



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Environment and Licensing Committee

Date: **Tuesday 15 April 2014**

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Time: **4.15 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Lyndsey Parnell**

Members' Services Officer

0115 901 3910

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# Environment and Licensing Committee

## Membership

**Chair** Councillor Marje Paling

**Vice-Chair** Councillor Meredith Lawrence

Councillor Bruce Andrews  
Councillor Sandra Barnes  
Councillor Nicki Brooks  
Councillor Ged Clarke  
Councillor Roxanne Ellis  
Councillor Tony Gillam  
Councillor Jenny Hollingsworth  
Councillor Mike Hope  
Councillor Barbara Miller  
Councillor John Parr  
Councillor Stephen Poole  
Councillor Henry Wheeler

## AGENDA

Page

- 1 **Apologies for Absence.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 11 March 2014.** 1 - 6
- 3 **Declaration of Interests.**
- 4 **Mobile Homes Fees Policy** 7 - 20  
Report of Corporate Director - David Wakelin
- 5 **Notices Served** 21 - 24  
Report of Corporate Director - David Wakelin
- 6 **Any other item which the Chair considers urgent.**
- 7 **Exclusion of the Press and Public.**  

To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 8 **Change of Circumstance of a Joint Hackney Carriage / Private Hire Driver's Licence - SAA** 25 - 26  
Report of Corporate Director - David Wakelin
- 9 **Application for a Joint Hackney Carriage / Private Hire Driver's Licence - HR** 27 - 28  
Report of Corporate Director - David Wakelin
- 10 **Application for a Joint Hackney Carriage / Private Hire Driver's Licence - MA** 29 - 30  
Report of Corporate Director - David Wakelin

- 11 Application for a Joint Hackney Carriage / Private Hire Driver's Licence - CBA 31 - 32**

Report of Corporate Director - David Wakelin

- 12 Change of Circumstance of a Joint Hackney Carriage / Private Hire Driver's Licence - MA 33 - 36**

Report of Corporate Director - David Wakelin

- 13 Change of Circumstance of a Joint Hackney Carriage / Private Hire Driver's Licence - MZ 37 - 38**

Report of Corporate Director - David Wakelin

- 14 Application for a Joint Hackney Carriage / Private Hire Driver's Licence - MH 39 - 44**

Report of Corporate Director - David Wakelin

- 15 Application for a Joint Hackney Carriage / Private Hire Driver's Licence - OAH 45 - 50**

Report of Corporate Director - David Wakelin

## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 11 March 2014**

Councillor Marje Paling (Chair)

Present: Councillor Meredith Lawrence      Councillor Roxanne Ellis  
Councillor Bruce Andrews      Councillor Jenny Hollingsworth  
Councillor Sandra Barnes      Councillor Mike Hope  
Councillor Nicki Brooks      Councillor Barbara Miller  
Councillor Ged Clarke      Councillor Henry Wheeler

Absent: Councillor Tony Gillam, Councillor John Parr and  
Councillor Stephen Poole

Officers in Attendance: R Pentlow, F Whyley and A Callingham

### **157 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Gillam, Parr and Poole.

### **158 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 11 FEBRUARY 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **159 DECLARATION OF INTERESTS.**

None.

### **160 INTRODUCTION OF A KNOWLEDGE TEST AS PART OF THE PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENSING PROCESS**

Consideration was given to a report of the Corporate Director, which had been circulated prior to the meeting, seeking approval to introduce a knowledge test for Private Hire and Hackney Carriage Drivers as part of the application and renewal process for Private Hire and Hackney Carriage Driver's licences ("driver's licences").

#### **RESOLVED:**

1. To approve the introduction of the Gedling Borough Council Knowledge Test;
2. That all those submitting an application for a Private Hire/Hackney Carriage Driver's licence on or after 1<sup>st</sup> May 2014 be required to pass the Gedling Borough Council Knowledge Test as part of the application process;
3. That all those who currently hold a Gedling Borough Council Private Hire/Hackney Carriage driver's licence which is due for renewal on or after 1<sup>st</sup> July 2014 be required to pass the Gedling Borough Council Knowledge Test once, as part of the renewal application process;
4. That the pass mark for the Gedling Borough Council Knowledge Test be set at 75%; and
5. That Officers report back to The Environment and Licensing Committee 12 months after the introduction of the Gedling Borough Council Knowledge Test to update Members as to its progress.

161

#### **PROPOSED GENERAL AND TAXI LICENSING FEES 2014/15**

Consideration was given to a report of the Corporate Director, which had been circulated prior to the meeting, seeking approval of a proposed increase to taxi licensing fees for 2014/15, subject to advertisement requirements being satisfied, and to approve an increase in general fees for 2014/15.

#### **RESOLVED:**

1. To approve the fees and charges for 2014/15, as detailed in Appendix 2 of the report, with effect from 1<sup>st</sup> April 2014.
2. To approve the fees for taxi operators and vehicle licences for 2014/15, as detailed in Appendix 1 of the report, for advertisement in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and to approve such fees to automatically come into force if no objections are received within the statutory period.
3. To approve the proposed fees for taxi driver's licences for 2014/15, as detailed in Appendix 1 of the report, for advertisement and to authorise the Corporate Director, in consultation with the Chair of Environment and Licensing Committee, to agree the final fees after taking into account any comments received during the consultation period.

4. To approve the proposed fee of £35 for the Gedling Borough Council Knowledge test for advertisement and to authorise the Corporate Director, in consultation with the Chair of Environment and Licensing Committee, to agree the final fee after taking into account any comments received during the consultation period.

**162            REQUEST TO BE EXEMPT FROM DISPLAYING FIXED PLATES**

Consideration was given to a report of the Corporate Director, which had been circulated prior to the meeting, regarding a request for an exemption from displaying fixed plates on vehicles licensed by a Mr Clarke as a result of only undertaking executive private and wedding hire.

**RESOLVED:**

1. To waive the requirement to display vehicle license plates.
2. To issue a notice, to be permanently displayed at all times in a position to be agreed, inside any licensed vehicles used for executive private hire purposes owned or operated by Mr K. J. Clarke.

**163            ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

**164            EXCLUSION OF THE PRESS AND PUBLIC.**

**RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**165            CHANGE        OF        CIRCUMSTANCE        OF        HACKNEY  
CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MA**

MA did not attend the meeting.

**RESOLVED:**

To defer consideration of the consideration of the change of circumstances of MA's Hackney Carriage/Private Driver's Licence to a future meeting of the committee.

**166 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - SIHS**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from SIHS.

SIHS attended the meeting with his partner who addressed the Committee on his behalf.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve SIHS's application for a Hackney Carriage/Private Hire Driver's Licence.

**167 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MSA**

The Committee considered a report from Corporate Director, David Wakelin, regarding a change of circumstance of a Joint Hackney Carriage/Private Hire Driver's Licence from MSA.

MSA attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To revoke MSA's Hackney Carriage/Private Hire Driver's License without immediate effect, on the grounds that he is no longer considered a fit and proper person and to give MSA 21 days to surrender his licence.

MSA was advised of his right to appeal against the decision of the



Committee.

**168 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - AS**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from AS.

AS attended the meeting, represented by his solicitor.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve AS's application for a Hackney Carriage/Private Hire Driver's Licence, subject to satisfactory checks, with a warning as to the necessary consequences of any further convictions or appearances before Committee.

**169 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - LA**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from LA.

LA attended the meeting, represented by his solicitor, who addressed the Committee on his behalf.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve LA's application for a Hackney Carriage/Private Hire Driver's Licence.

Councillors Andrews, Ellis and Hope left the meeting.

**170 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - JH**

JH did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Hackney Carriage/Private Driver's Licence from JH to a future meeting of the committee.

The meeting finished at 6.10 pm

Signed by Chair:  
Date:



## **Report to Environment and Licensing Committee**

**Subject:** Mobile Homes Fees Policy 2014

**Date:** 28<sup>th</sup> March 2014

**Author:** Food, Health and Housing Manager

### **1. Purpose of the Report**

To inform Members about changes in legislation which allow the Council to introduce charges for Mobile Homes sites, and to seek the approval of Members of the Policy and scale of fees.

### **2. Background**

The Caravan Sites and Control of Development Act 1960 was amended by the Mobile Homes Act 2013. The changes by the 2013 Act come into force on 1<sup>st</sup> April 2014. These include powers for local authorities to charge fees for licensing functions in respect of "*relevant protected sites*". Relevant protected sites are typically known as residential parks, mobile home parks, Gypsy Roma and Traveller sites and so on.

The Act introduces some important changes, which includes the ability for Councils to charge fees. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions. The council can charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site.

### **3. Proposal**

It is proposed that the Mobile Homes Fee Policy 2014 and the fees as shown in appendix 1 is approved so that the Council can recover the cost incurred from licensing mobile homes sites in the Borough.

### **4. Resource Implications**

There are two mobile homes sites on the Borough and if approved the proposed policy will generate approximately £2,000 of additional income to cover the costs incurred by the Council from regulating the mobile homes sites. The fees and charges are limited to full cost recovery.

## **5. Recommendation**

1. That Members approve the Mobile Homes Fees Policy 2014.
2. That Members approve the fees and charges set out within the Mobile Homes Fees Policy 2014.

## **6. Appendices**

Appendix 1 – Gedling Borough Council Mobile Homes Fees Policy 2014

Appendix 2 – Equalities Impact Assessment

# Gedling Borough Council Mobile Homes Fees Policy



## **Contents**

1. Introduction
2. Applications to grant or transfer a licence
3. Transfer/amendment of existing licence
4. Setting annual fees for existing site licences
5. Sites exempted from annual licensing fees
6. Charging arrangements
7. Enforcement costs
8. Publishing the fee policy

APPENDIX 1 – Fees and charges

## Mobile Homes Fees Policy

### 1. Introduction

The Caravan Sites and Control of Development Act 1960 ('the Act') was amended by the Mobile Homes Act 2013. The changes by the 2013 Act come into force on 1<sup>st</sup> April 2014. These include powers for local authorities to charge fees for licensing functions in respect of "*relevant protected sites*" which includes residential parks, mobile home parks, Gypsy Roma and Traveller sites.

Gedling Borough Council ('the Council') has within the Borough two Mobile Home Parks. This Policy sets out the fees which will charge for licensed Mobile Homes Parks, and how they will be calculated.

The level of fees and how they are charged are at the discretion of the Council. They are calculated on a 'costs recovery' basis and there will be no profit made by the Council.

### 2. Applications for the grant a new licence

All sites require a site licence to operate (subject to exemptions in Caravan Sites and Control of Development Act 1960 – see section 5 below). The appropriate fee has to be submitted with the application form.

When determining the fee for the grant or transfer of a site licence the Council will take into account the cost of the following activities:

- Initial enquiries;
- Letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- Sending out forms;
- Updating hard files / computer systems;
- Processing the licensing fee;
- Land registry searches;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Preparing draft and final licences;
- Review by manager or solicitor; review any consultation responses from third parties;
- Updating public register;
- Carrying out any risk assessment process considered necessary;
- Reviews of decisions or in defending appeals.

In addition the Council will need to make such inquiries as are necessary in connection with the application, such as:

- Management and financial standing;
- Outstanding licensing issues and debts; and
- Undertakings

All time taken in establishing the information required to make an informed decision will be included in the licence fee, whether or not the transfer or new licence is allowed.

### 3. Applications for the transfer/amendment of existing licence

Where a licence holder wishes to transfer the licence an application must be made to the Council for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly where a site owner requests an amendment to site licence conditions the Council will charge a fee for this function.

In setting the fees the Council will take into account the following costs:

Sending out and processing the application (including dealing with initial enquiry);

- Site inspections;
- Third party consultation;
- Consultation with the site owner;
- Preparing draft licences (with altered conditions);
- Review by manager or solicitors; review any consultation responses from third parties;
- Notification of decision (including where appropriate the updated final licence).

### 4. Annual fees for existing site licences

The Council will charge an annual fee from 1<sup>st</sup> April 2014 and annually thereafter.

The annual fee will be calculated on a price per pitch which will be multiplied by the number of pitches on the site.

In setting the level of annual fee the Council may take into account the following matters on which costs are incurred:

- Letter writing / telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- Handling enquiries and complaints;
- Updating hard files / computer systems;
- Processing the licensing fee;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Review by manager or solicitor; review any consultation responses from third parties;
- Carrying out risk assessment process considered necessary.

In terms of officer time the following may be considered –

- i) A pre-programmed full site inspection;



- ii) A follow up inspection to check compliance following programmed inspection.

The Council may also take into account the time spent consulting the site owner and third parties such as the Planning Services, Fire and Rescue Services and HSE, can be taken into account in setting fees as can time spent on meetings and discussions with the site owner.

The Council will not make any profit. All charges will be limited to recovering the costs of exercising the licensing function. The fees will be calculated on a price per unit based on the total estimated cost to the council of carrying out its annual licensing function for all sites in the Borough.

#### 5. Sites exempted from annual licensing fees

These categories of site are exempt from the annual licensing fee as the Council do not intend to carry out annual inspections of these sites, however, any complaints would be dealt with as appropriate.

- Sites that are not relevant protected sites
- Sites with less than 3 mobile homes are considered small enough to be considered a single unit and are exempt from this charging policy.
- Sites that are for the site owner and their family (does not include sites that are run for financial gain)

#### 6. Charging arrangements

For the purpose of this policy the period covered by the annual fee will be 1<sup>st</sup> April to 31<sup>st</sup> March each financial year. The fee will be charged to the site owner/licence holder and invoices will be sent at the start of the financial year with payment due within 30 days.

In the event an annual fee is not paid within the terms of the invoice the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

#### 7. Enforcement costs

Where there has been a breach of a site licence condition which comes to the attention of the Council we may serve a compliance notice. The Caravan Sites and Control of Development Act 1960 details the elements which the Council may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses will be provided with the compliance notice. Charges will be based on an hourly rate in addition to any other costs for example legal costs.

Charges for enforcement costs cannot be passed onto the resident's pitch fee.

If any works in the compliance notice are not carried out the licence holder commits an offence and the Local Authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If a prosecution was successfully taken, the Council would have the power to carry out the works in default of the licence holder.

8. Publishing the fee policy

This fees policy will be published on the Gedling Borough Council website at [www.gedling.gov.uk](http://www.gedling.gov.uk) (page to be determined). The fees detailed in this policy have been determined taking into account the Department for Communities and Local Government, The Mobile Homes Act 2013 Guide for Local Authorities on setting site licensing fees.

## Appendix 1

### Fees and Charges

	£
New Site Licence Fee	450.00
Transfer or Amendment of an Existing Licence	150.00
Annual fee - Pitch Fee	5.00

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## Equality Impact Assessment

Name of project, policy, function, service or proposal being assessed:		Mobile Homes Fee Charging Policy 2014			
The main objective of ( <u>Mobile Homes Fee Charging Policy 2014</u> ):		To introduce charges for licenced mobile homes sites to recover the costs incurred by the Council when administering the Mobile Homes Act 2013 and The Caravan Sites and Control of Development Act 1960.			
<p>What impact will this (<u>Mobile Homes Fee Charging Policy 2014</u>) have on the following groups? Please note that you should consider both external and internal impact:</p> <ul style="list-style-type: none"> <li>• External (e.g. stakeholders, residents, local businesses etc.)</li> <li>• Internal (staff)</li> </ul>					
Please use only 'Yes' where applicable		<b>Negative</b>	<b>Positive</b>	<b>Neutral</b>	<b>Comments</b>
<b>Gender</b>	External			YES	No gender specific impact is anticipated.
	Internal			YES	No gender specific impact is anticipated.
<b>Gender Reassignment</b>	External			YES	No gender reassignment impact is anticipated from this policy.
	Internal			YES	No gender reassignment impact is anticipated from this policy.

<b><u>Age</u></b>	External			YES	<p>One of the mobile home parks on the district – Kilarney Park is occupied only by persons aged over 45. Therefore it could be argued that this age group will be impacted upon more by the policy as the costs to the licence holder will be passed onto the residents, however, the act provides additional enforcement powers and protections for residents so this impact is balanced out and will have a neutral impact.</p> <p>The other mobile home park on the district is occupied by residents of all ages.</p>
	Internal			YES	No age specific impact is anticipated from this policy.
<b><u>Marriage and civil partnership</u></b>	External			YES	No specific impact towards marriage or civil partnership is anticipated.
	Internal			YES	No specific impact towards marriage or civil partnership is anticipated.
<b><u>Disability</u></b>	External			YES	No impact towards disabled people is anticipated.
	Internal			YES	No impact towards disabled people is anticipated.
<b><u>Race &amp; Ethnicity</u></b>	External			YES	No impact towards specific racial or ethnic groups is anticipated.
	Internal			YES	No impact towards specific racial or ethnic groups is anticipated.

<b><u>Sexual Orientation</u></b>	External			YES	No impact towards sexual orientation anticipated
	Internal			YES	No impact towards sexual orientation anticipated
<b><u>Religion or Belief (or no Belief)</u></b>	External			YES	No impact towards religion or belief anticipated
	Internal			YES	No impact towards religion or belief anticipated
<b><u>Pregnancy &amp; Maternity</u></b>	External			YES	No impact towards pregnancy or maternity anticipated
	Internal			YES	No impact towards pregnancy or maternity anticipated
<b><u>Other Groups</u></b> (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.)  Please state the group/s:  Residents of park homes _____ _____	External			YES	Residents of park homes will be impacted by this policy as the licensing fee charges are likely to be passed onto the residents. However, the act provides additional enforcement powers and protections for residents so this impact is balanced out and will have a neutral impact
	Internal				Not applicable

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?	Yes	No <input checked="" type="checkbox"/>	Comment
Is there an opportunity to mitigate or alleviate any such impacts?	Yes	No	Comment – Not applicable
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?	Yes	No <input checked="" type="checkbox"/>	Comment
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out: None proposed.			
Planned Actions	Timeframe	Success Measure	Responsible Officer

### Authorisation and Review

<b>Completing Officer</b>	<b>Sam Palmer</b>
<b>Authorising Director</b>	<b>David Wakelin</b>
<b>Date</b>	<b>28<sup>th</sup> March 2014</b>
<b>Review date ( if applicable)</b>	





## **Report to Environment and Licensing Committee**

**Subject:** Notices Served  
**Date:** 15 April 2014  
**Author:** Corporate Director

### **1. Notices served under the Environmental Protection Act 1990 Section 80**

Following complaints from a member of the public, two notices were served on the owners of a property on Verne Close, Carlton on 11<sup>th</sup> February 2014 to cease the noise nuisance caused by a barking dog. No further complaints have been received regarding this matter since the notice was served.

Following complaints from a member of the public, a notice was served on the owner of a development at the Old Brickyard, Carlton on 17<sup>th</sup> February 2014 due to an accumulation of fly tipped waste and litter. This notice has been complied with.

Following complaints from a member of the public, a notice was served on the owner of a property on Carlton Square, Carlton on 28<sup>th</sup> February 2014 due to an accumulation of household waste and furniture. This notice has not been complied with and officers are in the process of arranging to carry out work to remove the waste. All costs incurred by this work will be recovered from the land owner.

### **2. & 3. Notices Served under the Public Health Act 1936 Section 79 & Notices Served under the Housing Act 2004 Section 16**

Following complaints from a member of the public and a visit to the property on 8<sup>th</sup> October 2013, a notice under the Public Health Act 1936 Section 79 was served on the owner of a property on Freda Avenue, Gedling due to large accumulations of refuse both inside and outside the property, as a result of which the property was deemed to be filthy and verminous. The works were carried out in default and completed in December 2013. Following the removal of 11 tonnes of refuse, a number of major defects were noted to the house and the living conditions are very poor, and officers are concerned for the safety of the resident. Officers carried out a full Housing Health and Safety rating inspection of the property to determine which course of action was appropriate with regard to the resident's housing need.

Following discussions with the resident and a family member, a Suspended Prohibition Order under the Housing Act 2004 Section 16 was served on the property on 5<sup>th</sup> February 2014 due to the poor living conditions within the property, chiefly poor electrical installations, a lack of adequate heating and a lack of adequate water supplies to the property. Under the terms of the Suspended Prohibition Order, no person other than the current occupier will be allowed to reside

at the property until the necessary works to improve the living conditions have been completed. A consent form has been signed by the owner and family member concerned to this effect, and no appeal against this notice was received within the statutory 28-day period.

#### **4. Notices Served under the Housing Act 2004 Section 11**

Following complaints from the tenants of the property and a number of subsequent visits by officers, a notice was served on the owner of a property on Duke Street, Arnold on 11<sup>th</sup> March 2014 due to a proliferation of damp and mould and dangerous electrical installations throughout the property. This property will be monitored for compliance with this notice.

#### **5. Notices Served under the Food Safety and Hygiene (England) Regulations 2013 - Regulation 6**

Following complaints from a member of the public and a visit to the premises on 9<sup>th</sup> January 2014, 4 improvement notices were served on a Premises on Front Street, Arnold on 14<sup>th</sup> January 2014 due to an infestation of rats to the rear of the premises, improper disposal of used cooking products and ill-fitting and damaged doors and damaged walls which could allow pests to enter the premises. The premises now has a pest control contract in place, and officers will be visiting the premises to ensure compliance with these notices.

Following sampling tests carried out on 14<sup>th</sup> January 2014 and a visit to the premises on 22<sup>nd</sup> January 2014, 3 improvement notices were served on a premises on Plains Road, Mapperley on 23<sup>rd</sup> January 2014 due to the documented food management system not being updated, a lack of adequate washbasin facilities and poor food handling practices and poor cleaning. One of these notices has been complied with, and an extension has been granted on one of the remaining notices. This premises will be monitored for compliance with the outstanding notices.

Following visits to the premises on 20<sup>th</sup> and 27<sup>th</sup> January 2014, an improvement notice was served on a premises on Front Street, Arnold on 30<sup>th</sup> January 2014 due to an excess amount of food waste in the bin area to the rear of the premises and the lack of an appropriate contract for the removal of this waste. This premises will be monitored for compliance with this notice.

Following an inspection of the premises on 5<sup>th</sup> February 2014, 4 improvement notices were served on a premises on Carlton Hill, Carlton on 11<sup>th</sup> February 2014 due to the poor cleanliness of the premises, a lack of adequate training of food handlers and the documented food management system not being updated. One of these notices has been complied with, and this premises will be monitored for compliance with the outstanding notices.

Following an inspection of the premises on 2<sup>nd</sup> December 2013, an improvement notice was served on a premises on Porchester Road, Mapperley on 26<sup>th</sup> February 2014 due to a lack of adequate training of food handlers and a lack of adequate knowledge of basic food safety issues. This premises will be monitored for compliance with this notice.

## 6. Notices Served under the Environmental Protection Act 1990 Sections 87 and 88

Under the above legislation it is an offence if any person throws down, drops or otherwise deposits litter on any public land. The Act also enables the local Authority to operate a fixed penalty scheme whereby the offender may be given the option for paying a fixed penalty within 14 days and so discharge any liability of conviction for that offence by the Court. The current level of fixed penalty is £50.00.

Enforcement has been carried out by Officers for the following offences:

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed penalty served	Paid	Comments
14.10.13	Arnot Hill Park, Arnold	Kingswell	CCTV Operator	Y	Y	
26.11.13	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Passed to Legal
26.11.13	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Withdrawn on medical grounds
26.11.13	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	False Details given, cannot pursue
15.01.14	Sherbrook Road, Daybrook	Daybrook	Neighbourhood Warden	Y	Y	
25.01.14	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	Y	
13.02.14	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
13.02.14	Morris Street Car Park, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
15.02.14	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	Y	
15.02.14	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	Y	
01.03.14	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	Y	
05.03.14	Arnot Hill Park, Arnold	Kingswell	Neighbourhood Warden	Y	N	Still within 14-day period

The following cases under the above legislation have been referred to court:

Hearing Date	Case	Outcome
09.12.13	Section 87 EPA	£200 fine, £20 victim surcharge, £135 costs
03.02.14	Section 87 EPA	£130 fine, £20 victim surcharge, £150 costs
03.02.14	Section 87 EPA	£100 fine, £20 victim surcharge, £150 costs
10.02.14	Section 87 EPA	£600 fine, £60 victim surcharge, £150 costs
24.02.14	Section 87 EPA	£600 fine, £60 victim surcharge, £180 costs
24.02.14	Section 87 EPA	£600 fine, £60 victim surcharge, £150 costs
24.02.14	Section 87 EPA	£600 fine, £60 victim surcharge, £150 costs

## 7. Notices Served under The Dogs (Fouling of Land) Act 1996

Under the above legislation it is an offence if any person allows their dog to foul and not clear it away forthwith. Neighbourhood Wardens have witnessed dog-fouling offences in the locations given and have issued fixed penalty notices. The details of the cases are as follows:

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed penalty served	Paid	Comments
08.01.14	Woodthorpe Drive, Woodthorpe	Woodthorpe	Neighbourhood Warden	Y	Y	
22.02.14	Standhill Road, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Still within 14-day period

## 8. Fly Tipping Section 33 EPA 1990

Fly tipping is the act of depositing waste in or on any land that does not have a Waste Management license that permits the deposit.

The following cases under the above legislation have been referred to court:

Hearing Date	Case	Outcome
17.02.14	Section 33(6) EPA	£115 fine, £20 victim surcharge, £115 costs

## 9. Recommendation

To note the contents of the report.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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