

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 11th 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 17th 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 28th 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 8th 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 5th 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 11th 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 9th January 2014, 4 improvement notices were served on a Premises on Front Street, Arnold on 14th 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 14th January 2014 and a visit to the premises on 22nd January 2014, 3 improvement notices were served on a premises on Plains Road, Mapperley on 23rd 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 20th and 27th January 2014, an improvement notice was served on a premises on Front Street, Arnold on 30th 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 5th February 2014, 4 improvement notices were served on a premises on Carlton Hill, Carlton on 11th 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 2nd December 2013, an improvement notice was served on a premises on Porchester Road, Mapperley on 26th 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.