

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

**Subject:** Notices served and enforcement carried out by officers within Public Protection

**Date:** 10<sup>th</sup> November 2015

**Author:** Corporate Director

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

Following complaints from members of the public, a notice was served on the owner of a property on Queen's Avenue, Gedling on 21<sup>st</sup> August 2015 regarding loud music. The owner is required to stop the nuisance and any re-occurrence or further occurrence of the noise nuisance is prohibited. This investigation is on-going and officers are continuing to carry out monitoring.

Following complaints about the persistent noise from a car alarm parked at Dale Lodge, Whimsey Park, Carlton a notice was served on the registered keeper of the vehicle on 3<sup>rd</sup> September 2015 to silence the alarm. The notice was not complied with and works to silence the alarm were carried out in default. Officers are in the process of recovering all charges incurred in silencing the alarm.

Following complaints regarding and accumulation of household waste at a property on Gedling Road, Arnold, a notice was served on the owner of the property on the 28<sup>th</sup> September 2015. The investigation is on-going and the owner is in the process of complying with the notice.

### **2. Notices Served under the Housing Act 2004, Sections 11 (Improvement Notice)**

Following an inspection of the property on 17<sup>th</sup> September 2015 notices were served on the owner of a property on Bridle Road, Burton Joyce on 30<sup>th</sup> September 2015 relating to the uninhabitable nature of the property, damp and mould, structural disrepair, fire safety issues and electrical hazards. The owner has until 30<sup>th</sup> October to start complying with these notices and 3<sup>rd</sup> May 2016 to complete the remedial works.

### **3. Notices Served under the Local Government (Miscellaneous Provisions) Act 1982, Section 29**

Following a visit to the property on 9<sup>th</sup> September 2015 a notice was served on the owner of a property on Labray Road, Calverton on 10<sup>th</sup> September 2015 requiring them to secure all entry points into the building so as to prevent unauthorised access. This notice was not complied with and works were carried out in default. Officers are in the process of recovering all charged incurred by this work.

Following complaints from the public and a visit to the property, a notice was served on the owner of a property on Burton Road, Carlton on 16<sup>th</sup> October 2015 informing them of the Council's intention to secure entry to the building so as to prevent unauthorised access. Arrangements were made for the works to be carried out in default.

#### **4. Notices Served under the Food Safety and Hygiene (England) Regulations 2013 – Regulation 6 – Hygiene Improvement Notice**

Following a routine food hygiene inspection of a premise on 6<sup>th</sup> August 2015 a number of problems were noted relating to food hygiene and cleanliness of the premises. 13 notices were subsequently served on the owner of the business on Victoria Road, Netherfield on 13<sup>th</sup> August 2015. Compliance of these notices and the business premises is being monitored. To date 11 of these notices have been complied with and the other 2 don't expire until November 2015.

Following inspections of the premises on 25<sup>th</sup> and 27<sup>th</sup> August 2015 a notice was served on the owner of a premises on Plains Road, Mapperley on 28<sup>th</sup> August 2015 due to lack of food safety legislation training. Compliance with this notice is being monitored. The notice expires on 30<sup>th</sup> October 2015.

Following an inspection of the premises on 27<sup>th</sup> August 2015 10 notices were served on the owner of a premises on Plains Road, Mapperley on 1<sup>st</sup> September 2015. The notices were served due to the poor condition and cleanliness of the premises, fixtures and fittings, the lack of good food hygiene practices and HACCP principles and inadequate provision for storage and disposal of food waste. All the notices have now been complied with.

Following an inspection of the premises on 3<sup>rd</sup> September 2015 two separate notices were served on the owners of a premises on Bank Hill, Woodborough on 8<sup>th</sup> September 2015 due to lack of a documented food management system in place and on site. To date this notice has been complied with.

Following an inspection of the premises on 10<sup>th</sup> September 2015, notices were served on the owner of a premise on Plains Road, Mapperley on 14<sup>th</sup> September 2015, due to the poor condition and cleanliness of the premises, its fixtures, fittings and equipment. These notices have now been complied with.

#### **5. Notices Served under the Prevention of Damage by Pests Act 1949, Section 4**

Following numerous complaints from members of the public and first-hand video footage a notice was served on the owner of a premises on Plains Road, Mapperley on 27<sup>th</sup> August 2015 due to the presence of rats in the vicinity of the rear entrance to the premises. The notice requires the owner to carry out works to keep the surrounding land free from rats and to remove any accumulated waste materials. This notice has been complied with.

Following an inspection of the premises on 28<sup>th</sup> August 2015 a notice was served on the owner of a premises at 35 Carlton Hill, Carlton on 1<sup>st</sup> September 2015 due to the accumulation of rubbish at the site that has the potential to harbour rats and mice. The notice requires the owner to remove

all items from the land and outbuildings of the premises and dispose of such waste in an authorised manner. The notice has been complied with.

Following numerous complaints from members of the public and first-hand video footage, a notice was served on the owner of a premise on Plains Road, Mapperley on 2<sup>nd</sup> September 2015 due to the presence of rats in the vicinity of the rear of the premises. The notice requires the owner to remove all waste materials from the surrounding land. This notice has been complied with.

Following an inspection of the premises on 8<sup>th</sup> September 2015 a notice was served on the owner of a property on Holly Avenue, Carlton on 9<sup>th</sup> September 2015 requesting them to remove all items from the land, gardens and outbuildings to the property that could provide harbourage for rats and mice and to dispose of such waste in an authorised manner. The notice was not complied with and works were carried out in default.

Following numerous inspections of the property, a notice was served on the owner of a property on Godfrey Street, Netherfield on 15<sup>th</sup> September 2015 requesting them to clear away all domestic refuse, food waste and other accumulated waste from the back garden that could provide harbourage for rats and mice, and to dispose of such waste in an authorised manner. This notice has been complied with.

Following numerous inspections of the property a notice was served on the owner of a property on Curzon Street, Netherfield on 24<sup>th</sup> September 2015 requesting them to clear away all domestic refuse, food waste and other accumulated waste from the back garden that could provide harbourage for rats and mice, and to dispose of such waste in an authorised manner. To date this notice has not been complied with and arrangements will now be made for the works to be carried out in default.

## **6. Notices Served under the Building Act 1984, Section 59**

Following complaints from a member of the public a notice was served on the owner of a property on Parkyn Road, Daybrook on 1<sup>st</sup> September 2015 to repair or replace the toilet drainage pipe and soil pipe and to make good the brickwork, path and passageway between the two adjoining properties. The notice has been complied with.

## **7. Notices Served under the Health and Safety at Work etc Act 1974, Section 2(1) and The Workplace (Health, Safety and Welfare) Regulations 1992, Reg. 12(1)**

Following an inspection of the premises on 3<sup>rd</sup> September 2015 two separate notices were served on the owners of a premise on Bank Hill, Woodborough on 8<sup>th</sup> September 2015, due to the unsafe and hazardous flooring. This notice is currently being monitored.

## **8. Notices Served under the Town and Country Planning Act 1990, Section 215**

Following complaints from members of the public and a visit to the property, a notice was served on the owner of a property on Bridle Road, Burton Joyce on 9<sup>th</sup> October 2015 regarding the adverse conditions of the land adjoining the property. The notice requests that the owner cuts

back all uncultivated vegetation to ground level, cuts back the trees to improve the visual appearance of the garden and enable access to the property, cuts the lawn surrounding the property to a height of no more than 60mm thus ensuring it does not impact on the visual amenity of the area and removes all waste and disposes of it in an authorised manner. This notice is being monitored for compliance.

## 9. 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:

<b>Date of Offence</b>	<b>Location of Offence</b>	<b>Ward</b>	<b>Person Witnessing Offence</b>	<b>Fixed Penalty Served</b>	<b>Paid</b>	<b>Comments</b>
07/08/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.
08/08/2015	Bestwood Lodge Drive, Bestwood	Bestwood St Albans	Neighbourhood Warden	Y	Y	
10/08/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	Y	
11/08/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	Y	
12/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
12/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
15/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
15/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
15/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
19/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Payment time extended
19/08/2015	Sir John Robinson Way, Arnold	Daybrook	Neighbourhood Warden	Y	Y	
19/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.

<b>Date of Offence</b>	<b>Location of Offence</b>	<b>Ward</b>	<b>Person Witnessing Offence</b>	<b>Fixed Penalty Served</b>	<b>Paid</b>	<b>Comments</b>
20/08/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	False details given
22/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	This case has been passed to the Legal team
29/08/2015	Coppice Road, Arnold	Ernehale	Neighbourhood Warden	Y	N	This case has been passed to the Legal team
03/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
03/09/2015	Croft Road, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
05/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
15/09/2015	Woodborough Road, Mapperley	Porchester	Neighbourhood Warden	Y	N	This case has been passed to the Legal team
17/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
18/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Payment time extended
21/09/2015	Mapperley Plains	Porchester	Neighbourhood Warden	Y	N	Passed to Legal 16.10.15
22/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
23/09/2015	Mapperley Plains Precinct	Porchester	Neighbourhood Warden	Y	N	Still within payment time
24/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Still within payment time
26/09/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	
26/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Payment time extended
26/09/2015	GBC C Park, Ravenswood Road, Arnold	Ernehale	Neighbourhood Warden	N	N	False details given
28/09/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Payment time extended
30/09/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Still within payment time
01/10/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Still within payment time
01/10/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	Y	

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed Penalty Served	Paid	Comments
03/10/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Still within payment time
10/10/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Still within payment time
10/10/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Still within payment time
12/10/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Still within payment time

The following cases were referred to court for offences under the Environmental Protection Act 1990 s.87. in each case the Council was successful and the fines, prosecutions costs and victim surcharge awarded to the council can be seen in the column marked 'outcome'

Hearing Date	Case	Outcome
21/08/2015	Section 87 EPA	£100 fine, £150 Court charges, £150 Prosecution costs and £20 victim surcharge
21/08/2015	Section 87 EPA	£100 fine, £150 Court charges, £150 Prosecution costs and £20 victim surcharge
21/08/2015	Section 87 EPA	£100 fine, £150 Court charges, £150 Prosecution costs and £20 victim surcharge
21/08/2015	Section 87 EPA	£100 fine, £150 Court charges, £150 Prosecution costs and £20 victim surcharge
21/08/2015	Section 87 EPA	£50 fine, £150 Court charges, £150 Prosecution costs and £20 victim surcharge
21/08/2015	Section 87 EPA	£100 fine, £150 Court charges, £150 Prosecution costs and £20 victim surcharge
21/08/2015	Section 87 EPA	£50 fine, £150 Court charges, £150 Prosecution costs and £20 victim surcharge
21/08/2015	Section 87 EPA	£35 fine, £150 Prosecution costs and £20 victim surcharge

## 10. Local Government (Miscellaneous Provisions) Act 1976

Following complaints of a very serious nature, officers carried out three investigations and presented reports to the Corporate Director and Chief Executive. The details of the cases and the Director/Chief Executive's decisions were:

### Case One

On 3<sup>rd</sup> September 2015 it was alleged that a driver picked up a lone female passenger and asked her questions about her personal relationships with men. It was further alleged that the driver offered to pick up the passenger at a later date and pay her to have sex with him and stroked her leg as she was getting her money out to pay the fare. The driver denied the events. The matter was referred to the Corporate Director who decided after consultation with the Chair,

that after considering the complainant's version of events and the driver's explanation at interview, that on the balance of probabilities, the driver was no longer a fit and proper person to hold a licence and his licence was revoked with immediate effect on 2<sup>nd</sup> October 2015.

Case Two

On 18<sup>th</sup> and 19<sup>th</sup> April 2015 it was alleged that the driver picked up a young lone female passenger and took her to his home address. He admitted supplying her with alcohol and having intercourse with her. The matter was referred to the Corporate Director who decided after consultation with the Chair, that after considering the complainant's version of events and the driver's explanation at interview, that on the balance of probabilities, the driver was no longer a fit and proper person to hold a licence and his licence was revoked with immediate effect on 10<sup>th</sup> September 2015.

Case Three

On 5<sup>th</sup> April 2015 it was alleged that the driver was over familiar with a lone female passenger. He allegedly opened the door of the vehicle at the end of the journey and attempted to hug her which made her feel uncomfortable. On 6<sup>th</sup> April 2015 he picked up the same passenger who was accompanied by a male. During the journey it was alleged that the driver was over familiar again and, on arrival at the passenger's home, he asked to use the toilet. Whilst in the property the driver allegedly acted in an inappropriate manner and tried to kiss and hug the complainant and was asked to leave the property. The private hire operator who employed the driver dismissed him as a result of the complaint. The matter was referred to the Chief Executive who decided after consultation with the Chair, that after considering the complainant's version of events and the driver's explanation at interview, that on the balance of probabilities, the driver was no longer a fit and proper person to hold a licence and his licence was revoked with immediate effect on 10<sup>th</sup> April 2015.

Gedling Borough Council has a Hackney Carriage/Private Hire Driver's complaints procedure which is used by officers in instances where it is alleged the driver's conduct has fallen below the standard expected of them by the Council. In each case details of the alleged incidents are provided by the complainant and the driver is questioned. Each case is then reviewed by a panel from the Licensing team and a judgment made based on the 'balance of probability'.

<b>Date of Panel Meeting</b>	<b>Nature of Alleged Complaint</b>	<b>Outcome</b>
24.03.2015	Aggressive Conduct towards another road user	No Action
24.03.2015	Abusive language over the telephone	No Action
24.03.2015	Dangerous driving	No Action
24.03.2015	Unsafe transportation of disabled passenger	No Action

<b>Date of Panel Meeting</b>	<b>Nature of Alleged Complaint</b>	<b>Outcome</b>
24.03.2015	Poor conduct	No Action
24.03.2015	Dangerous driving, rude gesture to another road user	No Action
24.03.2015	Poor conduct	No Action
24.03.2015	Poor conduct, parking issue	No Action
24.03.2015	Urinating in public	No Action
24.03.2015	Dangerous driving	First Warning Letter
24.03.2015	Over charging	First Warning Letter
24.03.2015	Poor conduct	First Warning Letter
24.03.2015	Poor conduct	First Warning Letter
24.03.2015	Refusing to carrying of assistance job	First Warning Letter
24.07.2015	Dangerous driving, inappropriate conversation	Second Warning Letter
24.07.2015	Dangerous driving	First Warning Letter
24.07.2015	Over charging, poor conduct	Second Warning Letter
24.07.2015	Dangerous driving	First Warning Letter
24.07.2015	Conduct towards a CEO	Referred to Committee
24.07.2015	Urinating in public	Second Stage Warning
07.10.2015	Conduct towards a CEO	Committee
07.10.2015	Dangerous driving	First Warning
07.10.2015	Using a mobile phone and smoking whilst driving	First Warning

On the 16<sup>th</sup> September 2015 Licensing Officers attended a multiagency enforcement event at East Midlands Airport. The event involved 10 officers from six local authorities as well as Leicestershire Police, HM Customs & Excise and the Vehicle and Operators Services Agency (VOSA).

During the operation 6 Gedling Borough Council licensed vehicles were inspected, of which 3 were found to have defects which included light defects, incorrect smoking signage and missing first aid kits.

In each case officers will be issuing the first warning to the drivers which will be held on their record.

On the 16<sup>th</sup> October 2015 Licensing officers attended a late night enforcement event in Nottingham City Centre, during which 17 Gedling Borough Council licensed vehicles were inspected.

Of the 17 inspected 3 had their plates removed due to the tyres not complying with the licence conditions, 2 had the licence plates removed due to the tyre depth falling below the legal minimum and 5 were issued with vehicle defect forms for defective lights and no top signs.

In each case officers will be issuing the drivers will a first warning which will be held on their record.

## **11. Recommendation**

**To note the contents of the report.**