

Annual Report on Enforcement Activities

Carried out by Planning, Regeneration and Regulatory Services

between April 2010 and March 2011

Planning, Regeneration and Regulatory Services is an important front line service within the Council. For many years our three main aims are to improve the **health and wellbeing** of residents, workers and visitors of the County; provide a **safer community** to the public; and to regulate the development and use of land and buildings to protect and **improve the environment**.

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. 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.

The information provided in this report is a snapshot of some of the enforcement activities carried out in 2010/11.

Featuring in this Report:

Animal Health and Licensing
Community Safety Enforcement
Food Safety and Health & Safety
Housing Enforcement
Pollution and Public Health
Development Control and Planning Compliance
Trading Standards



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Animal Health and Licensing

The **Animal Health and Licensing** team is responsible for enforcing legislation in relation to animal welfare, disease control, movement and traceability of animals. The legislation we enforce relates to livestock generally and companion (pet) animals where they relate to a licensable business activity. Wild animals are not within the remit of the section, unless they are captive.

We visited almost 100 farms as part of a routine programme to assess compliance with relevant regulations. All premises in Denbighshire assessed as 'high risk' were visited.

200 routine visits were made to the local livestock markets at Ruthin and St. Asaph. Our enforcement responsibilities at markets include animal welfare (are they fit), identification (are they tagged properly and have relevant documentation), disease control (cleanliness / disinfection measures), movement control ("standstill" requirements) and we also check that transport regulations are met. Almost 1,000 vehicles were subjected to checks during the year.

Standstill requirements mean, in general, that farmers are unable to move stock off their farms for 6 days following a movement of stock onto their farms. Over 1,200 premises were highlighted as possibly in breach of this requirement and subjected to investigation; just over 5% were found to be non-compliant.

We are tasked with recording the movement of all sheep, goats, pigs and deer into Denbighshire and we recorded information on around 26,000 movements.

During the year we issued 145 verbal warnings, 24 written warnings and served 45 Notices. One conviction was also achieved.

Case Study:

Following information received we found a significant quantity of livestock carcasses which had been thrown into a small valley on farming land. The carcasses were in varying states of decomposition, ranging from fresh sheep carcasses to skeletal remains of cattle. The person responsible for the land, and the carcasses, was already under investigation for offences involving the identification of his cattle and other carcasses on his farm.

The farmer was served with a notice to dispose of the carcasses found in the valley and they were eventually cleared into 3 "jumbo" fertiliser bags and collected and disposed of by incineration.

The farmer was subsequently prosecuted and given a one month prison sentence, suspended for 12 months, in addition to a Prohibited Activity Order stating not to keep more than 30 cattle. Costs of £370 were awarded to the Council.



Community Safety Enforcement

The **Community Safety Enforcement** team is a new team responding to anti social issues reported to the Council.

The complaints received by this team are categorized: 24 complaints were in relation to anti social behaviour, 223 for environmental crime including 161 complaints of dog fouling, 50 about taxis, 84 about licensed premises and 5 about smoke free places.

Dog fouling accounts for over 72% of 'environmental crime' but other noticeable concern includes 48 complaints of noise from licensed premises and 17 complaints about the behaviour and conduct of licensed taxi drivers.

Pay the price for making a mess

We issued 256 Fixed Penalty Notices during the year; 193 for littering, 50 for dog fouling and 13 for breaches of smoke free regulations. These Fixed Penalty Notices were served in Rhyl (162), Prestatyn (32), Llangollen (27), St Asaph and Rhuddlan (16), Ruthin (10) and Denbigh (9). Those who fail to pay are prosecuted in the Magistrate's Court and when found guilty the fines imposed have been significantly more than the fixed penalty.

Protecting children from harm

28 premises sold age restricted goods to young people below the age limit. The goods included alcohol at 2 premises, knives at 6 premises, cigarettes at 9 premises, aerosols at 6 premises, games or films at 4 premises and fireworks at one premise. All the premises operators have been visited and interviewed about the breaches and dealt with by way of fixed penalty notice or formal caution.

Watching over us

We monitor over 90 cameras installed in various locations throughout the county. The value of CCTV as a deterrent, reducing the fear of crime, and giving people confidence is established. CCTV cameras provide security to our own depots and buildings and also to local businesses.



They are used to support police officers and council officers in tackling crime and help in surveillance work to record and monitor the movement of local professional criminals.

CCTV plays an active role in the use of vehicles in crime and unlawful use of vehicles. There is ANPR (automatic number plate recognition) facility linked to all our cameras that is linked to the national police database.

CCTV operators record approximately 4,000 incidents annually. We download around 500 images every year for prosecution cases. CCTV control room is the 'hub' for radio link which supports over 80 businesses in Rhyl (shops, pubs, clubs and restaurants) to assist in the fight against town centre crime. The CCTV control room also provides 'out of hours' service when council offices are closed.



Food Safety and Health & Safety

The **Food Safety and Health & Safety** team aims to ensure that all food produced, imported or distributed in Denbighshire is safe to eat and complies with food safety legislation. We will also aim to ensure that all workers and visitors to workplaces enforced by the local authority are protected against factors affecting their health, safety and welfare.

We have signed up to the national food hygiene initiative set up to improve hygiene standards in premises preparing or selling food to the public. This scheme gives the consumer a chance to make an informed choice about where to eat or shop for food, as it gives you an idea of what's going on in the kitchen or behind closed doors. All ratings will be published on a national website (<http://ratings.food.gov.uk>) where consumers can see them and businesses will also be encouraged to display them at their premises – so called “Scores on the Doors”.



We continued to take enforcement action against poorly managed & operated food businesses. Three successful prosecution cases and a simple caution issued against food businesses that had been non-compliant over a number of visits. A total of 53 Improvement Notices were served during the year. We took 141 samples of food from businesses within the county to check that they met microbiological standards; 94% of the samples taken were either acceptable or satisfactory.

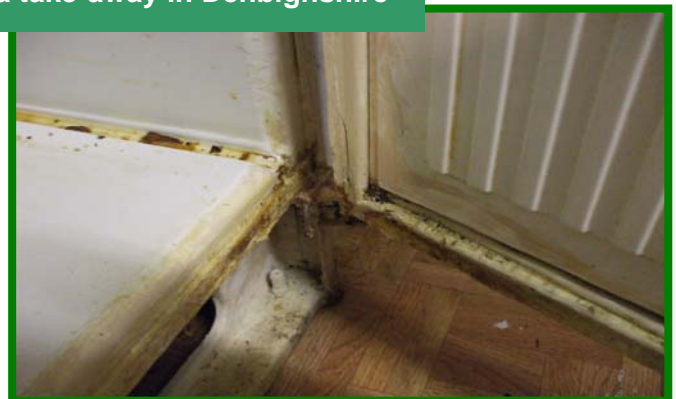
We also undertook projects and campaigns monitoring and securing safety at workplaces within the county. These included gas safety checks, inspection of all sun bed salons, violence at work inspections at take-aways and off-licences, safety standards at children's nurseries and other initiatives. A total of 11 Prohibition Notices and 26 Improvement Notices were served and five simple cautions were issued to employers that had failed to comply with improvement notices within the time scales provided.

We undertook a successful project in relation to tattooing, piercing, acupuncture and electrolysis premises. A training event was held for operators of such premises and inspections of all premises were undertaken. This resulted in two tattooing businesses being immediately closed due to poor hygiene and infection control procedures being found there. Improvement Notices were also served as part of this project and a Simple Caution was also issued to a business owner that was running its business unsafely. We have also investigated concerns from members of the public who know of or suspect unregistered operators working in the area.

Case Studies:

- We successfully prosecuted Thorncliffe Building Supplies Ltd for five health and safety offences. These offences included non-compliance with an improvement notice. The company were fined a total of £10,000 and instructed to pay our full costs of £6,696.
- The owners of W G Jones Butchers, Ruthin and New Welcome House Chinese Take Away, Meliden were both prosecuted for having poor standards of hygiene. The owners of W G Jones were fined and instructed to pay full costs to a total of £6,044.40. The owners of New Welcome House were fined and instructed to pay full costs to a total of £2,481.01.
- We also successfully prosecuted the owner of Hope and Anchor, Denbigh for food hygiene offences. The premises were found to be in a dirty condition and the business had no food safety management system in place. The owner was fined £700 per offence and full costs were awarded to the Council.

Food hygiene standards found in a take-away in Denbighshire



Housing Enforcement

The **Housing Enforcement** team aims to improve housing conditions within Denbighshire while ensuring the health and safety of occupiers and visitors within the private rented sector, which includes raising standards in houses in multiple occupations (HMOs).

There are 42 Houses in Multiple Occupation now licensed, of these 35 are licensed under the Mandatory Scheme and 7 properties licensed under the Additional Scheme which came into force on the 1st January 2010. This Additional Licensing scheme covers a certain type of HMO property within the town of Rhyl.

We received 183 complaints in relation to poor housing conditions and carried out 357 inspections and revisits as a result of those complaints. The number of complaints has increased by 31% since last year with a 75% increase in inspection/revisits carried out.

During the year we sent out 35 informal letters to landlords to carry out work and served 41 Improvement Notices on properties containing Category 1 Hazards.

We prohibited the use of 5 units of accommodation within a house in multiple occupation, due to serious concern for the health and safety of the occupiers.

We issued our first Landlord Newsletter this year which is distributed to over 200 landlords, letting agencies and other agencies. This method of communication will hopefully assist us to inform and advise hard to reach landlords who do not attend the Landlord Forum or they live out of the County. 23 landlords are now accredited through the All Wales Accreditation Scheme following a course run within Denbighshire.

Case Study:

Over the past twelve months we have progressed with our 'Properties Above Commercial Premises' inspection programme, this was in response to numerous incidents of fires during 2009 above this type of properties which unfortunately resulted in fatalities in some instances.

This project is being undertaken in conjunction with North Wales Fire & Rescue Service in order to target these high risk residential properties. Data was obtained from the Food Safety Team which identified possible 181 high risk food premises which may have residential accommodation above. These were then risk assessed on number of persons, units and type of occupancy.

During the year, 13 properties were jointly inspected with North Wales Fire & Rescue Service, which resulted in eight informal letters and one Hazard Awareness Notice served on the owners to carry out work - work is now complied with or nearing completion.

However the Fire Service served 2 Prohibition Orders due to serious fire safety concerns and 4 Enforcement Notices. Other properties were found to be unoccupied or an undertaking given not to use as sleeping accommodation for staff. All identified properties have been inspected in the towns of St Asaph, Denbigh, Ruthin, Corwen and inspections are ongoing in Llangollen.



This was a DIY shower unit located within a shed to the rear of the building. Staff slept on the first floor and accessed these facilities through the bar, down to the basement through the store room and finally the shed.

Pollution & Public Health

The **Pollution and Public Health** team's aim is to protect the public from risks to human health arising from such matters as pest infestations, defective private drainage systems and any statutory nuisances e.g. noise, and the environment from air, land and water pollution. We also monitor water supplies, swimming pools and bathing water quality. This is achieved by means of investigation, monitoring and enforcement.

We received 1588 requests for service during the year, which resulted in 4416 investigations and revisits for the eradication of pests and vermin to properties in Denbighshire. During the same period 323 programmed proactive inspections were made to school premises throughout the County in an approach to prevent infestations of rats and mice.

Last year 284 stray dogs were impounded thus reducing the risk to public from attacks by stray and dangerous dogs, also helping to reduce road traffic accidents caused by straying dogs. 26 Fixed Penalty Notices were issued by the team for dog fouling during the year; an increase of 65.4% from the previous year. 133 visits were made by the Dog Warden in connection with barking dogs, where alleged statutory noise nuisance was occurring.

During the year we received 95 complaints for defective private drainage systems of which 35 enforcement notices were served on defective drainage systems, 22 did not comply and work was carried out in default by the Council.

We investigated 509 complaints of alleged statutory nuisance during the year, for example noise, bonfires dust and odour etc; 18 Enforcement Notices were served. By far the most common type of complaint investigated was noise, such as loud music and dog barking.

We called for the review of a Premises Licence, attended a further 5 Licensed Premises Reviews and Hearings giving supporting evidence and were consulted on approximately 50 Licensing Applications. We were responsible for regulating 46 Industrial Permitted installations.

We carried out inspections of private drinking water and took approximately 300 samples and carried out analyses of the water supplies. We also sampled and carried out on-site measurements and analysed over 600 samples of swimming, spa and paddling pools to ensure satisfactory pool water quality.

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.

Case Study: A complaint was received regarding foul water waste being discharged onto the highway near a school. Investigations showed that the drainage from two adjacent properties was defective and so S59 Building Act Notices were served. One property complied with the notice, but the other did not. A prosecution was therefore taken and the offender was fined £500 for the offence of failing to comply with the Building Act Notice together with £2 per day from date of conviction until they complied with the Notice. They were also fined £1,000 for the failure to supply information under the Local Government (Miscellaneous Provisions) Act 1976. £1,206.75 costs were awarded to the Council.



Development Control and Planning Compliance

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

We determined 767 planning applications for various types of developments, including small extensions, new dwellings and large major developments; 90% of applications were approved i.e. planning permission was granted.

We investigated 67 cases of 'Breach of Condition' attached to a planning permission. We received and investigated 656 complaints regarding potential breaches of planning control, 72% of these were dealt with within 12 weeks.

We served 108 enforcement related notices to either seek further information from the contravener or to regularise matters.

Case Study 1:

Following complaints regarding the dilapidated condition of an unoccupied 'end of terrace' residential property in the Dyserth area, we investigated the matter. As the untidy condition of the property was unacceptable, the owner was requested to carry out any works to remedy the situation, but refused to do so. A formal Enforcement Notice was then served upon the owner which allowed a period of three months for the required refurbishment work to be undertaken. The owner refused to comply with the Notice resulting in the Council taking prosecution proceedings in the Magistrates' Court. The owner was found guilty of failing to comply with the Enforcement Notice and was fined £100, ordered to pay £734.85 in prosecution costs and a £15 Victim Surcharge - total payable £849.85.

Case Study 2:

The Council has received complaints over recent years regarding the use of motorcycles and grass track cars on agricultural land forming part of the Denbighshire Area of Outstanding Natural Beauty. Planning legislation allows such activity on this land for a maximum of 14 days in any calendar year.

The complaints focussed upon the nuisance caused by the excessive, undulating high pitched noise emanating from motorcycle engines as they are ridden over the rough land. A further concern related to the potential danger to walkers due to the unrestricted routes taken by motorcyclists across this land, through which there are public footpaths including the popular Offa's Dyke Trail. The land owners were advised accordingly and the use of the land was monitored.

An Enforcement Notice was subsequently served on the land owners, which formally restricted motorcycle use of the land to a maximum of 14 days in any calendar year. Despite warnings the 14 day allowance was exceeded and we commenced proceedings in the Magistrates' Court for failing to comply with the Enforcement Notice.

Following a two day trial the three land owners were found guilty and each were fined £200, ordered to pay £1000 in prosecution costs and a £15 Victim Surcharge – total payable for each defendant £1,215.00.

Trading Standards

The **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 and e-commerce crime.

We dealt with 719 enquiries, involving either a breach of criminal legislation or a civil law issue where advice about the consumer's rights was given.

Exercising his powers under the Licensing Act 2003, the Chief Inspector of Weights and Measures closed 11 licensed premises for a 48 hour period for persistently selling alcohol to persons under 18.

We take part in both National and Regional sampling surveys of food to ensure the ingredients are correctly described. Also we sample non-food products such as electrical items, toys and second-hand goods to ensure they are safe to use. The product pictured was part of a survey carried out by officers with regard to consumer safety in the North Wales area.

Left photo - shows a child's bed warming toy which can be put in a microwave oven and warmed up for the child to cuddle when going to sleep. The toy was tested for safety and heated as per the instructions on the box.

Right photo - shows what happened when the toy was heated. The result was that the importer was traced and the product was recalled.



Case Study:

Mr David Vaughan, formerly of Denbigh now residing in Machynlleth, pleaded guilty to three Fraud Act charges at Prestatyn Magistrates Court. The investigation related to two complaints from residents within Denbighshire where Mr Vaughan had carried out roofing work and gardening work. In total Mr Vaughan charged some £1,700 for unnecessary and very poor quality roofing work and £300 for gardening work that was not completed as contracted, in both cases he failed to supply legally required cancellation notices to the consumers informing them of their rights to a cooling off period.

Mr Vaughan has been known to the Authority for a number of years and over that period has received advice and guidance by Denbighshire and other authorities on the requirements of the law relating to cancellation information, in both cases and others he decided to ignore this advice and continue trading in breach of the law.

Prestatyn Magistrates sentenced Mr Vaughan to a 2 year Community Order with an Unpaid Work Requirement of 240 hours. In addition, he is required to pay £1,000 compensation to Mr and Mrs Tomlinson (for the roofing work). He is also required to make a contribution to our costs of £200. Mr Vaughan was also warned that if he takes advantage of vulnerable people again, he will receive a custodial sentence.