

Report to Environment and Licensing Committee

Subject: Notices Served
Date: 15 October 2013
Author: Corporate Director

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

Following complaints from members of the public regarding garden bonfires, a Notice was served on the owner of a property on Ethel Avenue, Mapperley on 30th July 2013, to prevent the occurrence of any nuisance from smoke. No further complaints have been received regarding this property.

Following complaints from members of the public regarding loud music, a Notice was served on the owner of a licensed premises on Cavendish Road, Carlton on 25th September 2013, to cease the playing of loud music at such a volume as to cause a statutory noise nuisance. Environmental Health Officers are continuing to monitor compliance with this notice.

2. Notices Served under the Public Health Act 1936 Section 79

Following complaint from members of the public regarding rubbish to the rear of a property, a notice was served on the owner of a property on Carlton Hill, Carlton on 9th August 2013 to clear the property of accumulations. This notice has been complied with.

3. Notices Served under the Health and Safety at Work Etc Act 1974 Sections 21, 23 & 24

A notice was served on the owner of a premises on Hallams Lane, Arnold on 29th July 2013 to clean or replace couches/seats in the premises which were in poor condition which may have led to exposure of clients to blood-borne biological agents including Human Immunodeficiency Virus (HIV) and hepatitis viruses. This notice has been complied with.

4. Notices Served under the Food Hygiene (England) Regulations 2006- Regulation 6

2 Food Hygiene Improvement notices were served on a premises on Main Street, Burton Joyce on 11th September 2013. The premises was awarded a 1 rating under the Food Hygiene Ratings Scheme. This premises will be monitored for compliance with these notices.

12 Food Hygiene Improvement notices were served on a premises in Burntstump Country Park on 12th July 2013. The premises was awarded a 0 rating under the Food Hygiene Ratings Scheme. These notices have now been complied with and the premises has since been re-rated

with a rating of 3. We will continue to monitor standards at this establishment.

2 Food Hygiene Improvement notices were served on a premises on Westdale Lane, Mapperley on 17th September 2013. The premises was awarded a 1 rating under the Food Hygiene Ratings Scheme. This premises will be monitored for compliance with these notices.

2 Food Hygiene Improvement notices were served on a premises on Carlton Hill, Carlton on 30th August 2013. The premises was awarded a 1 rating under the Food Hygiene Ratings Scheme. This premises will be monitored for compliance with these notices.

5 Food Hygiene Improvement notices were served on a premises on Carlton Square, Carlton on 17th September 2013. The premises was awarded a 2 rating under the Food Hygiene Ratings Scheme. This premises will be monitored for compliance with these notices.

5. Notices Served under the Housing Act 2004 Section 16

A Revocation of Prohibition Order was served on the owner of a property on Furlong Avenue, Arnold on 4th September 2013 for completion of works in relation to a Prohibition Order dated 3rd March 2011.

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
13.07.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	18.07.13	Y	
27.07.13	High Street Arnold	St Marys Ward	Neighbourhood Warden	01.08.13	N	False details given
27.07.13	Wood Street Arnold	St Marys Ward	Neighbourhood Warden	27.07.13	Y	
09.07.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	06.08.13	Y	

03.08.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	13.08.13	Y	
10.08.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	13.08.13	Y	
07.08.13	Plains Road Mapperley	Woodthorpe Ward	Neighbourhood Warden	13.08.13	N	False details given
14.08.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	14.08.13	N	Court Date 18.11.13
10.08.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	15.08.13	Y	
15.08.13	Worrall Ave Arnold	St Marys Ward	Neighbourhood Warden	20.08.13	Y	
13.08.13	Plains Road Mapperley	Woodthorpe Ward	Neighbourhood Warden	15.08.13	N	File sent to Legal
19.08.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	20.08.13	N	File sent to Legal
19.08.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	19.08.13	N	Refused to give details – sent straight to Legal
30.08.13	Nottingham Road Arnold	Daybrook Ward	Neighbourhood Warden	30.08.13	Y	
07.09.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	10.09.13	Y	
07.09.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	11.09.13	Y	
11.09.13	Tilford Road Newstead	Newstead Ward	Neighbourhood Warden	11.09.13	Y	
11.09.13	Tilford Road Newstead	Newstead Ward	Neighbourhood Warden	11.09.13	N	
11.09.13	Arnot Hill House	Kingswell Ward	Neighbourhood Warden	11.09.13	N	
11.09.13	Arnot Hill House	Kingswell Ward	Neighbourhood Warden	11.09.13	N	

11.09.13	Arnot Hill House	Kingswell Ward	Neighbourhood Warden	12.09.13	N	
11.09.13	Arnot Hill House	Kingswell Ward	Neighbourhood Warden	12.09.13	N	
10.09.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	11.09.13	N	
14.09.13	Victoria Road Netherfield	Netherfield & Colwick	Neighbourhood Warden	17.09.13	N	
21.09.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	25.09.13	N	
21.09.13	Front Street Arnold	St Marys Ward	Neighbourhood Warden	25.09.13	N	
25.09.13	Eagle Square Arnold	St Marys Ward	Neighbourhood Warden	25.09.13	N	
21.09.13	Hallams Lane Arnold	Kingswell Ward	Neighbourhood Warden	26.09.13	N	
24.09.13	Furlong Street Arnold	Daybrook Ward	Neighbourhood Warden	26.09.13	N	

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

Hearing Date	Case	Outcome
22.07.13	Section 87 EPA	Proved in Absence – Fine £135, Victim Surcharge £20, Costs £150
22.07.13	Section 87 EPA	Proved in Absence – Fine £435, Victim Surcharge £43, Costs £150
19.08.13	Section 87 EPA	Proved in Absence – Fine £600, Victim Surcharge £60, Costs £150
19.08.13	Section 87 EPA	Proved in Absence – Fine £600, Victim Surcharge £60, Costs £150
19.08.13	Section 87 EPA	Proved in Absence – Fine £600, Victim Surcharge £60, Costs £150
19.08.13	Section 87 EPA	Guilty Plea – Fine £250, Victim Surcharge £25, Costs £135

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 taken statements from members of the public who have witnessed dog-fouling offences and have taken appropriate action. The details of the cases are as follows:

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed penalty served	Paid	Comments
19.07.13	Arnot Hill Park Arnold	Kingswell Ward	Neighbourhood Warden	23.07.13	Y	

8. Information for Members

Duty of Care Section 34 EPA 1990

Duty of care is a legal duty on anyone who imports, produces, carries, keeps or disposes of controlled waste, to ensure that waste is transferred only to an authorised person such as a local authority, a registered carrier or a licensed disposer. (Residents must ensure that if they pass waste onto anyone (with or without payment) they must ensure that they check for a waste carrier's license to comply with their duty)

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

Hearing Date	Case	Outcome
23.09.13	S34 Duty of Care	Guilty Plea – Fine £110, Victim Surcharge £20, Costs £150

9. Recommendation

To note the contents of the report.