakers and 1 adult gaming centre. The purpose of the visits was to check operator compliance in relation to social responsibility and local area risk assessments required under the Gambling Act and the Council's Gambling Policy. All premises achieved an acceptable level of compliance, some minor issues were identified relating to training of new employees.

The Regulatory Services Manager informed the Panel that on the 7 February 2019 a call was received from the Council's control room to report that a taxi driver had assaulted a member of the public. As a result of this incident, a decision was made by the Director for Operations and Neighbourhoods and the Borough Solicitor, in consultation with the Chair of the Speaker's Panel (Licensing) to revoke the drivers licence with immediate effect in the interest of public safety.

**RESOLVED**

**That the information provided be noted.**

## **8 NEIGHBOURHOOD SERVICES UPDATE**

The Assistant Director (Operations and Neighbourhoods) submitted a report summarising the key activities undertaken by Neighbourhood Services

Members were informed that since the transfer of the CCTV function under the management of the Operations and Neighbourhoods Directorate a number of key events have taken place which have resulted in a rapid expansion of the CCTV camera network. These events include:

- The Opening of Open Plus libraries.
- Completion of the Tameside One building.
- Introduction of General Data Protection Regulations.
- A full internal audit of the CCTV system and all external CCTV systems.

As a result of the additional buildings and in order to become fully compliant with governing legislation, the CCTV control room will eventually need to be able to monitor and service in excess of 400 cameras

The Regulatory Services Manager informed the Panel of a case in Stalybridge where neighbours reported a range of Anti-Social Behaviours. The owner of the property where the issues stemmed from was contacted by Neighbourhood ASB officers and it was pointed out that his actions were causing distress and alarm to his neighbours. The visit was followed up with written confirmation of the discussions that took place, asking him to moderate his behaviour and manage the actions of his guests with more consideration. Following escalating tensions, an assault against a neighbour and a police report being filled an arrest was made and the resident was interviewed under caution.

On Monday 4 March 2019, the Neighbourhood Services Manager attended Tameside Magistrates' court with a colleague and with partners from GMP for the application to be heard. The panel of magistrates granted the Closure Order, placing a fixed 3 month term during which anyone entering the property would be liable to arrest.

Members were informed of a joint working plan to clear an area in Hurst Cross. It was a good example of a community working together with the council to improve their local environment and will hopefully empower them to take ownership of the issues and prevent further problems from arising.

Incidents of hate are monitored by Greater Manchester Police (GMP). The Panel were presented with the hate statistics which showed that Tameside is shown as the 4<sup>th</sup> lowest out of the 10 Divisions, giving it a very low number of recorded hate crimes during the period 2017-2018. From 1 December 2018 to 31 January 2019 the figures also show a slight increase, up from 42 to 44 incidents. Greater Manchester Police also record the motivation for each incident, using a much wider range of motivations than the traditional 6 strands of hate.

### **RESOLVED**

**That the information provided be noted.**

## **9 REVIEW OF REGULATION OF INVESTIGATORY POWERS POLICY AND PROCEDURE (RIPA)**

Consideration was given to a report of the Head of Legal detailing a review of Regulation of Investigatory Powers legislation and guidance, which sought a recommendation to Cabinet that the revised Policy and guidance be adopted.

The Council is required to review its policy in relation to surveillance on a regular basis, and ensure that all officers engaged in investigatory work understand the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA).

The current policy was amended on 25 October 2017, and the previous one in 2016 following an inspection by the Office of Surveillance Commissioners (the OSC) in November 2015, where the Council's performance was rated as 'good'.

Rules, case law and guidance clearly change on a regular basis which is why it is important to keep under review. The case of AB and Hampshire Constabulary, the first case after the rules around the Investigatory Powers Tribunal changed in December 2018 was decided on 5 February 2019 on a preliminary point relating to the wearing of body cameras. Police officers didn't inform a person they were advising in his home that an officer was recording until part way through the interview. The Tribunal found this was covert surveillance and should have had a RIPA authorisation, which it did not. The case is attached at appendix 2.

#### **RESOLVED**

- (i) That Cabinet be recommended to accept the revised policy.**
- (ii) That Officers across the Council continue to engage in a corporate programme of refresher training led by the Director of Governance and Pensions in relation to the Regulation of Investigatory Powers legislation and guidance.**

#### **10 URGENT ITEMS**

There were no urgent items.