

A report on enforcement activities during 2008 – 2009

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 2008/2009 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 100 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 6 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 are tasked with recording information about all sheep, goats, pigs and deer into Denbighshire and we recorded information on around 27,000 movements last year, amounting to 800,000 animals, excluding cattle. This equates to 2% of the British stock

- Recent changes in animal welfare laws have enabled us to take action so as to prevent suffering of any animal. This has extended the remit of the section to include companion animals (pets). We are working with partner organisations, both private and public, to help improve animal welfare in Wales through education and effective enforcement.
- Over the year 44 oral warnings, 91 written warnings, 7 other Notices and 1 formal caution were recorded and 2 convictions were achieved, the result of which can be seen below.

CASE STUDY:



After an extensive investigation involving around 50 witnesses we prosecuted an animal keeper for causing unnecessary suffering to a horse and two dogs and for failing to ensure the needs of cattle belonging to her were met because she abandoned them to fend for themselves. She was sentenced to 3 months imprisonment, suspended for 2 years, on each charge and disqualified from keeping animals for 10 years. Additionally she must comply with a requirement not to participate in a prohibited activity for 2 years in that she must not keep cattle, horses or dogs for 2 years. Her friend was also convicted of causing unnecessary suffering to a foal and was fined £250.

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.

April 2008 saw us start a new 3 year period of Public Service Agreed Targets. Our aim is to **reduce overall crime** by 5%, by just under 350 offences, during that period. During the year 2008/2009 we have seen a rise in crime of 375 offences. During the previous 3 year period we reduced crime by over 2,700 offences, so not an impossible tasks.

Alley gates continue to be an effective method of reducing crime and anti social behaviour and increasing public reassurance and the introduction of new alley gate schemes in the Caradoc Road area of Prestatyn, and in the Marsh Road and Ernest Street area of Rhyl were completed during the year.

Economic and social cost of crime

Every year in a joint operation with Conwy County Borough Council we carry out **Operation Mistletoe**.

During the most recent Mistletoe campaign, there were ten separate partnership activities that were funded from the community safety partnership purse. The initiatives across both counties cost £36,000 to implement.

They were :

- Media campaign including radio advertising
- Launch of the campaign
- Posters and other promotional material
- Multi agency visits to licensed premises
- Response vehicle
- Tai marshals
- Hospital guards
- Police horses
- Community Safety 'goody bags'
- Street angels

The first estimates of the costs of crime were published in 2000 by the Home Office in 'The Social And Economic Costs Of Crime'. The estimated costs quoted in this report were updated in 2003.

| Crime type | 2007/08 | 2008/09 | change +/- | Average cost of crime | Cost / Saving |
|----------------------------|---------|---------|------------|-----------------------|------------------|
| Violence | 305 | 339 | 34 | £1,440 | £48,960 |
| Sex | 11 | 4 | -7 | £31,438 | -£220,066 |
| Robbery | 7 | 4 | -3 | £7,282 | -£21,846 |
| Burglary | 43 | 31 | -12 | £3,268 | -£39,216 |
| Theft from Vehicle | 57 | 46 | -11 | £858 | -£9,438 |
| Theft of vehicle | 25 | 24 | -1 | £4,138 | -£4,138 |
| Vehicle Interference | 5 | 14 | 9 | £510 | £4,590 |
| Criminal Damage | 393 | 351 | -42 | £866 | -£36,372 |
| Total cost / saving | | | | | -£277,526 |

as well as significant savings crime was reduced. We intend to learn the lessons from Operation Mistletoe, and make it a year round campaign, and thus address the recent rise in crime linked to licensed premises.

24% of all crime in Denbighshire is **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 remains a key area for us to focus on. A reduction of 6% or 103 offences during 2008/2009 is an excellent return, when on the back of a reduction of 28% achieved during the period 2004/2005 to 2007/2008.

Operation Mistletoe; The drunken violent behaviour affects our staff and the staff of partner agencies.



Community Safety has continued to work hard to address issues of **environmental crime**, such as littering, dog fouling and graffiti. How an area looks or 'feels' can be an indicator of crime or the fear of crime. As well as clearing up those unsightly places in our community we are becoming increasingly more effective at enforcing dog fouling and littering by way of fixed penalty notice and prosecuting those who fail to pay. During the year 68 fixed penalty notices were issued.

Community Payback, managed by Community Safety, is an effective and very visible way of reassuring victims of crime that offenders sentenced to carry out unpaid work do so in the community for the benefit of the community.

Officers clearing up unsightly places in our community



The CCTV Department is responsible for monitoring the public space facilitated by 78 cameras located in Rhyl, Prestatyn, Rhuddlan, Llangollen and Ruthin. CCTV operates 365 days a year, 24 hours a day.

- CCTV is driven by Denbighshire's Community Safety Partnership Action Plan and thus is committed to a course of action that is designed to tackle and reduce a whole host of issues that blight our lives such as anti social behaviour, environmental crime, drugs misuse and serious violence. A clear and important priority is also to reduce the fear of crime within the county.
- As a direct result, the safety and lives of the residents and visitors to Denbighshire County is made more secure.
- Evidence of offences is provided to the Police, Council Enforcement departments and other outside Enforcement agencies in the pursuance of law and order. Countless arrests and convictions are secured as a result of the daily work of CCTV.
- Thousands of incidents are dealt with every year that range from missing children to serious assaults and many hours of video footage is researched to achieve some impressive results.
- The development of CCTV operations to encompass more of the public space is constantly being reviewed however the very important issue of Human Rights is of paramount importance and is constantly being considered.

CASE STUDIES:

Two such examples of the invaluable work that is done by CCTV:-

During the course of a public social event that took place in Rhyl town centre a man was assaulted outside a bar, unfortunately that man died as a result of his injuries sustained in the attack. Prior to the attack CCTV had received intelligence that prompted them to identify the offenders and monitor their movements before the tragic incident. The offenders were seen to deliberately strike the defenceless victim and were then seen to congratulate themselves before leaving the location. CCTV directed the Police to the males and an arrest was made. Both men were subsequently convicted of manslaughter and receive substantial custodial sentences. Only as a result of the professional and constant monitoring of the offenders, in the words of the investigating Detective, were both men convicted. Three CCTV operators were commended for their professionalism in the case of manslaughter.

Following information regarding a vulnerable female who was missing in Rhyl, CCTV researched the cameras and identified a female walking alone on the beach. Due to the very early hours of the day the operator maintained a close watch on the female who subsequently entered the water in a bid to take her own life. CCTV were able to alert the Coastguard who launched a rescue boat, recovered and resuscitated the woman, no doubt saving her life.

The **Environmental Services Team (Environmental Crime unit)** 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 750 flytipping incidents over the year.
- During the year the department issued 287 warning / advisory letters to households failing to comply with waste regulations.
- We also carried out seven prosecutions and issued 16 formal cautions.
- In addition to the above Enforcement Officers issued 10 Fixed Penalty Notices (FPNs) for a range of waste and littering offences.
- 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 STUDIES:

Approximately 30 bags of refuse were dumped in the car park of a St Asaph housing estate. Evidence was taken from the bags which led the enforcement team to the culprit who was issued with a fixed penalty fine. The fixed penalty notice went unpaid so the offender was pursued in court leading to a fine of £350 and costs being awarded.



Large amount of trade waste was dumped at gates of Rhyl civic amenity site outside of opening hours. Evidence was found in the waste which led the enforcement team to the culprit. A £300 fixed penalty notice was issued and the offender also agreed to pay clearance and disposal costs of £170.

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.

- During the year there has been a continued reduction in numbers of Category A and B high risk food premises, demonstrating an increase in hygiene standards and compliance.
- We exceeded our high risk food premises inspection target for 2008/09, which means we inspected 394 high risk premises.
- We received 69 food hygiene related service requests during the year.
- We took 78 food samples during the year, 62 (79%) of which were satisfactory or acceptable and 16 (21%) were unsatisfactory.
- We participated in a large survey on Listeria in foodstuffs. Local project on cooked meats in butchers shops highlighted issues with some butchers shops and involved liaison with Food Standard Agency/National Health Service regarding suppliers.
- The Health and Safety team continued with undertaking health and safety enforcement work including serving 22 improvement notices and 331 legal warning letters.
- We increased our inspection and enforcement activity in health & safety enforcement this year. This included serving 9 Prohibition Notices on dangerous working practices and 23 Improvement Notices.
- We commenced a project looking at gas safety of tandoori ovens. We sent letters to all Indian restaurants/takeaways and served 1 prohibition notice and 1 voluntary prohibition order.
- Information packs were sent to all hotels and 50% of takeaways and specific slips in catering inspections to 25 premises in the County.

CASE STUDIES:

The owner of the Simla Tandoori Restaurant in Llangollen was prosecuted for 12 food hygiene offences. Magistrate's at Wrexham Magistrate Court sentenced Shafique Uddin to a fine of £400 per offence, totaling £5,315 including prosecution costs. When officers visited the premises following a complaint they found areas of the kitchen that were black with dirt and grease, no food handlers were adequately trained in food hygiene and a general lack of awareness of food safety risks. The premises was voluntarily closed and several improvement notices subsequently served.

Secondly, the owner of the Morville Hotel, Rhyl pleaded guilty to 7 food safety offences. Denbigh Magistrate Court sentenced Phil O'Dwyer and Interleisure (Rhyl) Ltd to a total of £7,274.32 including costs. The magistrate's commented that the food preparation areas were a total disgrace and showed complete disregard for public health. The prosecution was instigated following 2 separate visits to the premises where the conditions were found to be extremely poor and a voluntary closure was obtained.

These are example of the targeted enforcement action that needs to be taken when food premises is run in such a poor state for a length of time. This will hopefully send a strong message to other complacent food business operators within the County that enforcement action will be taken to secure improvements in standards of food safety'

EVIDENCE OF POOR HYGIENE STANDARDS IN KITCHENS



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

- We received 202 complaints and request for service during the year, varying from poor housing conditions, fire safety, immigration inspection disconnection of utility supply and insecure premises.
- We have served 68 enforcement notices to deal with housing conditions and a further 17 notices on insecure premises; 6 of which were orders prohibiting the use of properties for human habitation.
- We successfully prosecuted 6 landlords during the year for various housing contraventions, namely running an unlicensed HMO, overcrowding a licensed HMO, not complying with Improvement Notice and illegally evicting tenants.
- The HMO Multi Agency Team inspected 18 properties, which resulted in informal and formal action being taken to resolve any housing issues identified, one property was prohibited from being used as a HMO. The HMO Multi Agency Team, where the Housing Enforcement team takes the lead role, has been successful in attaining an Award at the North Wales Fire & Rescue Service Community Awards Ceremony for 'contributing to the safety of our communities'.

CASE STUDIES:

1) Back in June 2007 an Emergency Prohibition Order was served on the owner of a HMO, due to serious concerns regarding imminent fire safety risks to the occupying tenants. Evidence came to hand during 2008 that the property was still being used as living and sleeping accommodation; to establish occupation, an early morning multi-agency visit was conducted which revealed illegal occupation of the premises. The owner of this property, pleaded guilty during the court case and was fined £2,500 for breaching the Emergency Prohibition Order and ordered to pay £1,500 towards prosecution costs.

2) Another Denbighshire landlord pleaded guilty to four breaches of the Protection from Eviction Act of unlawfully evicting his tenants from a property in Rhyl, by changing the locks in the property and placing their belongings in storage while the tenants were not home. The magistrates ordered the landlord to pay £1,000 costs and imposed a conditional discharge for 12 months. This is the first case of its kind prosecuted by the Authority.

Examples of poor housing conditions



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.

- Due to the high value of the historic character found within the Denbigh Conservation Area and the statutory duty placed upon the Council to protect this, on the 20 December 2001, the Council utilised additional powers to preserve and enhance the quality and interest of the area. This additional constraint on development, known as Article 4(2) Direction, withdraws permitted development rights in relation to single family dwelling houses. This effectively means that various alterations which could previously have been undertaken without planning permission, now require specific planning permission.
- During December 2001, the Council formally advised the owners of all single dwelling properties located within the Conservation Area of these additional constraints upon development. However, despite this and other publicity it was found that unauthorised development amounting to breaches of planning control still took place and enforcement action followed.
- In an attempt to reduce unauthorised development, protect the area and reduce unnecessary costs for householders, a further publicity exercise took place during 2007/2008.

It was clear that the majority of breaches of planning control involved the replacement of original windows and doors with new UPVC windows and doors. Research was undertaken to identify all double glazing companies, which included Denbigh within their area of operations.

- Letters were sent to double glazing companies outlining the additional planning restrictions and the responsibility they should accept in this regard. Similar correspondence was forwarded to all estate agents operating within the Denbigh area in order that appropriate advice could be given to those purchasing single family dwelling houses within the Conservation Area.
- During 2008 a project commenced to investigate unauthorised shop fronts, primarily within the Conservation Area of Prestatyn High Street. The central issue was the proliferation of solid style metal roller shutters on shop display windows, which does not preserve or enhance the character of the area. To date investigations have been forwarded to the property owners outlining the general concern and providing the appropriate advice and guidance.

CASE STUDY

This case relates to two terraced residential properties located within a designated Conservation Area. A further restriction on development exists in this particular area under the terms of an Article 4(2) Directive, which removes householder permitted development rights and as such any works undertaken require planning permission. The owner of the two properties had inserted uPVC windows and doors, without planning permission, which did not preserve or enhance the character or appearance of the properties. Negotiations with the owner failed and Enforcement Notices were served for the removal of the new uPVC windows and doors and for replacements meeting Local Planning Authority approval. The owner lodged an Appeal with the Planning Inspectorate, which was subsequently dismissed. The owner has now replaced the uPVC windows and door with traditional style wood sash windows and wood doors.

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 and 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.

- A Memorandum of Understanding has been signed between Trading Standards Team and North Wales Police, which means both organisations will share information with regard to tradesmen who pressurise vulnerable people into having their roof repaired or their drive tarmaced. Should a person contact the Police or Trading Standards to say that these tradesmen are in an area in Denbighshire, then one of the services will respond in an attempt to ascertain who they are and the circumstances of their visit to a persons home. Neighbourhood Watch Teams have been briefed on the new tactic and it hoped this will lead to a reduction in domestic burglaries as well as deterring these tradesmen who usually provide a poor quality service to consumers.
- Within the year eight Underage Sales Test Purchasing Exercises were carried out for the sale of alcohol to children. A total of 78 off licence premises were visited. Only three premises failed and sold alcohol to our test purchasers. One premise failed twice. Fixed penalty notices were issued to the staff who sold the alcohol. An awareness course was organised for all the staff where sales took place.
- Since October 2007, it is a criminal offence to sell tobacco products, including cigarettes to anyone under the age of eighteen. Such illegal sales can lead to prosecution, with the potential of a fine up to £2,500. Denbighshire Trading Standards conducted a test purchase exercise to indicate the level of compliance in the County, focusing on vending machines in licensed premises. Of the random premises 'tested', 66% illegally sold.

Many failed to ask for proof of age. The percentage of failing premises clearly indicates vending machines in licensed premises are not being managed and supervised effectively in order to reduce the likelihood of persons under the age of eighteen purchasing cigarettes. All those who failed were warned that any future sale will result in a fixed penalty notice being served.

- With food businesses having to compete for customers, marketing terms such as Local, Welsh, Fresh, Traditional & Homemade are increasingly used on menu descriptions to encourage consumer choice and usually attract premium prices. A coordinated survey was conducted by Trading Standards Officers across North Wales to assess the accuracy of these claims. Officers visited a range of establishments, including restaurants, hotels, pubs & takeaway premises, to examine menus and notices for such marketing claims. The officers inspected receipts, invoices and packaging to verify the claims in relation to what was actually being supplied. The results were disappointing with 21% of the total descriptions examined found to be misleading, over half of which were found at hotels. National chain-operated establishments fared worse than independent establishments with a failure rate of 47% compared to 16% respectively. As a result of the survey, in addition to advice being given to traders to amend the descriptions, all businesses that were using incorrect descriptions were issued with written warnings.