



A report on enforcement activities during 2007 – 2008

Environment Directorate

INTRODUCTION

Our quality of life is affected by the area we live in, and how those who live or visit here behave. The environment has a real impact on our lives, and the local authority has a key role ensuring that where we live is safe, clean and tidy. Environmental Services, play a significant part, managing our waste and the public realm, educating our communities about how that can be best achieved and when necessary using regulatory powers to bring offenders in line.

It is also about the people who live and visit our area and how they behave. From food safety to animal health, from noise pollution to trading standards, from housing enforcement to public health and licensing, our environment will only be safe if we educate, and when necessary regulate and enforce those who adversely affect the quality of life of our communities. We recognise that these aims cannot be achieved alone, and through Community Safety we work with partner organisations, avoiding duplication of effort, and benefiting from a joined up approach. The information provided in this report is a snapshot of some of our work over the year 2007/2008 and we continue to work towards making Denbighshire one of the safest places in the UK.

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The Animal Health & Licensing team protects the welfare of animals at farms, in transit and at markets and also prevents, controls and eradicates animal diseases.

- We visit and inspect around 250 farms every year.
- Weekly routine visits are also made to the local livestock markets at Ruthin, St. Asaph and Corwen, which results in approximately 300 visits every year. Our enforcement responsibilities at markets include animal welfare (are they fit), identification (are they tagged properly), disease control (are they clean), movement control (are they accompanied by the correct documentation) and we also check that transport regulations are met.
- Movement control means, in general, that farmers are unable to move stock off their farms for six days following a movement of stock onto their farms. Traceability is an important aspect of disease control – animals must be identified and their movements recorded. We issued around 20,000 licenses for movements last year.
- Movement restrictions were implemented on two occasions last year – for foot and mouth and bluetongue. Restrictions on the movement of animals susceptible to bluetongue remain in force.
- Over the year 246 oral warnings and 106 written warnings were given, six other Notices were served and two prosecutions were taken. Seven prosecutions were also initiated. The result of one case can be seen below.

CASE STUDY:

We prosecuted a Denbighshire farmer for failing to comply with the standstill requirements and the requirements to identify cattle, record and notify cattle movements. A further 23 offences were taken into consideration. Following a guilty plea he was fined £5,500 and ordered to pay £2,500 costs.

Some distressing scenes our officers encountered during their inspection visits:



The **Community Safety** team works closely with other partners to reduce crime and disorder. The Community Safety Partnership is about effectively tackling crime and disorder, anti social behaviour and any other behaviour adversely affecting the environment.

- In 2004/05 we had a target to reduce crime by 2007/08 to 20%. We exceeded that target and achieved a 42% reduction in crime. This equated to 2,700 fewer offences. Denbighshire was the best performing authority in Wales and 4th best across England and Wales.
- 28% of all crime in Denbighshire was criminal damage. Its impact on the fear of crime is greater as it is more obvious, and contributes to negative feelings about the area affected, and this became our focus.
- We carried out **multi agency visits** to licensed premises. Drunkenness and leaving premises with bottles and glasses were a significant cause of damage in our town centres. Reducing drunkenness and increased supervision from pub operators, door staff and CCTV followed.
- We installed **alley gates** in the hotspot area - denying use of areas where damage was prevalent but also cutting off the 'rat runs' used by offenders.
- A valuable tool in reducing unsupervised street drinking is **alcohol control zones**. Rhyl, Prestatyn and Llangollen have such controls in place.
- The Introduction of **graffiti boards** and some artistic support, to give young people the ability to express themselves without causing damage.
- Hotspots of graffiti were identified, and **graffiti mural** were painted using 'local graffiti artists' providing a sustained solution to previously unsightly walls.

Examples of a graffiti mural:



Alley gates:



The **CCTV Department** is responsible for monitoring the Public Space Surveillance Cameras located within the town centre of Rhyl, Rhuddlan & Prestatyn. The CCTV Department operates 24 hours a day every day of the year.

- We have dealt with in excess of 3,300 incidents during the year. The incident category with the largest number of occurrence is Antisocial Behaviour (422), Violent Assault (323), Persons Missing from Home (338) and Alcohol Related Incidents (196).
- During the year the CCTV Department provided North Wales Police and / or British Transport Police with 410 DVD copies of CCTV footage.
- We also provided in excess of 9200 hours of video footage in bulk uploads for the investigation of suspicious death / murder investigations.
- The Department had over 750 visitor log entries during the year.
- The number of persons known to have been arrested through the actions of, or with the assistance of, CCTV over the year is 725.
- We provided 56 DVD copies of CCTV footage to internal departments in Denbighshire to assist with issues such as licensing breaches and dog fouling.
- During the year we replaced / upgraded four CCTV camera units in Prestatyn and installed five new CCTV cameras onto the system.
- The number of CCTV cameras currently on the system is 82 with four new cameras currently planned for the future.

SAMPLE INCIDENT:

Spotted male smoking in a car with a pump action style shotgun in an underground car park. North Wales Police (NWP) was notified. Advised NWP it is suspected to be a BB gun as yellow BB ammo visible at one point. NWP arrive in CCTV centre to assess scene prior to Armed Officers arriving at car park. Male was arrested at gunpoint by Armed Response Vehicle who waited for his mother to return. *Some stills of the sample incident:*



The Environmental Services (Enforcement Department) is responsible for the investigation of fly tipping offences, breaches of trade waste regulations and removal of abandoned vehicles. The department acts as agents for the DVLA in respect of the removal of untaxed vehicles from the Highway. The Department also takes action against owners of vehicles who advertise them for sale on the Highway.

- We dealt with 1,590 incidents over the year. The incident categories with the largest number of occurrence were fly tipping (933) and abandoned vehicles (110).
- During the year the department issued 341 warning / advisory letters to households failing to comply with waste regulations.
- We also carried out seven prosecutions and issued 29 formal cautions.
- In addition to the above Enforcement Officers also issued seven Fixed Penalty Notices (FPNs) for a range of waste and littering offences.
- During the year Enforcement Officers in Environmental Services carried out six PACE (Police and Criminal Evidence) interviews.
- During the year covert CCTV monitoring equipment has been deployed to fly tipping hot spots on five occasions.
- Enforcement Officers have continued to support trading standard vehicle stop check activities throughout the year, ensuring that waste is carried in accordance with a waste carrier's license.

CASE STUDY:

Enforcement Officers investigated piles of rubbish which were found in the Cwm and Dyserth areas. Their enquiries led them to believe that the offender was the same person who had been calling at houses offering to dispose of their rubbish for a fee. The officers were able to arrange for the offender to make a return visit to one of the properties and recorded his movements.

He was later interviewed and reported for the offences. He appeared in Court and was fined £400 on each charge plus costs.

Some photos that were used in court:



The **Food Safety and Health & Safety** team is responsible for ensuring that food sold in Denbighshire is safe, clean and fit to eat. We also inspect businesses to ensure they meet the requirements of the Health and Safety at Work Act.

- We have over 1,400 food related premises in Denbighshire, such as restaurants, hot food takeaways, hotels, cafes, school canteens, butchers and mobile catering units. All premises which prepare, produce, cook or sell food must comply with strict hygiene standards and we have a duty to inspect these premises, especially those identified as 'high risk'.
- During the year we carried out 350 inspections of high risk premises. Following these and other inspections we also sent 288 warning letters, detailing legal requirements or recommendations of best practice
- We also served 12 Food Hygiene Improvement Notices and seven Health & Safety Improvement Notices, which are legal notices requiring certain works to be completed within a time period. Failure to do so would result in further enforcement action such as prosecution.
- The team also secured 6 immediate closure of food businesses during the year. This was due to very poor hygiene standards found at the premises.
- We have nearly 2,500 workplaces within Denbighshire. All these employers must ensure that they protect the health, safety and welfare of their employees and other people using their premises. We undertake routine inspections of certain high risk workplaces, focusing on the main causes of fatalities, injuries and ill-health in the U.K i.e. workplace transport, slips & trips, falls from height and musculoskeletal disorders.
- Officers from the team also served 3 immediate Prohibition Notices on businesses, where dangerous and hazardous working practices were found. These included using dangerous, unguarded machinery and dangerous work at height practices.

EVIDENCE OF POOR HYGIENE STANDARDS IN KITCHINGS



The **Housing Enforcement team works towards improving conditions of properties and ensuring the health and safety standards of private rented accommodation, including Houses in Multiple Occupation.**

- Complaints and requests regarding housing conditions remain on the increase. During the year we received 254 complaints which varied from fire safety to harassment or illegal eviction of private tenants. Due to this, we have served 49 Notices on Landlords, requiring them to carry out certain works. Of those Notices served, 45% have been complied with.
- During the year we have served 3 emergency prohibitions notices on properties, due to poor housing conditions. In conjunction with our team, a property was closed down by the Fire Service, during a Multi Agency Initiative.
- Due to the successful work undertaken by the Multi Agency Team, North Wales Police has seconded a Police Officer to the Team in order to increase the partnership working. North Wales Fire and Rescue Service have also dedicated a Fire Officer to deal with HMOs, in conjunction with Officers. This led to the Team receiving an award in the Achievements and Best Practice Ceremony for making a positive contribution towards making Denbighshire a safer place.

CASE STUDY:

A prosecution by the Housing Enforcement Team, led to a landlord being fined £6,000 for failing to licence his property under the Mandatory Licensing Scheme for Houses in Multiple Occupation and failing to provide documentation to the Authority. We became the second Authority in Wales and the first in North Wales to prosecute

Examples of disrepair officers encounter during their visits to private rented accommodation:



The **Licensing team administers and enforces licenses for alcohol, entertainment, gambling, hot food takeaways, street trading, sex establishments and taxis.**

- Monthly taxi driver, vehicle safety and smoking compliance checks are being carried out as part of multi-agency team at the weighbridge A525 Rhuddlan – St Asaph.
- Officers recently assisted Revenue and Customs Officers in carrying out fuel checks on taxis in North Denbighshire (49 vehicles were inspected with no positive samples).
- Together with our colleagues in the Police, the Fire Service and the Community Safety team (including Indy the drugs search dog) we carry out regular multi agency visits on licensed premises throughout the County which concentrates on issues connected with fire safety, drugs and alcohol related crime and disorder. Recent visits have resulted in a number of fixed penalty notices being issued and one premises voluntary closing with the premises supervisor being prosecuted under the Public Health Act Wales.
- Licensing Enforcement Officers support colleagues in the trading standards team in carrying out test purchasing of alcohol in licensed premises (for example in public houses, off licences and supermarkets). The continual test purchase programme has led to a substantial reduction in direct sale of alcohol to children. However, the problem of proxy purchasing (adults buying for children) is becoming more prevalent and is to be tackled.
- The Licensing team received three Community Safety Awards from the Council this year in recognition of our commitment to reducing alcohol related crime and disorder, and working in partnership with Police and Fire Service. We also gained a prestigious Excellence Wales Award for building close working links with colleagues in Conwy's licensing department.

CASE STUDY:

Licensing Enforcement Officers supported the Gambling Commission on an operation - the first of its kind – to establish what illegal gaming machines were across Denbighshire, Flintshire and Conwy and to confiscate the illegal and unlicensed machines. 22 gaming machines throughout the three counties were seized and the Gambling Commission has established that a number of these machines have links to organized crime.

The **Planning** team formulates policy and guidance and provides advice on development proposals, deals with planning applications, monitors development and takes action against unauthorised development.

- We determine around 1400+ planning applications each year, for various types of developments, including small extensions, new dwellings and large major developments.
- During the last financial year 84% of applications were approved, i.e. planning permission was granted.
- We received 554 complaints regarding potential breaches of planning control. 70% of these were dealt with within 12 weeks, which is the national standard.
- We served 191 enforcement related notices to either seek further information from the contravenor, or to regularise matters. Formal Court action is currently proceeding in relation to three of these cases.

CASE STUDIES:

1. We successfully prosecuted the pub owner Punch Taverns following an investigation concerning The Corporation Arms in Ruthin, which is a Grade II Listed Building. Punch Taverns pleaded guilty on the 15 January 2008 and were fined £11,000 and ordered to pay £7,674 in costs for removing eight important leaded coloured glass windows dating from the 19th century, which were replaced by contemporary clear glass windows with a leaded effect design.

2. Complaints were received in relation to the untidy condition of a residential property. The garden was strewn with abandoned household items and a skip overflowing with household waste had been left in the front garden for several weeks. Due to the occupiers' failure to co-operate, the service of an enforcement notice was necessary resulting in the garden being cleared and the skip removed.

'Before' and 'after' photos of Case Study 2



The **Public Health** team aims to protect the public from risks to health arising from irresponsible dog ownership, pest infestations, and so on. The **Pollution** team controls and protects residents and the environment from pollution problems, such as noise nuisance, air quality, emissions from industry, contaminated land and water supply.

- During the year we received 2,758 requests for assistance relating to pests such as rats, mice, cockroaches, fleas, flies, wasps and bedbugs. We provided advice and / or treatments to all these requests and 7,351 visits were made.
- In the same period we received 1,377 requests for assistance relating to issues with dogs, including dog fouling, stray dogs, dangerous dogs and noisy dogs. As a result of stray dogs being reported to us we picked up and took 194 dogs into kennels; all of which were either claimed by the owner or re-homed. It was very satisfying that none of the dogs had to be put down.
- We served 18 fixed penalty notices on owners for failing to clear up after their dog had fouled in a public place; the fine for dog fouling offence is £75.
- We issued approximately 500 warning letters to people who were potentially in breach of statutory nuisance legislation.
- We investigated 98 complaints of defective private drainage systems and served 41 enforcement notices on owners / occupiers of the dwellings; all of which have been complied with. We investigated 539 complaints of alleged statutory nuisance during the year, for example bonfires, noise, dust, odour, etc. By far the most common type of complaint investigated was noise related complaints, such as loud music and dog barking.
- During the bathing water season, 1st May to 30th September, we took over 100 samples at beaches along the Denbighshire coast and at Marine Lake, Rhyl as part of ensuring excellent / good bathing water quality.
- We carried out and analysed over 600 samples of swimming, spa and paddling pools on-site to ensure satisfactory pool water quality.
- We carried out inspections of sources of private drinking water, and took approximately 300 samples / analyses of private water supplies.

PHOTOS OF DEFECTIVE DRAINS OUTSIDE PRIVATE PROPERTIES:



Our Trading Standards team promotes and maintains a fair and equitable trading environment, throughout the County. It seeks to protect the public from unsafe goods, unscrupulous trading activities and doorstep & e-commerce crime

- In April 2007 the smoking ban in public places became law in Wales. Trading Standards took the lead in raising business awareness of the legislation and were proactive in ensuring compliance.
- We successfully prosecuted 21 defendants during the year, covering a wide spectrum of issues which were not in our residents, or consumer's, interests. The team will prosecute on serious issues, or those in the public interest, but Denbighshire's preferred approach to business is to provide advice and guidance, rather than confrontation.
- We also action preventative initiatives. One example is that we are working closely with North Wales Police, Neighbourhood Watch and Victim Support to introduce schemes such as 'Cold Calling Control Zones', to help reduce the incidents of doorstep crime.
- This year, besides traditional prosecution of offenders, we have perused alternative regulatory powers by taking escalating civil actions, which enables us to ultimately seek 'Court Orders' against businesses who breach certain consumer protection laws.
- Underage drinking often leads to anti-social behaviour and we, with partners, carried out many test purchases to off licenses and on licenses in order to detect underage sales of alcohol.
- Besides alcohol, there are many age restricted products, such as tobacco, knives, paint aerosols, solvents etc. Each and everyone can detrimentally impact on our community and its residents. e.g. 60% of graffiti is committed by children under 16 with spray cans. Again covert test purchases have been actioned in relation to these products

CASE STUDIES:

1. A seller on eBay, using the name 'Big Fella', was selling fake copies of Health & Safety DVDs whose copyright was owned by a Denbighshire based business. 'Big Fella' pleaded 'Guilty' to 8 offences under the Trade Marks Act & banned from doing further business on eBay
2. A local haulier & driver were fined, in total, £1700 for using an overloaded vehicle on the road. Besides potential safety issues for themselves & other road users, such vehicles disproportionately damages our highways.