

**Manchester City Council  
Report for Information**

**Report to:** Neighbourhoods and Environment Scrutiny Committee – 11 October 2016

**Subject:** Compliance and Enforcement Service – Overview of the role of the service and performance to date

**Report of:** Deputy Chief Executive, Growth and Neighbourhoods

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**Summary:**

To provide members with an overview of the role of the compliance and enforcement service and performance since the services' inception in January 2016.

**Recommendations:**

That Members note the report.

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**Wards Affected:** All

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**Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1 Report to Neighbourhoods Scrutiny Committee 7 January 2014: Compliance and Enforcement Activity. Report of Deputy Chief Executive (Growth and Neighbourhoods)

2 Report To: Neighbourhoods Scrutiny Committee 18 November 2014 and Executive 26 November 2014, Subject:-Enforcement Policy Report of Deputy Chief Executive (Growth and Neighbourhoods)

## 1. Background

- 1.1 In January 2016, as part of the Neighbourhoods Service redesign, the Community Safety, Compliance and Enforcement Service was formed incorporating the services that fulfil the Council's statutory duties in respect of protecting the public and the environment and keeping citizens safe through reducing crime. This report focuses on the Compliance and Enforcement elements of the service
- 1.2 The aim of the service re-design has been to make compliance and enforcement services:
- more Neighbourhood focused
  - targeted so that resources are used where they are most needed using intelligence and meeting neighbourhood priorities
  - more flexible so that services can be provided at times when they are most needed including evenings, weekends and nights
  - better integrated with other compliance, enforcement and neighbourhood services and partners
  - more focused on delivering strategic priorities and key programmes of work
- 1.3 The teams that make up the Compliance and Enforcement services are
- 1.4 **Neighbourhood Compliance Teams (NCT)** – based within the three neighbourhood areas of North, Central, & South, the teams are responsible for compliance & enforcement across these areas, ensuring that local communities have safe clean and attractive neighbourhoods to live in. Their particular focus is resident & business compliance with waste disposal & recycling, untidy private land, visual disamenity of private buildings & land, fly-tipping, littering; dog fouling, highway obstructions including skips; flyposting; empty properties and illegal encampments.
- 1.5 **Environmental Crimes Team (ECT)** – responsible for works carried out in default, contract management, enforcement support, prosecutions, animal welfare and public space protection orders across the city.
- 1.6 **Food, and Health & Safety Team (FHS)** – responsible for regulating food safety and food standards, health and safety in certain premises, complaints and requests for service, accident investigations, infectious disease control, port health and the importation of foodstuffs arriving at Manchester Airport.
- 1.7 **Environmental Protection Team (EP)** – responsible for dealing with the environmental aspects of planning applications, provide technical support to strategic regeneration schemes, exhumations and noise control at large events. The team discharge the council's regulatory duties in relation to contaminated land, industrial processes, air quality and private water supplies.
- 1.8 **Licensing and Out Of Hours Team (LOOH)**- responsible for licensing enforcement and for addressing effectively a range of issues that that can arise both during and outside of normal working hours e.g. licensed premises

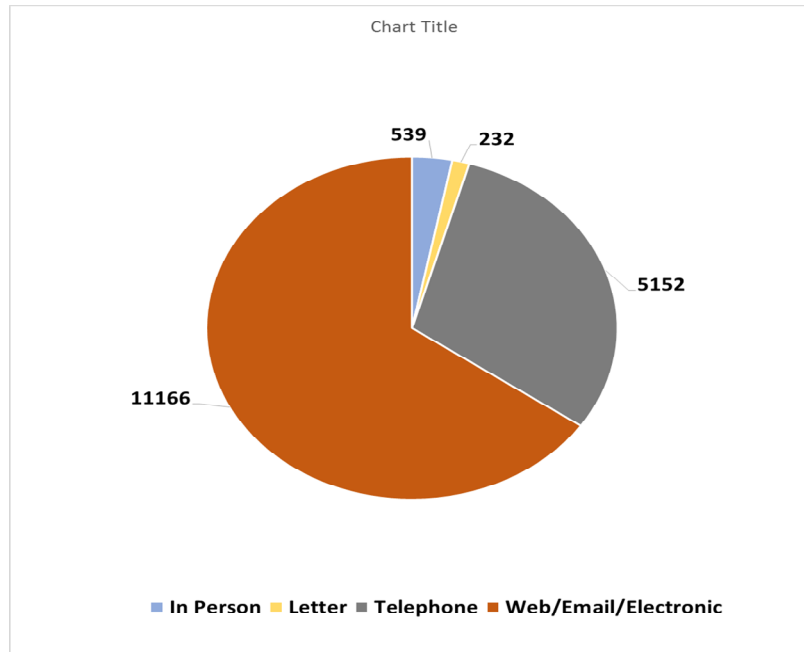
enforcement, street trading, domestic and commercial noise enforcement, busking, begging etc. This team works 7 days providing a service during the day, evenings and at night.

- 1.9 **Trading Standards Team (TS)** - responsible for enforcing a wide range of criminal legislation aimed at protecting consumers and maintaining standards of fair trading e.g. counterfeiting, product safety, underage sale of age restricted products such as fireworks, alcohol, cigarettes, knives, solvents etc, rogue traders, doorstep scams and regulation of weights and measures.
- 1.10 **Housing Support Team (HST)** - responsible for ensuring that privately rented properties meet acceptable safety and management standards. The team manage the licensing of HMOs and deal with complaints regarding private rented housing ranging from complaints about disrepair to preventing unlawful eviction and harassment.
- 1.11 **Compliance & Enforcement Support Team (CST)** – responsible for intelligence and evaluation of project based activities, producing management information and monitoring service performance. The team also undertake a wide range of desk based compliance activities in support of the specialist teams: e.g.: creating programmed inspection plans; verifying waste management contracts; food business registration, verification surveys and checks; administration of HMO and any additional licensing schemes and management of the debt recovery and enforced sales processes. The team is also responsible for producing service wide statutory returns.
- 1.12 This report sets out the approach that has been taken to achieving the aims set out in paragraph 1.2 and how the services contribute to the Community Strategy – Our Manchester. It also provides an overview of performance during the first 8 months of the service.

## 2.0 Demand

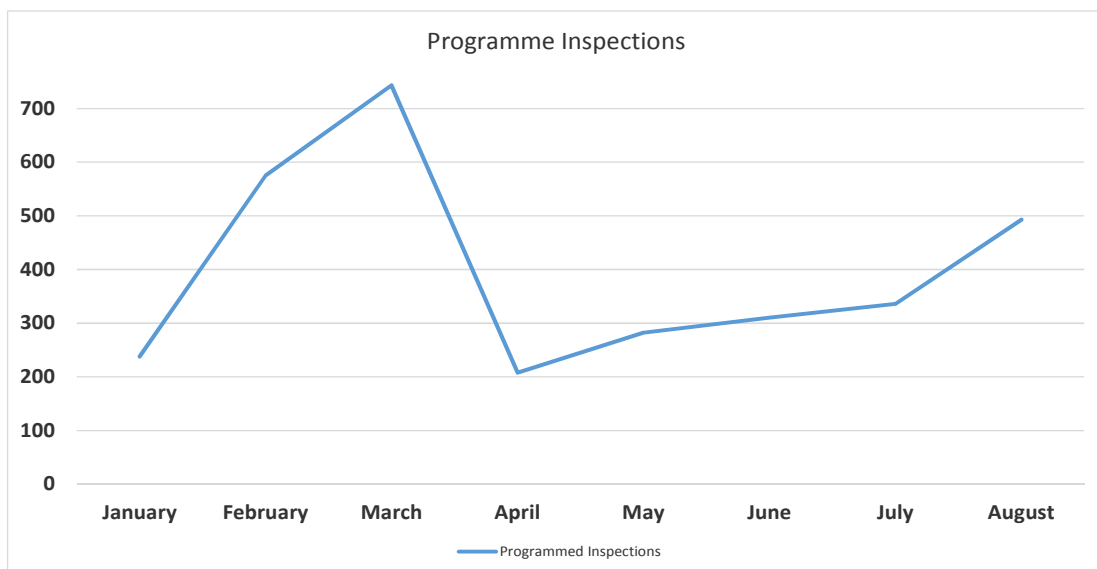
- 2.1 Issues dealt with by the compliance and enforcement teams come from a variety of sources which include:
- (i) Requests for service (RFS) made via Contact Manchester and by customer online accounts
  - (ii) Proactive activity – issues picked up by officers on a day to day basis
  - (iii) From programmed inspections
  - (iv) Elected Member requests
  - (v) Community representative reports
  - (vi) Hotspot areas/ intensive management areas
  - (vii) Partnership initiatives
  - (viii) Complaints
- 2.2 As can be seen from the graphs and tables below the majority of responsive work is received via Contact Manchester (figure1). There is also a significant amount of work undertaken through programmed inspections. (figure 2).

Fig.1



How Received	January	February	March	April	May	June	July	August	Grand Total
In Person	70	66	80	79	55	52	78	59	539
Letter	35	24	26	34	39	17	30	27	232
Telephone	681	705	697	660	622	652	523	612	5152
Web/Email/Electronic	1268	1202	1297	1328	1251	1645	1654	1521	11166
<b>Grand Total</b>	<b>2054</b>	<b>1997</b>	<b>2100</b>	<b>2101</b>	<b>1967</b>	<b>2366</b>	<b>2285</b>	<b>2219</b>	<b>17089</b>

Fig. 2



	January	February	March	April	May	June	July	August	Grand Total
Programmed	238	575	743	208	282	310	336	493	3185

2.3 The main areas of demand for compliance activity are:

- Noise
- Planning and Contaminated Land
- Untidy land
- Hygiene and safety in food premises (restaurants, cafes, takeaways, residential care homes, children’s nurseries, school kitchens, shops)
- Waste (includes domestic, commercial & flytipping)
- Housing disrepair
- Highway obstruction
- Food Airport (importation of food consignments)
- Licensing
- Trading Standards complaints e.g. Product safety, counterfeit goods, age restricted products (alcohol, cigarettes, knives, fireworks, solvents etc.)  
rogue trader/scams

Fig.3 Table showing highest volume RFS

	January	February	March	April	May	June	July	August	Grand Total
Noise	288	281	309	274	356	458	386	299	2651
Planning / Contaminated Land	219	221	277	253	200	290	329	272	2061
Untidy Private Land	193	224	229	220	212	268	259	263	1868
Food Safety/Hygiene	194	197	194	281	197	222	211	244	1740
Waste	197	169	172	184	176	201	223	168	1490
Housing Disrepair	193	169	129	110	102	117	97	122	1039
Highway Obstruction	106	106	114	115	100	124	167	163	995
Food Airport	184	191	176	145	115	98	41	36	986
Licensing	61	55	58	82	113	166	177	219	931
Trading Standards	117	97	96	102	88	105	103	112	820
<b>Grand Total</b>	<b>1752</b>	<b>1710</b>	<b>1754</b>	<b>1766</b>	<b>1659</b>	<b>2049</b>	<b>1993</b>	<b>1898</b>	<b>14581</b>

3.0 Approach to achieving compliance

3.1 Non compliance with regulation can often be the result of a lack of awareness around legal responsibilities or ignorance of a particular problem rather than deliberate disregard of the law. This is often easily resolved by informal action such as a visit by an officer to explain the impact that the action is having on a neighbour/ the wider community or a letter asking them to remedy a problem.

In April 2015 the Council adopted a Corporate Enforcement Policy which is intended to protect the public, the environment, consumers and workers through:

- Enforcing the law in a fair, equitable and consistent manner;
  - Assisting broadly compliant businesses to meet their legal obligations;
  - Taking firm action against those who persistently flout the law or act irresponsibly.
- 3.2 Being clear with residents and businesses about what is required to comply with the law, and giving them the opportunity to do so before taking formal enforcement action, ensures that any enforcement action is proportionate to the risks involved and is consistent with the Council's enforcement policy.
- 3.3 By working with residents and businesses to gain compliance informally, the Council aims to achieve behaviour change. This appears to be successful as the vast majority of cases that have been addressed informally do not lead to repeat incidences of non-compliance. It also achieves a high level of compliance which minimises the number of costly and time consuming prosecutions that have to be undertaken, retaining this as a sanction for those who commit the most serious offences or repeatedly flout the law.
- 3.4 The outcomes from this approach are set out below. Figure 4 indicates that compliance is maintained in the majority of cases which have been resolved using informal action. Only 6% of cases have been reopened within 6 months.

**Fig.4 Compliance achieved via informal action**

<b>Compliance achieved via informal action</b>	4805	
<b>Reopened within 6 months</b>	289	6.0%
<b>Still closed after 6 months</b>	4516	94%

- 3.5 Where formal action is required service of a notice is often sufficient to achieve compliance. Figure 5 shows the notices served between January and August this year.

**Fig.5**

<b>Notices served in relation to:</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>Grand Total</b>
<b>Waste</b>	19	31	42	94	80	81	113	138	598
<b>Prevention of damage by pests</b>	48	102	92	118	72	39	24	20	515
<b>Housing</b>	25	32	28	39	37	24	31	29	245
<b>Demand for information to aid further investigation</b>	1	6	5	4		2	7	5	30
<b>Property open to access</b>	1	2	5	4	1	6	4	3	26

Noise		1	10	1	5	5	2	1	25
Untidy land		3	1	2	1	1	4	4	16
Highways obstruction	1	2			5		3	2	13
Recovery of expenses	3		2	1	1	2	1	1	11
Food, Health & Safety	1				2		3	2	8
Control of pollution					2	1	1	2	6
Pedlars and Buskers		2	2				1	1	6
Air Quality		1	1	1		2			5
Drainage	1		1	2					4
Dangerous trees		1			1		1		3
Repair of walls				1	1		1		3
<b>Grand Total</b>	<b>100</b>	<b>183</b>	<b>189</b>	<b>267</b>	<b>208</b>	<b>163</b>	<b>196</b>	<b>208</b>	<b>1514</b>

3.6 Figure 6 shows that there is a high degree of compliance with notices served. As notices have varying periods within which to appeal there are a significant number in the “served” category which means that the appeal period is not yet passed. It is likely that compliance will be the outcome for most of these. A significant number require work to be done in default of the notice. This is used in cases where the Council needs to remedy the issue due to the harm or potential harm it causes to our communities and the person on whom the Council has served has failed to respond within the notice period. Very few notices are contravened.

Fig. 6

Notice Status Description	January	February	March	April	May	June	July	August	Grand Total
Complied with	47	111	100	150	115	72	54	47	694
Served	25	45	52	77	70	59	113	116	557
Notice In Force - No Expiry Date	12	11	17	19	14	17	14	31	135
Work completed in default	14	14	17	16	4	12	9	9	95
Referred to Default	1	2	3	5	5	1	6	5	28
Revoked	1					2			3
<b>Grand Total</b>	<b>100</b>	<b>183</b>	<b>189</b>	<b>267</b>	<b>208</b>	<b>163</b>	<b>196</b>	<b>208</b>	<b>1514</b>

3.7 Where notices are contravened or where cases are of a more serious nature more formal enforcement action including prosecutions will be pursued. Figure 7 shows the number of Fixed Penalty Notices served, figure 8 shows the

number of prosecutions taken forward and figure 9 details the outcome of those prosecutions.

Fig. 7

FPN Notices served in Relation to:	January	February	March	April	May	June	July	August	Grand Total
Littering	222	164	116	178	144	162	210	241	1437
Flytipping	2	4	15	5	30	90	168	99	413
Flyposting	7	2	11	7	17	21	18	9	92
Smoking in smoke free place	8	8	6	7	5	3	3	5	45
Commercial waste	1		2	4	2	4	7	5	25
Domestic waste			1	2	1	1	5	5	15
Dog off lead	1			1	1				3
Dog fouling	1							1	2
<b>Grand Total</b>	<b>242</b>	<b>178</b>	<b>151</b>	<b>204</b>	<b>200</b>	<b>281</b>	<b>411</b>	<b>365</b>	<b>2032</b>

Fig.8

Statute Prosecution taken under	Offence	Count
Highways Act 1980 Section 132	Flyposting	5
EPA 1990 Section 34 - s34 EPA Notice	Failure to supply waste contract	3
EPA 1990 Section 33	Flytipping	3
Tobacco Products(Presentation & Sale)(Safety) Regs 2002	Supply of illicit tobacco	3
EPA 1990 Section 47 - s47 EPA Notice	Storage of commercial waste	2
Food Safety & Hygiene (England) Regs 2013	Food Safety offences	2
Toys (Safety) Regs 1995	Supply of unsafe toys	2
EA 1995 Section 108 - Non provision of information	Non provision of information	1
Housing Act - HMO (England) Regulations 2006	Failure to comply with HMO Regs	1
Trade Marks Act 1994	Possession of counterfeit goods	1
Consumer Prot Act 1987 Pt II	Supply of illicit tobacco	1
<b>Grand Total</b>		<b>24</b>

Fig.9

Prosecution Result	Jan	Mar	Apr	May	Jun	Jul	Aug	Grand Total
Found Guilty	2	1	1	2	2	2	4	15
Proved In Absence, no defence presented	2			2	1	1		6
Adjourned							1	1
Forfeiture Order Granted					1			1
Withdrawn	1							1
<b>Grand Total of Prosecutions</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>5</b>	<b>24</b>



<b>Grand Total of Fines Issued</b>	<b>£12,410.00</b>	<b>£6,000.00</b>	<b>£3,750.00</b>	<b>£5,246.00</b>	<b>£5,734.00</b>	<b>£23,000.00</b>	<b>£19,040.00</b>	<b>£75,180.00</b>
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3.8 In addition to formal enforcement powers other methods are used to achieve compliance which include:

- Targeted monitoring in hotspot areas
- Action days alongside residents, businesses, other Council departments and partner agencies to try to reduce dependence on the Council, encourage greater ownership of areas and achieve behavioural change.
- Advice, education and information across a wide range of topics including, responsible dog ownership, waste management, fire safety, tenancy advice consumer awareness etc
- Advisory signage

#### **4.0 The Our Manchester approach to achieving compliance**

4.1 Regulatory priorities continue to be protecting the public and the environment, however, to achieve lasting compliance our approach to enforcement needs to evolve. In keeping with the 'Our Manchester' principles we need to focus more on the strengths that exist within our communities.

4.2 The vast majority of citizens and businesses in Manchester want to do the right thing. Sometimes people are not sure what they need to do and our approach to achieving compliance must include working with them and giving them the chance to get it right. Communities learn from each other and peer pressure can often be more powerful than punitive action by the Council. The importance of working together in achieving compliance cannot be underestimated. People living in or delivering services in our neighbourhoods are a valuable source of information and intelligence. They often know who persistent wrong doers are and can provide the evidence that enables compliance and enforcement teams to take formal legal action when an educative approach hasn't worked.

4.3 An example of this involves a report to the media earlier this year, where a resident had challenged a taxi driver who had thrown litter from his car window. The Environmental Crimes team followed this up with the resident who provided evidence which resulted in a fine being issued to the taxi driver. Often solutions to recurrent problems exist within communities and by listening to and learning from them, lasting solutions to address root causes can be found.

4.4 It is also essential, in the context of decreasing resources, that change is achieved in the way businesses, residents and staff behave and respond to issues within our communities. Residents are right to expect that their neighbourhoods are places where people want to live, work and socialise and that non compliance will be dealt with effectively.

Equally there needs to be an acceptance that everyone who is part of the community (businesses, residents and other stakeholders) has a responsibility

to help achieve great neighbourhoods. This applies to their own behaviour as well as holding others in their communities to account.

Developing a culture where citizens feel empowered to take ownership of everyday issues such as challenging people who drop litter or allow their dogs to foul, or noticing when a neighbour hasn't taken their bin in or isn't recycling and talking to them about it, would enable the compliance and enforcement teams to focus on more serious issues of non compliance that need a more formal response. Many communities already take this approach and others need support and encouragement to do so. .

4.5 The following case studies give a flavour of how the Our Manchester approach is being developed and demonstrates how compliance and enforcement services are targeting resources to meet the needs of neighbourhoods in an integrated way, and at times when services are needed.

4.6. Places where people want to live - targeted integrated neighbourhood working

4.6.1 Compliance and enforcement services are working closely with partners and communities in areas of the City that suffer from a multitude of issues such as commercial waste, housing disrepair, planning and licensing contraventions. Resources are being targeted more effectively by tackling many issues together increasing the chances of lasting success.

#### Case study 1: Levenshulme District Centre

Neighbourhood Compliance Teams, working with partners, have carried out targeted inspections on blocks of commercial properties to deal with issues of non compliance including poor waste management practices, obstruction of the pavement, concerns about food hygiene and non compliance with licensing legislation. The results of this were:

- Nine s47 EPA notices were issued to businesses to ensure their waste was contained and they had waste contracts
- Two Fixed Penalty fines were issued for non compliance with these notices
- Five s46 EPA notices were served on domestic properties to address the large amount of waste deposited from flats above the shops which didn't have their own bins. They have now been provided with a box and bag service to enable them to dispose of their waste appropriately and recycle
- Four businesses on Stockport Road were given warnings for displaying goods that were encroaching on the pavement.
- Three businesses were operating beyond hours. They were advised of the need to get a licence which they did and are now operating legally
- Some flats above shops did not have sufficient fire precautions between the commercial and residential premises and were overcrowded. These are being dealt with by the Housing Compliance Team in partnership with GMFRS
- The Food and Health & Safety Team have Inspected 2 businesses and are working with the owners on improvements to their food hygiene practices.

This integrated and targeted approach to identifying and addressing a range of issues at the same time has greater impact than each service responding to individual complaints as they arise. It also provides the opportunity for meaningful engagement with residents and businesses which is more likely to have a lasting impact.

#### 4.6.2 Case study 2: Rogue Landlords

This project used intelligence from a range of sources to target specific landlords and areas where properties were likely to be in poor condition. The aim of the project was to improve housing conditions and emphasize to rogue landlords that substandard, unsafe properties will not be tolerated.

The Housing Compliance and Enforcement Team bid for **£60,000** Department for Communities and Local Government funding which enabled 135 housing inspections to be carried out over the course of 3 months. As a result 20 enforcement notices were served and a further 39 hazard letters sent to landlords/agents.

Whilst most hazard letters and notices have been complied with, officers are still pursuing outstanding works, which ranged from insufficient heating, a lack of fire precautions, food safety and electrical safety hazards to name a few. Two flats located above shops were prohibited due to not having a kitchen area to prepare and cook food. Cases are being prosecuted and one landlord has been fined **£108,000** plus **£5,692** costs awarded to the council for offences relating to inadequate fire precautions.

The project involved joint working with the Fire Service, Immigration, HMRC, GMP and Neighbourhood Compliance teams, with a total of 22 properties jointly inspected. Working with partner agencies and Neighbourhood Teams allowed the project to tackle a range of issues and general concerns in the neighbourhood caused by poorly managed properties.

#### 4.6.3 Case Study 3 : Waste Enforcement Project

Waste is one of the biggest challenges in many neighbourhoods so it is vital that effective ways are found to address the problem, clearing waste quickly but also holding to account those who have caused the problem.

Since May this year the Neighbourhood Compliance Teams have worked alongside the waste contractor, Biffa, in investigating cases of flytipping and side waste. Data has been analysed to identify the most flytipped alleyways which have then been targeted by Biffa Operatives, who check for evidence in dumped rubbish before they clear it. Details found are then sent to the compliance teams to take action.

This means that the flytipped waste is cleared quickly, and also that the opportunity to collect evidence is not lost. All cases are followed up with the resident or business implicated, and although not every case results in formal

action, this does provide an opportunity to engage and hopefully ensure that they dispose of their waste appropriately in the future.

In the first 4 months of operation (to end of August 2016) the following has been achieved:

- **1174 cases investigated**
- **970 warning letters issued**
- **265 Fixed Penalty Notices served**
- **120 Environmental Protection Act notices served**
- **£8,470 paid in Fixed Penalty fines**

#### 4.6.4 Case study 4 : - Flyposting.

Flyposting can cause significant blight on an area. Over the last 3 years there has been an increase in fly posting in key areas such as the City Centre and Oxford Road corridor. This, in turn, has resulted in complaints from Members and residents. An analysis of the records held by CRM shows a marked increase in the number of requests for the removal of fly-posters (Fig 11. all figures quoted are per calendar year)

Fig 11. – Table showing number of Requests For Service (RFS) received and action taken

Year	RFS received	Fixed Penalty Notice Issued	Prosecutions
2013	187	12	0
2014	250	22	1
2015	382	21	1
2016	307 as of 31.08.16	91	5

The introduction of the Environmental Crimes Team as part of the redesigned service has seen a marked improvement in enforcement activity relating to fly-posting. Achievements to date this year have included:

**91** Fixed Penalty Notices for fly-posting offences

**12** files referred to City Solicitors for prosecution for fly-posting offences with a further **7** cases under investigation. The files referred include cases against established nightclub venues and promoters responsible for a number of promotions across different venues.

**5** successful prosecutions for fly-posting offences in 2016 to date, with fines of nearly **£30,000** and almost **£6000** in costs awarded to the council.

#### 4.6.5 Case Study 5 : Student parties

A key benefit of the new approach to the delivery of compliance and enforcement services is the strengthened offer outside of normal working hours. The Licensing and Out of Hours Team plays a key role in managing issues that

arise outside of standard working hours as they work a combination of days, evenings and nights across the week. This includes dealing with pedlars and Illegal street trading, littering, dealing with enforcement issues that arise from begging /vagrancy, busking, graffiti and dealing with the night time economy for the whole city. Issues arising at night are often linked to noise from licensed premises and noisy parties in areas with high student populations. Prior to this team being established issues that arose at night could normally only be addressed the following day.

A family with a young baby were being regularly disturbed by noisy parties. Officers from the Licensing and Out of Hours team were called at 1.30am and witnessed loud music which could be clearly heard from within the complainant's property .

The officers called at the property where the party was being held and advised the student occupants that the loud music and other noise was causing a nuisance and should cease. They were advised that a noise abatement notice would be served as a result of the complaints and the behaviour witnessed.

The party stopped immediately and the young family was able to get some much needed sleep. In addition to the notice served by the council, the university off campus officer made contact with the students to warn them that this behaviour was unacceptable and must not be repeated or further action would be taken by the university.

#### 4.6.6 Case Study 6: Dog Fouling.

People failing to pick up after dog fouling is a particularly unpleasant offence. Unfortunately, it is also very difficult to catch people in the act. Between January – August 2016 there have been 1195 cases of dog fouling reported to the council.

During this period only 2 FPNs for dog fouling have been issued mainly due to the unpredictability of when and where the offence may occur. As there are only two dog wardens for the city it is important to target where they patrol and focus their skills in working with communities to change behaviour.

The approach that is therefore being taken is an educational approach, working with communities to encourage responsible dog ownership and to create a culture where dog fouling is not tolerated and people feel able to challenge when they see it happening.

In Burnage residents who were fed up with people allowing their dogs to foul in a particular street worked with council officers to develop a leaflet asking people to have pride in their area, clean up after their dogs and to let the council know if there were specific times it was happening. Officers could target patrols at specific times to try to witness people allowing their dogs to foul. A flyer was jointly designed and distributed to shops, the local health centre and library and posted through letterboxes in the area with the help of local resident volunteers and ward members. Social media was also used to promote the campaign.

In addition to the resident led initiative “no fouling stickers” were placed along the Lane by compliance officers and the two animal welfare officers worked with the local residents giving advice, offering dog chipping where required as well as keeping an enforcement presence in the area.

It is clear that local people had the solution and with a little help were empowered to lead on changing behaviour through peer pressure. There has been a reduction in requests to remove dog fouling in this area and the residents have made greater improvements to their environment through applying for a grant to give the area a make over.

- 4.7 From an enforcement perspective the recent enactment of the Microchipping of Dogs (England) Regulations 2015 (which took effect on 6 April 2016) makes it a legal requirement that dogs in England, Scotland and Wales are microchipped. The legislation allows Local Authorities and police officers to serve Notice on the keeper of the dog stating that it must be microchipped within 21 days. Microchipping of dogs is an important factor in assisting Animal Welfare Officers and other agencies in ensuring the prompt and safe return of a dog to its owner in the event that it escapes, and allowing officers to address issues with irresponsible dog owners more easily.
- 4.8 The animal welfare officers regularly attend community events to advise on responsible dog ownership and offer free microchipping, using microchips provided by the Dogs’ Trust. This is an important function which helps to strengthen links with the community and also allows officers to engage with residents regarding responsible dog ownership. The events are well attended and 289 dogs have been chipped at events held since January 2016.
- 4.9 To strengthen the Council’s ability to take enforcement action against irresponsible dog ownership it is also proposed to review Dog Control Orders, which will be replaced with Public Space Protection Orders, to include a clause making it an offence not to have a means of clearing up after your dog. This would enable officers to check with dog walkers whether they have the means to clear up after their dog and take action if they don’t, rather than only being able to take action once an offence has been committed.

## **5. Supporting growth**

- 5.1 As noted above, most businesses in the city want to do the right thing and as well as targeting businesses who are persistently non compliant ,a key aspect of the work of compliance and enforcement services is to support businesses to be compliant so that they can contribute to the growth of the city. Compliant businesses are generally successful businesses which provide employment to thousands of people in the city. The Corporate Enforcement Policy recognises that education is an important part of achieving compliance. Many businesses, particularly smaller business can be “accidentally” or “carelessly” non compliant. These businesses are significant contributors to the growth of the city in terms of both employment and wealth creation so the importance to the city of helping them thrive should not be under estimated.

- 5.2 Manchester is a destination city and recognised for its varied day and nightlife offer. The many bars, restaurants, culture venues and street based entertainment are all consumers of the services that the compliance and enforcement teams deliver both during the day, weekends and at night ensuring that businesses are well run and compliant with various pieces of legislation designed to make businesses prosper and keep customers safe. District centres outside the city centre, particularly in the south of the city also have a vibrant day and night time offer which present different challenges and effectively managing these, through the work of the Licensing and Out of Hours Team, is pivotal to the growth and popularity of neighbourhoods as places to live, work and socialise.
- 5.3 Another important element of work undertaken by compliance and enforcement services is the proactive inspection programmes (Food, Health and Safety, Trading standards, Industrial processes, Private water supplies, Private Rented Sector). Consumers have become much more sophisticated over the years and want assurance in these areas of their lives.

#### Case Study 7: Food Hygiene Ratings

Food Hygiene standards are vitally important to ensure businesses maintain the highest standards of food preparation, protect consumers against food borne illness and provide transparent information to ensure customer confidence in food businesses. The food inspection programme grants businesses a food hygiene rating, enabling consumers to make an informed choice about the cleanliness and safety of the restaurant, café, bar or takeaway in which they are going to eat. This in turn drives up performance and supports the reputation of Manchester as a city with good quality food premises. Businesses have seen the benefit of this and many, particularly those granted a “5 star” rating, are using it in their marketing strategies.

- 5.4 Trading standards provide assurance over the provenance, weight and safety of goods, protect vulnerable consumers and address unfair competition. Trading standards disrupt organised crime and rogue traders who often prey on the most vulnerable. Through the work they do, they assist in getting revenue back into the economy that would otherwise fall into the hands of the rogue traders and counterfeiters who are generally paying neither business rates nor taxes.

#### Case study 8: Strangeways

For around 20 years the Strangeways area has been well known for the supply of counterfeit goods. The area often receives national attention and one-off days and weeks of action have long been carried out by enforcement agencies in the Strangeways area.

An operation in February 2016 resulted in approx £2million counterfeit goods seized, 9 arrests, 130,000 illicit cigarettes recovered (£35k outstanding revenue), 70kg tobacco recovered (£14k outstanding revenue), 6 vehicles seized, and 49,370 counterfeit medicines recovered.

Despite results like these we know this type of action is seen simply as an inconvenience by businesses, which quickly restock and recover. As a result a new approach has been adopted. We are now taking action against head lessees who are involved in or are tolerating counterfeit activity in their properties.

Notices have been served under s.146 of the Law of Property Act 1925 outlining covenants within the lease which the Council considers the tenant or sub-tenant(s) to be in breach of. The tenant is then allowed 7 days to remedy the breach, and thereafter instructed to cease the storage and sale of counterfeit goods on the premises. If this is not the case, the units can then be 'peaceably re-entered', the locks to all units changed and the property effectively forfeited.

So far this approach has resulted in 15 units who had been trading in counterfeit goods leaving the Harris Street area. Premises owners have installed new shop fronts and let to new legitimate tenants.

- 5.5 Manchester Airport – The border inspection post (BIP) is an EU approved point of entry to control movement of goods from outside of Europe. The Food Safety team undertake a range of checks to ensure the food is safe for human consumption when it enters the UK. The team work collaboratively with agencies such as the UK Border Force, Customs, British Transport Police (BTP), Department for Environment Food and Rural Affairs (DEFRA) and the Food Standards Agency (FSA) to ensure food meets legal requirements. Airport BIPs are a much quicker route for importing goods into the UK compared to ship transport and support the growth of local businesses and new trade routes. The Manchester BIP is the only airport BIP outside of London where products can be cleared for entry into the European Union so as well as supporting growth at the airport there are carbon reduction benefits as goods don't then need to be road freighted North of London

## **6.0 Conclusion**

- 6.1 In Manchester there are a significant number of issues requiring regulatory intervention across a wide range of legislation. The overall objective of the City's compliance and enforcement service is to achieve compliance with regulation/law. Working within the Council's enforcement policy, in most cases compliance can and is achieved via informal action.
- 6.2 Where informal requests, both verbal and written, are not heeded legal notices are usually sufficient to achieve compliance.
- 6.3 Prosecutions will generally be pursued where the breach of legislation is very serious, or where other forms of compliance activity have failed. Prosecutions tend to be the final course of action as they are:
- Often complex, costly and time consuming.
  - Don't always achieve a sanction proportionate to the crime



- Where a fine is levied by the courts there is often a payment plan agreed so the costs associated with collecting the payment diminish the return.

In that context it is important to ensure that good evidence is secured before pursuing a prosecution.

- 6.4 In addition to enforcement action the compliance and enforcement teams are increasingly seeking to work with residents and businesses to build on the strengths that exist within our communities and help them maintain compliance in a more self sufficient way. By addressing problems together we can create better lives for all in the community and by listening to and learning from each other, better lasting solutions that address root causes rather than just the symptoms of non-compliance can be found.