



Licensing and Regulatory Committee	Thursday, 12 October 2017	Matter for Information and Decision
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Title: **Corporate Enforcement Report**

Author(s): **Stephen Glazebrook (Interim Head of Communities)**

1. Introduction

There are a broad range of environmental standards and legislation enforced by Environmental Health and Licensing either independently or inter-dependently with other sections of the Council. This report seeks to inform Committee of the responsibilities and the enforcement outcomes achieved in the last two months.

2. Recommendation(s)

- 2.1. Members are asked to note the contents of the report.
- 2.2. To approve the final Public Space Protection Order (PSPO) as detailed.

3. Information

3.1. Asbestos Case - Marstown Avenue (Update)

The Council undertook (through an asbestos specialist) laboratory analysis of the gardens of Marstown Avenue and Kenilworth Road due to failure by the site owners to resolve the remaining outstanding issues. The results indicated that four gardens despite having the clearance work carried out still contain traces of asbestos material and require remediation. As a result the Council has now served formal notices on the owners of the site to:

- Remediate the remaining 4 gardens
- Undertake further laboratory analysis following completion of the remedial works
- Replace all personal articles disposed of during the remediation

Failure to undertake the works by the specified date may lead to formal legal action being taken against the owners of the site.

3.2. Dog Fouling

In the period July to August 2017, the main focus of activity has been the provision of advice and proactively stencilling and placing additional signage where necessary across the Borough. In addition, through the promotion of the new Public Space Protection Orders there has seen a concerted media campaign to promote the issue of dog fouling in the Borough.

Regular monitoring has been undertaken in the parks and open spaces across the Borough. In the two months being reported upon 18 monitoring visits have been undertaken evenly across the Borough's parks and open spaces and is seemingly acting as a deterrent.

We rely on reliable intelligence from the public and this has resulted in letters being

sent to alleged perpetrators. The complainants are advised of this action so as to encourage further reporting, where necessary. Educational signs have also been erected in areas to further encourage responsible dog ownership by owners cleaning up after their dogs.

There were 24 dog related cases reported during July and August with only 4 complaints being related to dog fouling on the streets leading to advice, stencilling and signage. This is a reduction of 37% on the previous reporting period. 9 stray dogs were picked up and taken to kennels. There were 7 reported incidents where dogs were being aggressive to neighbouring households or other animals and the appropriate action was taken.

3.3. **Public Space Protection Orders (PSPO's)**

The consultation process regarding the introduction of Public Space Protections Orders which will replace the existing Dog Protection Byelaws was completed on 8 September 2017.

The consultation was carried by a number of different means including:

- Survey Monkey
- Facebook
- Twitter
- Council's website

A summary of the results of the consultation are attached at **Appendix 1**.

There were no changes to the proposed PSPO areas as a result of the consultation and a copy of the final order is attached at **Appendix 2** (to follow in an agenda update) which Members are asked to approve. As requested by Members all children are fenced off play areas have been included in Schedule 2 (Dog Exclusion Areas).

Going forward there may be other issues that may be added to the Public Space Protection Order and a meeting with the Police is planned later this month to discuss further.

3.4. **Pest Control**

65 initial requests regarding pests in domestic settings were received in that time and the breakdown is shown in the table below:

Pest Type	Numbers
Rats	18
Mice	2
Cockroaches	0
Squirrels	4
Fleas/bedbugs	3
Wasps	38
TOTAL	65

Further to the Service Delivery Committee's decision to expand the pest control

service into the commercial sector the new service has been advertised on the Council's web site and all non food businesses have been written to promoting the service and advising businesses of their duty under The Prevention of Damage by Pests Act.

So far the take up and been slow and it may take some time for the full potential to be realised. Consideration is also being given to offering the new service to food related businesses. The Council is able to do this under the regulations and whilst it could present a conflict of interest where enforcement is being pursued, if the Council is also the contractor. However, providing there is a clear client /contractor split then this should not present any problems. Legal advice is being sought on this issue to clarify the position.

In order to establish whether there is a market for the expanded pest control service it is proposed that the position be reviewed at the end of the financial year.

The revised Pest Control charges as agreed by Members were increased from July 2017.

3.5. **Enforcement of Litter, Fly-tipping and Accumulations**

Environmental Health received 9 reports of fly-tipping during the period which were investigated and progressed within the stipulated response times. In addition to this the Borough is regularly monitored for any nuisances in line with the requirements of the Environmental Protection Act. There were no orders served relating to the Anti Social Behaviour and Crime Act in the period and no fixed penalty notices were served.

3.6. **Abandoned Vehicles**

There have been 9 reports received of abandoned vehicles in the period, all of which were investigated and progressed. In several cases, the reported vehicle did not meet the criteria for an abandoned vehicle so no formal action could be taken. In all such cases, the complainant was advised of the outcome of our investigation.

Further work is being done to improve the quality of referrals so as to reduce the number of complaints of illegal or nuisance parking being reported as "abandoned vehicles".

3.7. **Food**

The Council has a duty to undertake inspections of Food Hygiene premises. During the inspection and under guidance from the Food Standards Agency the premises are rated accordingly. The Food Hygiene Ratings can be viewed at <http://ratings.food.gov.uk/>

As previously reported there was a reduction in the number of Food Hygiene inspections in April and May due to a shortage of staff. Additional external resources were therefore brought in to cover the absence resulting an increased number of inspections which are now back on schedule.

Food Hygiene inspections by month 2017:

April	1
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May	0
June	8
July	8
August	17

8 new food businesses have been registered from 1 April 2017.

2 requests have been received from businesses for a revisit under the Food Hygiene Rating System.

3.8. **Service Requests**

Service requests are issues received from residents and businesses within the Borough in relation to Environmental, Housing and Commercial matters. The department has received 93 requests for service between 1 April and 31 August 2017.

3.9. **Infectious Diseases**

The Department undertakes investigations of infectious diseases in conjunction with Public Health England. 5 new cases of infectious diseases were investigated between 1 July and 31 August.

3.10. **Departmental Update**

The Councils Air Quality Survey has been submitted to DEFRA following consultation with the Well Being Board and the three Community forums. This was new requirement from DEFRA following considerable interest in air quality and is likely to be reproduced in the future.

The Food Safety internal audit has also been carried out and matters arising have been addressed and implemented.

3.11. **Licensing**

Due to the increasing demand of taxi applications applying for combined drivers badges it has become necessary to increase the number of competency tests held to two each month to meet demand. Each test has 20 applicants. We are presently taking bookings for November 2017. Legislation dictates that the Council is not able to restrict the number of drivers and also are unable to restrict the amount of Private Hire vehicles.

Taxi Enforcement action is currently being pursued in relation to drivers who are breaching the Councils "Intended Use Policy". Five applications for Combined Drivers licences are being scrutinized after the Licensing Team received the DBS certificates and the applicant's suitability investigated. A further 5 applications have been refused due to information contained within the DBS Certificates. The Enforcement Officer has attended several meetings with the Police in relation to taxi matters within the Borough over safeguarding and enforcement issues.

The Enforcement Officer is now working with Leicestershire Police and Leicester City Council in relation to Manor Road/Stoughton Road South regarding Leicester City Hackney Carriages plying in for hire in the Oadby and Wigston area. The aim is to complete joint visits to Operators outside our jurisdiction to enable to enable Officers

to enforce the intended use policy more vigorously.

3.12. **Education and Training**

Following the introduction of the Immigration Act all documentation has to be submitted by taxi applicants personally. There has been a national increase in forged documentation being presented for the purpose of making taxi applications.

An opportunity has arisen, at no cost to the Authority for an expert from the Metropolitan Police to visit OWBC and educate the Licensing Officers and Customer Services in detecting fraudulent documentation. It is proposed to take advantage of this opportunity.

3.13. **Licensed Premises**

Several licensed premises have been inspected in conjunction with the Police since the last Licensing Committee meeting in July 2017 and we have not received any further reports of noise nuisance from the properties on The Parade, Oadby.

3.14. **Launceston Road Shops, Wigston**

Reports had been previously received of underage drinking and littering at the rear of the Launceston Road Shops. However, there have not been any recent reports of problems.

Background Documents:

Report entitled 'Public Space Protection Orders (PSPO's)' by the Interim Head of Communities to the Licensing and Regulatory Committee meeting on 19 July 2017

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Implications Corporate Enforcement Report	
Finance	There are no significant financial implications.
Chris Raymakers (Head of Finance, Revenues and Benefits)	
Legal	The new Pubic Space Protection Order will replace the existing Dog Byelaws.
Martin Hone (Interim Director of Services)	
Corporate Risk(s) (CR)	<input checked="" type="checkbox"/> Regulatory Governance (CR6) Ensuring the Council has a coherent and transparent enforcement Policy across the Borough and across all tenures. <input checked="" type="checkbox"/> Other Corporate Risk(s) Failure to implement the Policy will leave the Council in a position of being unable to defend actions taken by enforcement offices in pursuance of their required duties.
Stephen Glazebrook (Interim Head of Communities)	
Corporate Priorities (CP)	<input checked="" type="checkbox"/> An Inclusive and Engaged Borough (CP1) The entire Borough will be covered by an all encompassing enforcement policy. <input checked="" type="checkbox"/> Effective Service Provision (CP2) Provides direction and focus for enforcement decisions.
Stephen Glazebrook (Interim Head of Communities)	
Vision & Values (V)	<input checked="" type="checkbox"/> Accountability (V1) Policy makes all Enforcement Officers responsible for a course of action. <input checked="" type="checkbox"/> Respect (V2) All persons that will meet enforcement and Licensing Officers will be provided with a respectful and transparent approach to dealing with the issues at hand. <input checked="" type="checkbox"/> Teamwork (V3) Cross department methodology building teamwork within the departments.
Stephen Glazebrook (Interim Head of Communities)	
Equalities & Equality Assessment(s) (EA)	There are no significant equalities implications.
Stephen Glazebrook (Interim Head of Communities)	<input type="checkbox"/> Not Applicable (EA)