

Report to Environment and Licensing Committee

Subject: Notices Served
Date: 10th February 2015
Author: Corporate Director

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

- 1.1 Following complaints from a member of the public and a visit to the property on 1st July 2014, a notice was served on the owner of a property on Curzon Street, Netherfield on 4th July 2014 to clear away and properly dispose of the accumulated waste from the rear of the property.
- 1.2 Following complaints from a member of the public, a notice was served on the owner of a property on Besecar Avenue, Carlton on 15th August 2014 to clear away the accumulation of bin bags at the rear of the property. This notice was not fully complied with and works were carried out in default.
- 1.3 A notice was served on the owner of a property on Vale Road, Colwick on 18th November 2014 to clear away the waste from the rear of their property. The owner did not comply with the notice within its time constraint, therefore the works were carried out in default.
- 1.4 A notice was served on the owner of a property on Dorket Close, Arnold on 19th November 2014 to silence the intruder alarm and repair any defect before resetting. The owner did not comply with the notice within its time constraints, therefore, with her permission, the alarm was disabled from within the property.
- 1.5 A notice was served on the owner of a property on Honeywood Drive, Carlton on 12th December 2014 to remove all domestic refuse from the front of their property. The notice was fully complied with.

2. Notices Served under the Public Health Act 1936 Section 83

- 2.1 Following a visit to the property on 26th June 2014, a notice was served on the owners of a property on Hallam's Lane, Arnold on 27th June 2014 to remove all furniture, appliances, refuse, waste food, unused and soiled articles of clothing, packaging, carpets or other floor coverings and any other household effects that are being kept in an unwholesome condition throughout the property. Also to clean and disinfect as necessary throughout the premises

and to check the condition of the floor following removal of all floor coverings and to dispose of all waste removed from the property in a suitable manner or by a licensed waste carrier, ensuring that all relevant legislation is complied with. Officers applied for a warrant to gain access to the property. The warrant application was successful and works were carried out in default to clear the property.

- 2.2 Following a visit to the property on 15th January 2015, a notice was served on the owner of a property on St Albans Road, Bestwood on 22nd January 2015 to remove all furniture, appliances, refuse, waste food, unused and soiled articles of clothing, packaging, carpets or other floor coverings and any other household effects that are being kept in an unwholesome condition throughout the property. Also to clean and disinfect throughout the premises as necessary and to check the condition and integrity of the flooring following removal of all floor coverings. All waste and arisings from works carried out at the property are to be disposed of in an appropriate manner, or by a licensed waste carrier, ensuring that all relevant legislation is complied with. Any other matters relating to the filthy and unwholesome condition of the property are to be addressed. The property is to be monitored for compliance with this notice.

3. Notices Served under the Town & Country Planning Act 1990 Section 330

- 3.1 Following numerous complaints received by the Council, a notice requesting information was served on the owner of a property on Yew Tree Lane, Gedling on 1st July 2014 regarding the detrimental affect the visual appearance of the land at the property was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served.
- 3.2 Following numerous complaints received by the Council, a notice requesting information was served on the owner of a property on Marwood Crescent, Carlton on 4th August 2014 regarding the detrimental affect the visual appearance of the land at the property was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served.
- 3.3 Following numerous complaints received by the Council and a visit to the property on 4th September 2014, a notice requesting information was served on the owner of a property on Veronica Drive, Carlton on 4th September 2014 regarding the detrimental affect the visual appearance of the property was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served.
- 3.4 Following numerous complaints received by the Council, a notice requesting information was served on the owner of a property on Standhill Road, Carlton on 5th September 2014 regarding the detrimental affect the visual appearance of the property was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served.
- 3.5 Following numerous complaints received by the Council and a visit to the property, a notice requesting information was served on the owner of a property on Brookfield Road, Arnold

on 14th October 2014 regarding the detrimental affect the neglectful state of the property was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served.

- 3.6 Following numerous complaints received by the Council, a notice requesting information was served on the owner of a property on Mays Avenue, Carlton on 4th November 2014 regarding the detrimental affect the visual appearance of the garden was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served.
- 3.7 Following numerous complaints received by the Council, a notice requesting information was served on the owners of a property on Bridle Road, Burton Joyce on 9th December 2014 regarding the detrimental affect the visual appearance of the garden was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served. The notice has now expired, however, the works have been carried out.

4. Notices Served under the Town & Country Planning Act 1990 Section 215

- 4.1 A notice was served on the owner of a property on Yew Tree Lane, Gedling on 1st August 2014 to cut back all uncultivated vegetation to ground level, to cut back the lawn surrounding the property to a height of no more than 60mm thereby ensuring that it does not impact on the visual amenity of the area and to remove all the cut vegetation and lawn trimmings and ensure they are correctly disposed of. This notice was not complied with and the works were carried out in default.
- 4.2 Following complaints received by the Council, a notice was served on the owner of land off Kings Avenue, Gedling on 2nd October 2014 to remove all litter and fly-tipped rubbish from the site, to cut down all overgrown grass and vegetation to a uniform level no higher than 100mm from ground level, or where this is not possible, to a level as near as possible to ground level. Also to dispose of all waste in an authorised and appropriate manner.
- 4.3 A notice was served on the owner of a property on Standhill Road, Carlton on 3rd October 2014 to remove all refuse at the side of the property adjacent the site and to dispose of all the items in a legally appropriate manner. Also to leave the area in a clean and tidy condition.
- 4.4 A notice was served on the owner of a property on Veronica Drive, Carlton on 23rd October 2014 to cut back all uncultivated vegetation to ground level, including hedges, shrubbery and areas of lawn. Also to trim back overgrown trees that are hanging into the neighbouring property, to remove overgrown vegetation from the front garden, to renew or repair the garage door in line with neighbouring properties and properly dispose of all cut vegetation and lawn trimmings. This notice has been complied with.
- 4.5 Following complaints received by the Council and a visit to the property on 8th December 2014, a notice was served on the owner of a property on Marwood Crescent, Carlton on 9th

December 2014 to cut back all uncultivated vegetation in the front garden to ground level, trim back hedges, shrubbery and trees in the front garden and to cut any areas of front lawn. Also to remove litter and miscellaneous items from the front garden and remove all the cut vegetation and lawn trimmings and ensure they are disposed of appropriately.

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

- 5.1 Following an inspection of the premises on 5th September 2014 and a revisit on 8th September 2014, three notices were served on the owner of a premises on Victoria Road, Netherfield on 9th September 2014. The notices were served due to the very poor condition and cleanliness of the premises, fixtures and fittings, the lack of an appropriate written food management system being in place, inadequate food hygiene awareness amongst food handlers and inadequate training and management of food handlers. This premises will be monitored for compliance with these notices.
- 5.2 Following an inspection of the premises on 16th October 2014, five notices were served on the owner of a premises on Front Street, Arnold on 21st October 2014. The notices were served for lack of a food management safety system, inadequate training and supervision of food handlers, structure of the premises, cleanliness of articles in contact with food and for cross-contamination. Some of the notices have been complied with, whilst other notices have yet to expire.

6. Notices Served under the Health And Safety at Work Act 1974 Section 22, 23 and 24

- 6.1 Following receipt of an adverse Insurance Inspection Report for a two post vehicle lift at a premises at Victoria Business Park, Netherfield, a Prohibition Notice was served on the company on 23rd July 2014 to prevent the use of this vehicle lift. As a result of this, the hoist was isolated from the electrics.
- 6.2 Following an inspection of the premises on 16th October 2014, an Improvement Notice was served on the owner of a premises on Front Street, Arnold on 21st October 2014 for an Electrical Installation Condition Report and the provision of extra socket outlets. This notice has been complied with.

7. Notices Served under the Housing Act 2004 Section 43 Emergency Prohibition Order

- 7.1 An order was served on the owners of a property on Victoria Road, Netherfield on 28th August 2014 to prohibit the use of the dwelling for the purposes of residential accommodation until the remedial works to the external metal staircase were carried out correctly to comply with the requirements of the order. Works are still in progress to remedy the stairs and up-grade the flat.

8. Notices Served under the Housing Act 2004 Sections 28 and 29 Hazard Awareness Notice

- 8.1 A notice was served on the owner of a property on Hallam's Lane, Arnold on 13th October 2014. The schedule was associated with the risk of fire, lighting and gas, cold and food safety. (See Notice under paragraph 2.1 above). These notices have been complied with.

9. Notices Served under the Housing Act 2004 Section 11 Improvement Notice

- 9.1 Following complaints from the tenant about dampness in a property on Cliff Road, Carlton, an Improvement Notice was served on the owners of the property on 24th October 2014 to take remedial action to address the dampness. The date for compliance with this notice is 19th March 2015. The property is currently vacant and it will continue to be monitored for compliance with this notice.

10. Notices Served under the Prevention of Damage by Pests Act 1949 Section 4

- 10.1 Following a routine walkabout by a Neighbourhood Warden and an inspection of the premises, a notice was served on the owner of a property on Stonehouse Terrace, Newstead Village on 26th September 2014 to remove all waste items from the land and outbuildings that could provide harbourage to pests, and to dispose of such items in an authorised manner. This notice has been complied with.

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

- 11.1 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
10/05/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
17/05/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	N	False details

17/05/2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	Y	
17/05/2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	Y	Fine £200 Costs £150 Victim Sur £20
21/05/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
29/05/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	False details
06/06/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
06/06/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
06/06/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	Fine £37 Costs £30 Victim Sur £20
17/06/2014	Eagle Square, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
17/06/2014	Eagle Square, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
25/06/2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	Y	
25/06/2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	Y	Fine £200 Costs £180 Victim Sur £20
25/06/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	Withdrawn – letter from social worker
26/06/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	Fine £200 Costs £180 Victim Sur £20
28/06/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	False details
28/06/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	

05/07/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
12/07/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
12/07/2014	Croft Road, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
12/07/2014	Forester Street, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
16/07/2014	Market Area, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
16/07/2014	Eagle Sq, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
16/07/2014	Eagle Sq, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
23/07/2014	Southdale Road, Carlton	Carlton	Neighbourhood Warden	Y	Y	
25/07/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
28/07/2014	Plains Road, Woodthorpe	Woodthorpe	Neighbourhood Warden	Y	Y	Fine £120 Costs £85 Victim Sur £20
29/07/2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	Y	Fine £150 Costs £85 Victim Sur £20
29/07/2014	Eagle Sq, Arnold	St Mary's	Neighbourhood Warden	Y	Y	Fine £75 Costs £25 Victim Sur £20
31/07/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
02/08/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	Withdrawn on medical grounds
09/08/2014	Eagle Sq, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
14/08/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	

14/08/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
21/08/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
21/08/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
02/09/2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	Y	
04/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	Legal 14/10/14
06/09/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
06/09/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
11/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
13/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
13/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
18/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	Legal 20/10/14
18/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
20/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	Fine £200 Costs £150 Victim Sur £20
24/09/2014	Nottingham Road, Daybrook	Daybrook	Neighbourhood Warden	Y	Y	Fine £70 Costs £75 Victim Sur £20
25/09/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	Fine £200 Costs £150 Victim Sur £20

15/10/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	N	Legal 10/11/14
15/10/2014	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	N	Legal 10/11/14
16/10/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	False details
24/10/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
24/10/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	Fine £200 Costs £150 Victim Sur £20
25/10/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
30/10/2014	Park Road, Bestwood Village	Bestwood Village	Neighbourhood Warden	Y	Y	
01/11/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
05/11/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	N	N	Withdrawn on medical grounds
07/11/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
07/11/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
07/11/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
15/11/2014	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	False details
20/11/2014	Eagle Sq, Arnold	St Mary's	Neighbourhood Warden	Y	Y	
21/11/2014	Civic Centre, Arnot Hill Park	Kingswell	Neighbourhood Warden	Y	N	Legal

29/11/2014	Victoria Retail Park, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	Y	
09/01/2015	Car Park, Sir John Robinson Way, Arnold	Daybrook	Neighbourhood Warden	Y	N	In date
09/01/2015	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	In date
16/01/2015	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	N	
16/01/2015	Victoria Road, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	N	
19/01/2015	Chandos Street, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	N	
20/01/2015	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	
20/01/2015	Front Street, Arnold	St Mary's	Neighbourhood Warden	Y	N	False details
23/01/2015	Front Street, Arnold	St Mary's	Neighbourhood Warden	N	N	
23/01/2015	Front Street, Arnold	St Mary's	Neighbourhood Warden	N	N	
23/01/2015	Carlton Hill, Carlton	Carlton	Neighbourhood Warden	N	N	

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

Hearing Date	Case	Outcome
29/10/2014	Section 87 EPA	£37 fine, £30 costs, £20 victim surcharge
29/10/2014	Section 87 EPA	£200 fine, £180 costs, £20 victim surcharge
29/10/2014	Section 87 EPA	£200 fine, £180 costs, £20 victim surcharge
29/10/2014	Section 87 EPA	The person pleaded not guilty. The case has gone to court hearing on 09/02/2015
17/12/2014	Section 87 EPA	£200 fine, £150 costs, £20 victim surcharge
14/01/2015	Section 87 EPA	£150 fine, £85 costs, £20 victim surcharge
14/01/2015	Section 87 EPA	£75 fine, £25 costs, £20 victim surcharge

16/01/2015	Section 87 EPA	£200 fine, £150 costs, £20 victim surcharge
16/01/2015	Section 87 EPA	£70 fine, £75 costs, £20 victim surcharge
16/01/2015	Section 87 EPA	£200 fine, £150 costs, £20 victim surcharge
17/01/2015	Section 87 EPA	£120 fine, £85 costs, £20 victim surcharge
17/01/2015	Section 87 EPA	£200 fine, £150 costs, £20 victim surcharge

12. Information for Members

12.1 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 has been referred to court:

Hearing Date	Case	Outcome
17/10/2014	Section 34 EPA	£65 fine, £80 prosecution costs, £280 compensation for clean-up costs

12.2 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 definition of waste is simply any substance or object that the holder discards. (Throwing away waste on land that doesn't have a permit or permission.)

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

Hearing Date	Case	Outcome
31/01/2015	Section 33 EPA	Failed to attend court on 17/10/2014. New court date now 30/01/2015

13. Recommendation

To note the contents of the report.