

Report to Environment and Licensing Committee

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

Date: 12th January 2016

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1. Notices Served under the Housing Act 2004, Section 20 Prohibition Order

Following a referral from the Housing Needs Department on 29th July 2015, a visit was made to a property on Okehampton Crescent, Mapperley on 6th August 2015. The property was found to be overcrowded due to a first floor room being less than the size required for use as a bedroom as stipulated under the Housing Act 1985. A formal inspection was made of the property on 2nd October 2015 (after the birth of the tenant's baby). A Prohibition Order was subsequently served on the owner of the property on 29th October 2015 to prohibit the use of the room as a bedroom. The order has been suspended until the tenant and her children move out into suitable, alternative accommodation, in order to prevent a situation of homelessness.

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

Following a routine food hygiene inspection of a premises on 13th October 2015, a number of problems were noted relating to the lack of use of the Food Safety Management System, food hygiene, cleanliness and drainage of the premises. 11 notices were subsequently served on the owner of the business on Front Street, Arnold on 20th October 2015. Upon re-inspection 5 of these notices were not complied with. The food business operator has been interviewed under caution and a file will be presented to legal services for consideration for prosecution. These premises scored a '0' on the food hygiene rating scheme.

Following routine food hygiene inspections of a premises on 28th and 29th October 2015, a number of problems were noted relating to the lack of the food safety management system on site, food hygiene, cleanliness of the premises and lack of suitable waste water drainage. 6 notices were subsequently served on the owner of the business on Front Street, Arnold on 3rd November 2015. To date these notices have been complied with. These premises were scored a '0' on the food hygiene rating scheme.

Following a visit to a premises on 8th September 2015, it was identified that 2 members of staff had still not completed food hygiene training, despite this lack of training having been raised at a previous

inspection on 13th August 2015. A notice was served on the owner of the premises on Rolleston Drive, Arnold on 9th November 2015 requesting that the chefs complete this training by 8th February 2016. These premises scored a '3' on the food hygiene rating scheme on their most recent inspection.

Following a routine food hygiene inspection of a premises on 12th November 2015, a notice was served on the owner of the premises on Howbeck Road, Arnold on 19th November 2015 relating to the lack of a Food Safety Management System in place. This notice has now been complied with. These premises scored a '1' on the food hygiene rating scheme.

Following a routine food hygiene inspection of a premises on 17th November 2015, a number of problems were noted relating to the cleanliness and tidiness of the premises, the general cleaning of articles and equipment, cross-contamination of food, structural issues, cleanliness of the rear yard area, lack of equipment and flooring in good repair and lack of management of food safety risks within the premises. 8 notices were subsequently served on the owner of the business on Front Street, Arnold on 24th November 2015. To date 4 of the notices have been complied with within the timescale and the remaining 4 notices have not yet expired. These premises scored a '1' on the food hygiene rating scheme.

3. Notices Served under the Public Health Act 1936, Section 83

Following an a visit to the property on 20th October 2015, a notice was served on the owner of a property on Valeside Gardens, Colwick on the same date to remove all food waste, refuse, appliances, furniture, clothing and textiles that are in a filthy or unwholesome condition from the property and to dispose of them in an appropriate and authorised manner. Also to clean and sanitise all filthy and unwholesome areas, surfaces and facilities and to render them to a wholesome condition that is fit for use and purpose. The notice was not complied with and the works were carried out in default.

4. 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
20/10/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed Penalty Served	Paid	Comments
31/10/2015	Westdale Lane East, Carlton	Cavendish 3	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.
07/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
16/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	The offender provided false details.
16/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
17/11/2015	Carlton Hill, Carlton	Carlton	Neighbourhood Warden	Y	Y	
17/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.
17/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Not due to expire until 04/01/2016
21/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
21/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	

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
27/11/2015	Section 87 EPA	£660 fine, £150 Court charges, £130 Prosecution costs and £66 victim surcharge
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27/11/2015	Section 87 EPA	£660 fine, £150 Court charges, £130 Prosecution costs and £66 victim surcharge
27/11/2015	Section 87 EPA	£110 fine, £150 Court charges, £130 Prosecution costs and £20 victim surcharge

5. Recommendation

To note the contents of the report.