

## **ENFORCEMENT CO-ORDINATION PANEL**

**27 July 2016**

**Commenced: 2.00 pm**

**Terminated: 3.20 pm**

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

**Councillors Middleton, Robinson and Sweeton**

**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**

**John Gregory Licensing Manager**

**Apologies for Councillors Bowerman, D Lane and Taylor**

**Absence:**

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest submitted at this meeting.

### **2. MINUTES**

The Minutes of the meeting held on 3 February 2016 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) advising that the first quarter April to June 2016 showed that 104 complaints were received alleging breach of planning and building control, of which 66 were found to be proved as breaches. This represented a level of breaches of 63% meaning that nearly two thirds of the complaints received required further investigation and possibly further action. The level of breaches had decreased slightly from the fourth quarter but the number of complaints received had increased significantly by an additional 38.

During the reporting period, 5 formal notices were issued. This included 2 Planning Contravention notices and 3 Section 215 (Untidy Land) notices. The Planning Contravention notices related to a former church building in Denton where the owners had carried out building / engineering operations at the side of the building and a residential property in Dukinfield where the owners are carrying out a vehicle repair business.

The Section 215 notices related to 2 properties in Denton and one in Ashton-under-Lyne which were all untidy residential properties. Further information of the enforcement action and default works undertaken at the properties in Denton was detailed in the report including photographs showing the front and rear garden areas before and after the intervention of Planning and Building Control enforcement.

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 the outcome of a recent successful prosecution. Following an incident in December 2015 where a roof fitted on a parade of shops had blown off and landed on a number of cars, it had been established by Enforcement Officer that the builder had not applied for the appropriate building regulations approval. The Development Manager extended his gratitude to the work undertaken by the Legal Services Team in bringing this successful prosecution. In addition, the Development Manager intended to share the details of this prosecution at a forthcoming meeting of the Greater Manchester Development Manager's Group. Further details on this matter would be included in his report at the next meeting.

## **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 1 January to 30 June 2016.

In particular, members were updated regarding the travel agent specialising in arranging religious pilgrimages who had recently been sentenced for causing customers to lose hundreds of thousands of pounds. The Council had taken action against the travel agent after receiving more than 40 complaints after pilgrims had been advised only days before they were due to travel that they had not been allocated a visa and were unable to depart. It was estimated that the pilgrims involved in this case had lost in excess of £600,000 although this figure could increase as more victims were coming forward. Members thanked the Council's Legal Services Team and those involved in investigating this company and that victims could now seek recompense.

Following a joint enforcement day, fire officers discovered that people were sleeping in a rear ground floor room of a commercial premise being used as a Nail Bar where highly flammable products were being stored adjacent to and under the bed. A Prohibition Notice was served and further visits would be carried out to check for compliance with Health and Safety legislation.

Members discussed the increase in the number of Nail Bars nationally and as part of a campaign on modern slavery, investigations into some of the industries where this flourished. The Head of Environmental Services outlined the approach adopted by the Council and its partners to prevent this crime and would include details in her report to the October meeting of the Panel.

The Head of Environmental Services also stated that work was being undertaken on street litter control and explained how Regulatory Compliance Officers were raising this with businesses to ensure they had the appropriate waste procedures in place. She would provide further details in her report at a forthcoming meeting.

In addition, the following matters were also highlighted and discussed:

- Summary of Improvement and Prohibition Notices served during this period;
- Air Quality Action Plan;
- Waste Enforcement Action visits;
- Food Safety Awards;
- Week of action with multi-agency partners;
- Statutory nuisance from burning waste;
- Update on Redmond Close, Audenshaw;
- Licensing – successful prosecution;
- Licensing Day of Action;
- Taxi Driver Training;

- Update on Private Hire Driver Appeal.

## **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 relation to abandoned vehicles it was explained that since the need for a tax disc to be displayed in vehicles had been abolished, the number of reports had increased, the majority of which were untaxed and had been reported to the DVLA. Additional information had been added during the quarter to the Council's web page to assist members of the public to report these direct to the DVLA.

The Council had investigated a report of four abandoned vehicles at Market Place, Broadbottom, where it was established that 2 were taxed and 2 were declared SORN on the public highway. The DVLA had subsequently arranged removal of the 2 vehicles which would require the owner having to pay £1,000 including removal and storage fees. The owner was adamant that the vehicles were not on the public highway and made complaints to both the DVLA and Tameside Council. However, both parties stood by the decision and to date no further action had been taken by the owner.

It was further reported that Tameside MBC had attended a trial in a tripping claim against the Council. A local resident alleged she tripped on a kerb edge which was higher than the adjacent kerbs and her contention was that the kerb represented an obvious danger to pedestrians and should have been identified for repair via the scheduled Risk Management inspections. After hearing all the evidence in the claim, the Judge ruled that the defect was not dangerous and did not represent an obvious, foreseeable danger to the road user. The judgement supported the inspector's decision not to identify the kerb for repair and vindicated Tameside MBC's policy on such defects.

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. The current cost of producing the documentation was approximately £200 per case and it was anticipated that this would reduce to £30. Further updates would be provided at future meetings.

## **RESOLVED**

**That the update report be noted.**

### **(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 January 2016 to 31 March 2016.

It was explained that on 9 May 2016 Neighbourhood Services Officers transferred into two Integrated Neighbourhood Hubs, one in Ashton Police Station and one in Hyde Police Station. These two buildings contained the necessary infrastructure for supporting the development of a partnership working arrangements that would concentrate on reducing demand on services by delivering earlier interventions for a range of anti-social behaviour, environmental and vulnerability issues. Daily casework meetings were currently supported by a range of organisations and

partners in the hubs agree a package of care to ensure the appropriate level of support is offered to the residents being engaged with.

Tameside MBC had recently taken part in a pilot initiative being promoted by the Office of the Police and Crime Commissioner and delivered by CAB offering enhanced legal and financial support to victims of crime with a particular focus on violent crime and domestic abuse.

In terms of community safety, reference was made to the following:

- Anti-social behaviour – during quarter 4 Neighbourhood Services received 3,402 reports, a decrease of 188 reports on the corresponding quarter of last year, representing a reduction of 5%.
- Restorative Justice – this initiative was now being rolled out to schools across Tameside to embed the values of Restorative Justice at an early age.
- Safe Spaces – ensuring that residents had easy access to reporting centres was key to delivering earlier, effective interventions and the Council would be rebranding 7 reporting centres as Safe Spaces and providing training to members of staff.

Community engagement was an essential element of the work Neighbourhood Services carried out to reduce pressure on front line services and to promote a cleaner environment. Earlier in the year staff received a request from a resident of Brighton Grove, Hyde, who was experiencing difficulties with fly tipping on communal land at the rear of the property. An alleygating scheme was completed in March 2016 and the area had remained clean. During the quarter a joint clean-up took place at Nelson Street, Hyde, where alley ways and rear yards were cleared of tons of accumulated waste. Photographs showing the two sites before and after the works undertaken were included in the report.

## **RESOLVED**

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

## **4. WASTE POLICY AND ENFORCEMENT STRATEGY**

The Assistant Executive Director (Environmental Services) submitted an update report on the implementation of the Council's new Waste Policy and Enforcement Strategy.

It was explained that since the last meeting of the Enforcement Co-ordination Panel on 11 April 2016, significant changes had taken place within the Council's Neighbourhood Services and the waste enforcement functions had now been transferred to Environmental Services.

Members heard that as part of the next stage of implementation, attempts would be made to reduce demand on the service and utilise resources from elsewhere in the Council such as NSL staff and street cleansing staff. 23 NSL officers and 27 Tameside MBC officers had received training in gathering evidence for the issuing of waste related fixed penalty notices. Those officers who had received training and shadowed experienced enforcement officers were not in the process of receiving formal authorisation to carry out their enhanced roles. Authorisation cards had been drafted and approved and were currently in the process of being issued. A draft press release was appended to the report for approval.

A process had been agreed and implemented facilitating the centralisation and streamlining of the process for dealing with waste complaints via Symology. The improved use of Symology also allowed additional issues including street scene, public space and cleansing, to be centrally recorded and allocated to the appropriate department. Data from Symology and local intelligence had been used to create a map showing the hotspot areas for fly-tipping across Tameside. This data would be used to assist in planning future enforcement action to ensure resources were being used in the most appropriate areas where there were particular issues, for example, contaminated bins.

It was reported that a day of action had taken place in January 2016 in Ashton-under-Lyne aimed at tackling ongoing waste and littering issues and in March 2016 the focus for the day of action was the duty of care of businesses in disposing of their waste. The programme of planned days of action would continue throughout the year and Ward Councillors advised of the arrangements.

In addition, early reports from a trial of new in-cab technology for the drivers of bin collection vehicles indicated that the administrative burden involved in monitoring rounds had been significantly reduced and the technology would be rolled out to all 26 rounds over the next few months.

**RESOLVED**

- (i) That the content of the update report be noted.**
- (ii) That the press release be approved.**

**5. URGENT ITEMS**

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

**6. DATE NEXT MEETING**

It was noted that the next meeting of the Enforcement Co-ordination Panel would take place on Wednesday 26 October 2016 commencing at 10.30 am.

**CHAIR**