

**Manchester City Council
Report for Information**

Report to: Communities and Equalities Scrutiny Committee - 6 December 2022

Subject: Compliance and Enforcement Services - Performance in 2021/22

Report of: Strategic Director (Neighbourhoods)

Summary

To provide members with an update on demand for and performance of the Compliance and Enforcement service during 2021/22. The report also provides a forward look at challenges and future workload pressures as a result of changes to legislation, policy and areas of growth that will have an impact on the work carried out by Compliance and Enforcement teams.

Recommendations

That Members note and comment on the report.

Wards Affected: All

Environmental Impact Assessment - the impact of the issues addressed in this report on achieving the zero-carbon target for the city

Many areas of work undertaken by the Compliance and Enforcement Services have a positive impact on working towards achieving the zero- carbon target for the city. This includes areas such as the work of the Environmental Protection team who comment on environmental aspects of planning applications, undertake Air Quality Monitoring and work with partners to reduce contributions of emissions from domestic burning and emissions from idling vehicles, use of electric vehicles in our teams, enforcement of compliance with Energy Performance Certificates and work to prevent inappropriate burning of waste.

Equality, Diversity and Inclusion - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments

This report outlines work the teams do to protect the public and the environment to make our neighbourhoods places where people want to live, work and socialise which will include engagement and education of residents and business owners from diverse backgrounds ensuring that our approach is inclusive, fair and that our services are accessible to all. The report also demonstrates the service's commitment to protecting the most vulnerable, and/or disadvantaged from those who will use illegal means to target groups for financial gain.

Manchester Strategy outcomes	Summary of how this report aligns to the OMS/Contribution to the Strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	By enforcing the law in a fair, equitable and consistent manner and taking firm action against those who flout the law or act irresponsibly, businesses are assisted in meeting their legal obligations while providing safe legally compliant jobs across a range of sectors
A highly skilled city: world class and home-grown talent sustaining the city's economic success	Providing advice and assistance to businesses to help them understand and comply with regulations contributes to thriving businesses which support the city's economy.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	Addressing nuisance issues to support individuals to live in successful neighbourhoods. Ensuring a safe and compliant night-time economy to sustain the city as a destination of choice. Supporting work to improve air quality and address contaminated land. Creating places where people want to live and stay.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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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.

Report to Communities & Equalities Scrutiny Committee 7th December 2021:
[Compliance and Enforcement Service – Overview of the role of the service and performance to date](#). Report of Strategic Director (Neighbourhoods).

1.0 Introduction

- 1.1 This report sets out the key areas of demand and how the teams performed across the whole service in 2021/22. The workload of the service is a combination of planned regulatory work such as inspection programmes; regulatory compliance activities such as assessing planning and licensing applications; reactive work such as investigating complaints from customers and proactive and project work to pick up on issues that are causing problems but may not be being reported or are intractable issues that need a focused, joined-up and targeted approach.
- 1.2 Due to the nature, breadth and complexity of the work undertaken by the service, successful partnership work is vital in achieving the desired outcome of thriving neighbourhoods. C&E teams work closely together and with services across the Council such as the Events Team, Neighbourhood Teams, Highways, Waste & Recycling, Public Health, Planning, Building Control & Licensing as well as external partners such as Greater Manchester Police, Greater Manchester Fire & Rescue Service and HMRC. Without day-to-day collaboration with partners, targeted days of action and joint project work, the service would not be able to achieve and sustain effective outcomes as evidenced by the examples provided in this report.

2.0 Background

- 2.1 The Compliance and Enforcement service brings together the services responsible for fulfilling the Council's statutory duties in respect of protecting the public and the environment and ensuring that businesses and residents comply with a range of legislation that helps to make our neighbourhoods places where people want to live, work and socialise.
- 2.2 The teams that make up the Compliance and Enforcement services are:
 - **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; obstruction of pathways & pavements; flyposting; empty properties, alarms, burning and removing unauthorised encampments.
 - **Environmental Crimes Team (ECT)** – responsible for works carried out in default; contract management; enforcement support; prosecutions; dog control; management of contract for on street litter enforcement; alleygating maintenance and Public Spaces Protection Orders relating to gating and dog control.
 - **Neighbourhood Project Team (NPT)** - responsible for investigating incidents of fly-tipping in conjunction with Biffa, taking enforcement action against those

who illegally dispose of their waste and delivering the Commercial Waste Project.

- **Food, Health & Safety & Airport Team (FHS)** – responsible for regulating food safety and food standards; health and safety in certain premises; dealing with complaints and requests for service; accident investigations; public health in relation to infectious disease control; port health and the importation of foodstuffs arriving at Manchester Airport.
- **Environmental Protection Team (EP)** – responsible for dealing with the environmental aspects of planning applications; providing technical support to strategic regeneration schemes; noise control at large events and providing advice before and during exhumations to ensure they are carried out safely and in a dignified manner. The team discharge the council's regulatory duties in relation to contaminated land; industrial processes; air quality and private water supplies.
- **Licensing and Out of Hours Teams City Centre and City Wide (LOOH)** - responsible for licensing enforcement and for addressing a range of issues 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. These teams provide cover over 7 days providing a service during the day, evenings and at night. In the city centre the team also deals with resident & business compliance with waste disposal, untidy private land; fly-tipping; littering; dog fouling; highway obstructions including skips; flyposting; etc.
- **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; sale of age restricted products such as fireworks, alcohol, cigarettes, knives, solvents etc.; rogue traders; doorstep scams and regulation of weights and measures.
- **Housing Compliance & Enforcement Team (HCT)** - responsible for ensuring that privately rented properties meet acceptable safety and management standards. The team manage the licensing of HMOs and selective licensing schemes and deal with complaints regarding private rented housing ranging from complaints about disrepair to preventing unlawful eviction and harassment.
- **Compliance & Enforcement Support Team (CST)** – responsible for intelligence and evaluation of project-based activities, producing management information and monitoring service performance. The team also undertakes 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 and management of the debt recovery and enforced sales processes. The team is also responsible for producing service wide statutory returns.

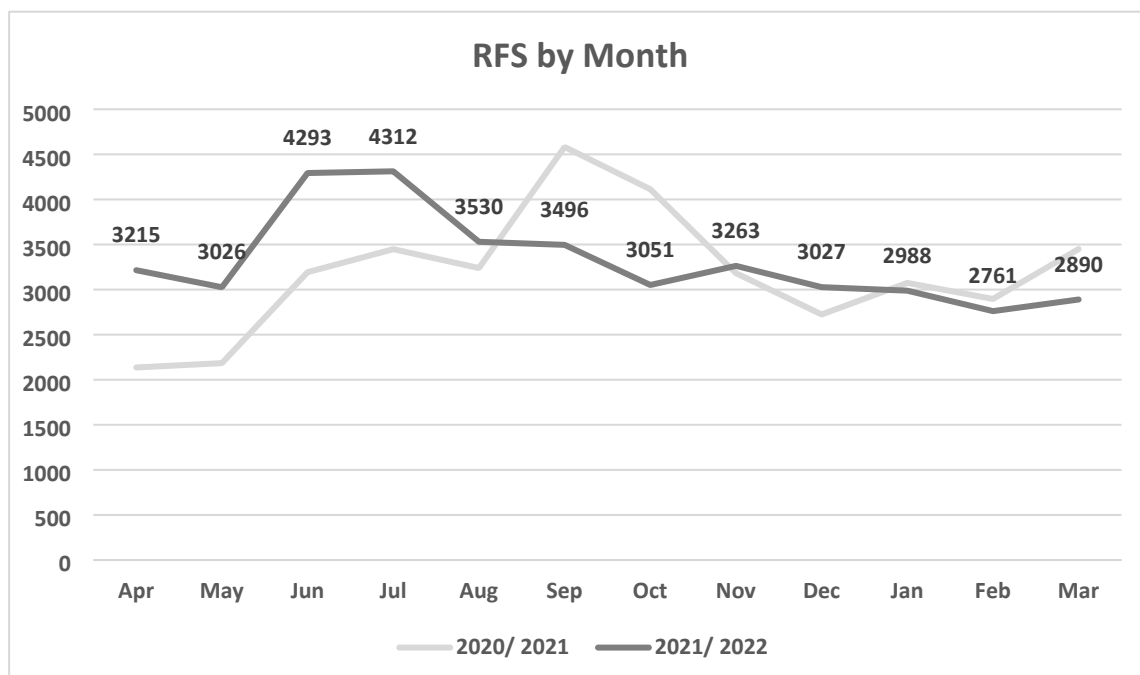
- 2.3 The service takes an Our Manchester approach to achieving compliance, working on the principle that the vast majority of citizens and businesses in Manchester want to do the right thing. Sometimes people are not sure what they need to do and our approach to achieving compliance includes working with people and giving them the chance to get it right.
- 2.4 The City Council's [Corporate Enforcement Policy](#) outlines the approach that officers should take when considering enforcement action. The policy is an overarching policy that applies to all the Council's Services with enforcement duties, although some services have specific Legislative Guidance and Regulations which set out the enforcement requirements in these services. The appropriate use of the full range of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare or breach of regulations enforced by the Council. In deciding on the most appropriate course of action officers should have regard to the principles set out in the policy and the need to maintain a balance between enforcement and other activities, including inspection, advice and education.
- 2.5 The policy states that an open, fair and proportionate approach will be taken in dealing with breaches of legislation which are regulated and enforced by the Council. Raising awareness and promoting good practice in regulated areas is the first step in preventing breaches, and officers of the Council will signpost to guidance on aspects of the law where requested to do so. Best efforts will be used to resolve any issues where the law may have been broken without taking formal action when the circumstances indicate that a minor offence may have been committed and the Council is confident that appropriate corrective action will be taken. However, there may be occasions when the breach is considered to be serious and/or where informal action is not appropriate. In such cases immediate enforcement action may be taken without prior notice and as noted above some services have specific Legislative Guidance and Regulations which set out the enforcement requirements in these services.
- 2.6 Case studies are included to illustrate the diverse nature of the issues that the service helps to resolve and to demonstrate the outcomes of our partnership work.

3.0 Demand

- 3.1 A total of 39,852 requests for service (RFS) were received in 21/22 compared to 38,221 in the previous year, a 4% increase in demand. This excludes proactive and programmed work which are addressed later in the report. 95% of all RFS Service Level Agreements were achieved which is consistent with previous years.
- 3.2 Figure 1 shows that the volume of RFS received by the service increased between May to July, which coincides with the further lifting of pandemic restrictions, to include the re-opening of indoor venues such as pubs, restaurants and cinemas and up to 10,000 spectators allowed to attend the larger outdoor seated venues such as football stadiums. June and July had

the highest volume of requests with these two months totalling almost 22% of all RFS received in the year. From July to August there was an equally steep decline which coincided with the removal of most remaining legal limits on social contact and the final closed sector of the economy re-opening, including nightclubs. The removal of most legal limits meant there was no longer a legal gateway to enforce COVID related legislation and this contributed to a reduction in demand. However, the Covid Response Team based in Environmental Health continued to provide invaluable education and support to workplaces in a variety of businesses sectors.

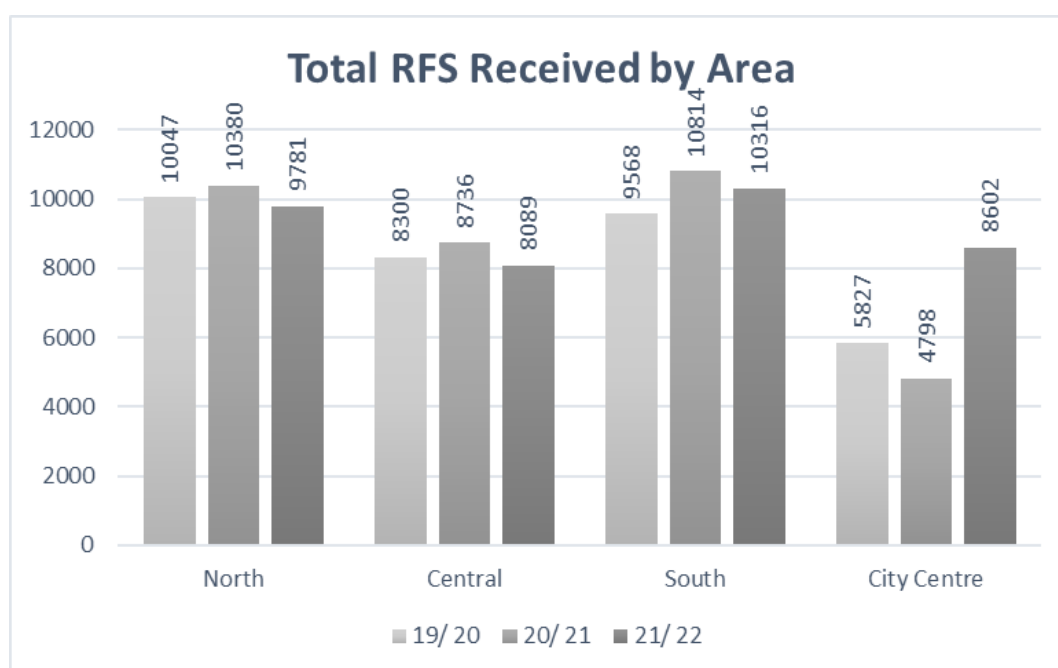
Figure 1. RFS Volume comparison by month and year



- 3.3 During the 2-year period (April 2020-March 2022) the Environmental Health Covid Response team was established using time limited funding via the Contain Outbreak Management Fund. Their main area of work was to help businesses and event organisers by advising and guiding them through lockdowns, reopening and surges in community infection rates. The team worked closely with the Health Protection Team following up on intelligence and engaging with businesses, issuing information updates, support, help and advice. The team also distributed COVID tests to workplaces and worked with Manchester Test and Trace colleagues during testing and vaccination pop ups. The Team dealt with over 2700 requests for service from businesses and the public, carried out over 4400 proactive engagement visits, responded to over 3,000 workplace incidents, investigated 299 outbreaks, assessed 1690 cases where two or more unrelated individuals tested positive, across 1261 businesses, and monitored 1818 individual cases for potential escalations. In addition, the Environmental Health Contact Tracers worked on Support to Self-Isolate with Manchester Test and Trace colleagues, offering vital help, support, and advice to Manchester people during their isolation periods.

- 3.4 Figure 2 compares the overall volume of RFS received, by area, over the last 3 years. The graph excludes RFS that have no specific ward assigned (3064). These mostly relate to Trading Standards issues such as notifications of unfair commercial practices where businesses that are located outside of Manchester operate across the city, but also include such things as COVID-19 requests for general advice and contact tracing information requests where we have not been provided with, or are unable to locate, an individual's address. Demand across most of the city has decreased slightly apart from in the City Centre which saw a substantial increase of 79% (4798 to 8602). This figure is skewed due to an individual complainant making multiple reports on a single issue, without providing the detail needed to resolve the complaints. If these complaints are removed the actual increase is 69% (4798 to 8117).

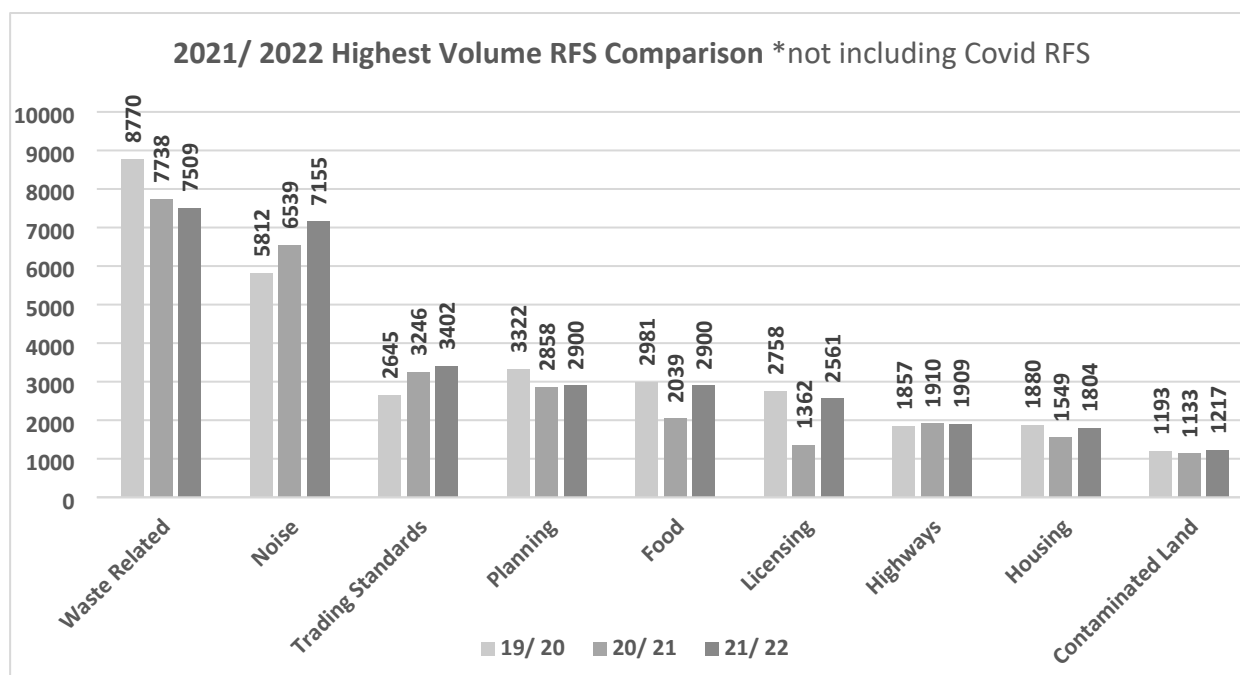
Figure 2. RFS Volume comparison by area and year



- 3.5 The key areas of increase in the city centre are Licensing work which increased by 83% (745 to 1366), and Food Safety related work by 100% (344 to 689). Licensing increases were mainly applications for temporary events 354% (120 to 545), and new licence applications 51% (90 to 136). Food Safety work includes new food premises registrations 158% (92 to 237), and food safety issues 185% (33 to 94).
- 3.6 The increase in City Centre Licensing work was linked to the positive action taken by the council to support the hospitality sector during the pandemic, and post July, the lifting of the remaining pandemic related restrictions within the Night time Economy (NTE) which brought with it a rise in RFS back to pre-Covid levels.
- 3.7 The sources of highest demand across the City are set out in Fig.3. For consistency and in order to provide a more accurate like for like comparison to

the previous year, COVID-19 RFS are excluded. As previous years, waste remains the highest volume of RFS received accounting for 19% of the total.

Figure 3. Highest volume of RFS category comparison by year



3.8 Waste Related RFS

3.8.1 A total of 7509 waste related RFS were dealt with in 21/ 22 compared to 7738 in 20/21. 43% in the North, 32% in Central, 20% in South and 4% in City Centre. 66 jobs (1%) were recorded as being Out of Manchester. These are cases where the source of fly-tipping originated outside of Manchester or on the border with a neighbouring authority. Comparing areas to the previous year, the South has seen the greatest reduction by 9% (1625 to 1478) followed by the North with 4% (3362 to 3228). The City Centre has seen the greatest increase by 11% (270 to 301) followed by Central with 2% (2391 to 2436).

3.8.2 35% (2600) of the 7509 waste related RFS were proactively identified and investigated. In the main, this was done by our Neighbourhood Project team (NPT) who work closely with Biffa to address incidents of fly-tipping and pursue legal action where appropriate. To note, these are fly-tipping cases referred for investigation and do not include fly-tips removed by Biffa where no evidence to identify perpetrators was found. The remaining waste RFS are from the public and jobs logged by MCC officers. These figures have been decreasing year on year since 2019 although in 21/22 the reduction was less than 1% (4946 to 4909). Through sustained efforts to proactively address waste issues within our neighbourhoods, including the partnership work with Biffa, targeted work with commercial waste and use of CCTV to both prevent and prosecute for fly-tipping offences, we expect the downward trend in waste related complaints to continue.

Case Study 1. Fly-tipping Prosecutions (Citywide)

Ardwick

In May 2021, a pharmacy in Ardwick was prosecuted for a commercial waste duty of care offence under s34 Environmental Protection Act 1990. Evidence was found by Biffa operatives and an officer in the Central Neighbourhood Compliance Team. The company failed to attend an interview under caution so they were prosecuted for the offence. The company also failed to attend the hearing at the Magistrates' Court and were found guilty in their absence. They were fined a total of £1475 including costs.

Rusholme

Neighbourhood Compliance Officers received reports of fly-tipping to the rear of Wilmslow Road, Rusholme. On investigation evidence was found and Legal Notice was served. The business owner did not comply, and the waste was removed in default. The company was prosecuted in the Magistrates Court and fined £5625 including costs, for fly-tipping and escape of waste.

Case Study 2. Fly-tipping Investigation CCTV (Ancoats & Beswick)

A fly-tipper was caught on Council CCTV cameras on 2 separate occasions fly-tipping large amounts of waste from his white Mercedes Sprinter Van onto Branson Street, Ancoats & Beswick. The defendant pleaded guilty at the court hearing and was fined a total of £1,660 including costs.



A second fly-tipper was caught on CCTV driving onto Branson Street and dumping items from the vehicle on the ground. Further CCTV evidence on the same day showed the same vehicle, return again, reverse up to the wasteland and dump more items including a mattress before driving off.

At an interview under caution the fly-tipper admitted the offence. He was initially given a FPN of £400, however, this remained unpaid, so a case was submitted to court. He failed to attend the first court hearing and a warrant for his arrest was issued. He was prosecuted for two offences of fly-tipping waste with total fine/costs of £1000

The site has since had barriers installed across the roads around Branson Street, which has been successful in stopping the constant fly-tipping in this location.



Case Study 3. Fly-tipping Investigation CCTV (Woodhouse Park)

A complaint was received from a resident to say they had witnessed a fly-tipping incident in Woodhouse Park. A vehicle registration, CCTV and a statement was provided. Upon contacting the registered keeper of the vehicle, they provided the details of the person driving the van.

The dumped waste was searched, and evidence found relating to a resident, who confirmed that she had paid the same man £50 to remove her waste after contacting him on Facebook. He admitted to the offence, saying he had acted on impulse and made a mistake. He was fined a total of £1,228 including costs. This case demonstrates the important role residents play in helping to address fly-tipping in their areas.



Case Study 4. Fly-tipping Investigation CCTV (Miles Platting & Newton Heath)

A referral was received to investigate a large amount of waste on land at Oldham Road, Miles Platting. A notice had previously been served on the landowners, which wasn't complied with, so the Environmental Crimes Team (ECT) arranged for contractors to clear the land.



As a result, the landowners were faced with a bill of £1264 to cover the cost of the waste clearance. So far, there have been no further issues on this site.

- 3.8.3 In the City Centre commercial district and Northern Quarter the city centre Public Spaces Protection Order (PSPO) has been a useful additional tool to educate and ensure businesses comply with their waste responsibilities. In 21/22, the LOOH team carried out 155 interventions at commercial premises, achieving compliance in the majority of cases through the business taking immediate action to cleanse public areas where business waste has been left out. This has had a positive impact on the areas covered. Where officers have repeatedly engaged with premises to seek compliance or it is determined an offence is more serious, a fixed penalty is issued. In 21/22 a total of 8 fixed penalty notices were issued to businesses in the City Centre PSPO area.

Case Study 5. PSPO - Commercial Waste (City Centre)

Ongoing, regular engagement with a business in Back Piccadilly regarding overspilled waste was not achieving the required change. Officers therefore used the PSPO and issued a fixed penalty notice of £100. The fixed penalty notice was paid, the overspilled waste was cleared, and officers have noted that this business has continued to manage their waste responsibly.

The action taken reinforced that Council officers do seek to work with businesses, but businesses must also play their part or appropriate enforcement action will be taken.

Case Study 6. PSPO - Commercial Waste (City Centre)

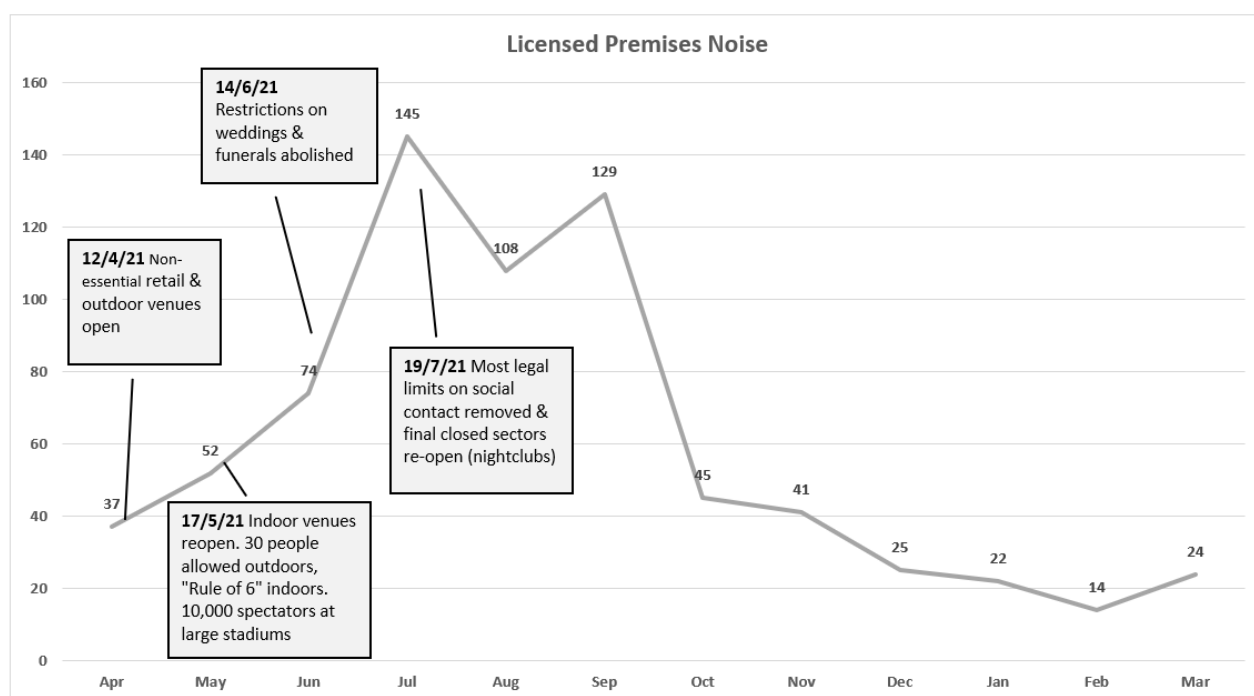
Commercial waste was found on Stevenson Square in the Northern Quarter within the designated PSPO area. Whilst most of the waste was contained within waste carrier sacks there was noticeable overspill on to the pavement. Officers engaged

with the businesses responsible advising them of the PSPO requirements. All excess waste on the highway was cleared away within fifteen minutes. This case demonstrates that the PSPO encourages a collaborative approach to gaining compliance quickly without having to resort to formal action/ financial penalty.

3.9 Noise RFS

- 3.9.1 Noise RFS have increased by 9% (6539 to 7155). RFS include domestic noise, licensed premises and construction noise. The largest increases related to noise from Licensed premises which increased by 430% (135 to 716), Noise “other” increased by 74% (247 to 431) which includes noise from buskers, pa systems, fireworks and revving cars. The largest decreases in relation to noise complaints were construction noise 20% (398 to 319), Alarms 17% (457 to 378) and commercial noise 7% (499 to 466).
- 3.9.2 The North of the city accounted for 22% of all Noise jobs, Central 22%, South 38% and City Centre 17%. Less than 1% (5) of jobs were not linked to a specific ward, these are RFS where the source of the noise is outside Manchester e.g., where a Manchester resident who lives on the border of a neighbouring Local Authority has complained about noise, and 48 jobs (less than 1%) that are general enquiries in relation to noise. The North had the largest reduction in noise complaints, reducing by 6% (1703 to 1597) in 21/22. The City Centre had the largest increase of 40% (854 to 1197) in 21/22.
- 3.9.3 In 20/21 noise from licensed premises reduced by 74% from the previous year due to COVID restrictions on businesses. However, in 21/22 noise complaints from Licensed premises saw the largest percentage increase at 430% (135 to 716) as businesses fully re-opened with events and footfall increasing. Figure 4 shows the number of licensed premises noise jobs received by the service in 21/22. It is notable that complaints rose from April to July coinciding with the gradual lifting of restrictions in those months. The most significant rise coincided with the lifting of restrictions on gatherings at weddings and funerals in June. Complaints then reduced from July rising sharply again between August and September coinciding with the return of students at the start of the academic year. There was a significant reduction during the remainder of the year.

Figure 4. Licensed Premises Noise RFS received during the year



Case Study 7. Noise – Licensed Premises (Clayton & Openshaw)

In October 2021 LOOH team received complaints of loud music from a restaurant on Ashton New Road in Openshaw. The premises was committing offences under the Licensing Act, selling alcohol, and providing regulated entertainment outside of the times permitted on their licence. In line with our Corporate Enforcement Policy officers attempted to work with the operator to gain compliance. However, the operator continued their unlawful operation, so a review of their licence was submitted.

At the hearing, the Licensing Committee agreed and granted the additional licence conditions requested by the LOOH officer as well as reducing the hours for licensable activities. The committee also agreed to apply conditions to regulated entertainment within deregulated hours* and restricted regulated entertainment from taking place beyond 10pm on certain days.

**Under the Licensing Act 2003 relevant entertainment does not require a licence if before 23:00. However, the act makes a provision that, at a review, a decision can be authorised to regulate entertainment (at any time of the day) by way of conditions on a licence.*

Case Study 8. Noise (Moston)

An individual from Moston was successfully prosecuted following the breach of a noise abatement notice. 2 breaches were witnessed in August 2020 and a seizure was carried out. The case was heard in court in July 2021. The perpetrator was fined a total of £1816 including costs.

3.10 Trading Standards RFS

- 3.10.1 Trading standards complaints include issues with product safety, consumer scams, doorstep crime, underage sales, illicit tobacco, weights and measures, animal welfare and counterfeiting. A total of 3402 RFS were received in 21/ 22 which is a 5% increase from 3246 in the previous year. The breakdown is North 362, Central 210, South 190, City Centre 179 and Citywide enquiries 883. The majority of RFS (46%) relate to businesses/organisations not located in but who operate in Manchester. This is an increase of 8% from the previous year attributed to increased complaints and notifications under unfair trading regulations which includes 'scams'.

Case Study 9. Scams (Cheetham)

Trading Standards officers helped a vulnerable person to avoid being scammed. Following receipt of an advice letter from Trading Standards the wife of the vulnerable person contacted the team to ask for assistance regarding a catalogue account that had been fraudulently set up in her husband's name. Officers raised this with the fraud team at the catalogue company and they closed the account and put steps in place so that if anyone tried to open an account in his name again it would have to be verified by his wife.

- 3.10.2 The largest increase is in RFS relating to commercial practices, unfair trading/consumer protection including sale of illicit tobacco. The service has also received a number of requests for new animal licences for activities such as dog breeding and daycare/ home boarding, which is unsurprising given the significant increase in dog ownership during the pandemic. There are also still complaints being received about illegal puppy breeding and the Trading Standards team is working with partners in the RSPCA to investigate these.
- 3.10.3 To address the increase in complaints relating to illicit tobacco, Trading Standards has been carrying out test purchases and subsequently inspecting premises with the assistance of a tobacco detection dog. A large number of seizures have been made of illegal tobacco which includes both counterfeit and wrongly labelled tobacco which has been illegally imported. Many of these cases are being investigated with a view to prosecution. Illicit tobacco is a blight on our communities with the sale of cheap tobacco facilitating people to continue to smoke rather than quitting and providing a possible pathway for young people to start smoking. There are also links to organised crime. Linked to this are complaints about non-compliant disposable vapes where they are incorrectly labelled, and the tank size is too big. The team has seized

significant quantities of these products. We are also seeing an increasing number of complaints about disposable vapes being sold to young people which we are addressing through carrying out test purchasing with young volunteers.

Case Study 10. Illicit Tobacco – (Rusholme)

Between November 2020 and June 2021 an investigation was launched into a business suspected of supplying illicit tobacco. Seizures of illicit tobacco were made from the business on two separate occasions. On the first occasion more than 11,000 cigarettes and 900g of rolling tobacco were found behind the counter of the premises, as well as in boxes and a rucksack. On the second occasion a tobacco dog assisted Trading Standards in detecting 600g of rolling tobacco and more than 2,000 illegal cigarettes stored behind the counter and from a hidden compartment built into the wall.

At a hearing held at Manchester Magistrates' Court the Rusholme business was charged with breaches of Tobacco and Related Products Regulations, as well as breaches of Trademark Regulations. The company director who claimed a haul of thousands of illegal cigarettes were for 'personal use' has been fined £16,000. No representative from the company attended the court hearing, and guilt was proven in absence, with the company ordered to pay a total of £18,750.

Case Study 11. Unsafe goods (Cheetham)

A business on Derby St, Cheetham and the company director were prosecuted for offences related to unsafe toys including toys containing excess phthalates (which is harmful if ingested by a child over a long period of time if sucked or chewed) non-compliant labelling and toys allowing direct access to battery compartments without a tool, posing a risk for an electrochemical burn. The company was fined £9000 with costs of £1171 and the director was fined £2400 with costs of £1151. The director was also disqualified from being a director for three years.

- 3.10.4 Trading Standards continue to receive complaints about scams and rogue traders carrying out unsatisfactory work at people's homes. The team is working with victims, especially more vulnerable consumers, to help prevent similar things happening to them again. Officers receive referrals on a monthly basis from the National Scams team who intercept scam mail and refer details of victims who have responded whether that be putting their personal details on forms or actually sending money through the post to scam companies. Trading Standards officers write to victims to advise them and find ways of tackling and reducing the amount of scam mail they receive. Recently the National team has worked in partnership with the Federal Trade Commission (FTC) on a successful prosecution against a company involved in scams and managed to secure funds to be returned to victims in the form of prepaid Mastercards. 12 victims in Manchester have been identified for monies to be returned with amounts ranging from £45 to £700. Trading Standards has been

working closely with Age UK and their newly developed scams team in referring victims who may need further advice or support with their finances.

3.11 Planning RFS

- 3.11.1 Planning work includes consultation on planning applications, pre-application consultations and review of conditions attached to planning permission. This area of work has slightly increased with 2900 RFS received in 21/ 22 compared to 2858 RFS received in 20/ 21. The breakdown is North 29%, Central 21%, South 20% and City Centre 30%. Citywide general enquiries/consultations less than 1%.

3.12 Contaminated Land RFS

- 3.12.1 Contaminated land RFS, have increased by 7% from 1133 to 1217. The Environmental Protection team is responsible for implementing Contaminated Land Regulations. The regulations require each local authority to inspect its area and where contaminated land is identified as defined in the Act arrange for it to be cleaned up.

3.13 Food and Health and Safety RFS

- 3.13.1 Food RFS increased by 41% compared to the previous year (2039 to 2880). Food RFS includes food hygiene complaints such as poor cleanliness, pest infestations and food poisoning issues and food standards complaints include labelling irregularities and failure to comply with allergen information and control systems. The breakdown for food RFS is as follows: North 21%, Central 22%, South 24% and City Centre 24%. There were also 9% citywide RFS cases for such things as requests for advice on setting up a food business.
- 3.13.2 The largest increase in Food work has been the registration of new food businesses and businesses found to be trading without registration. New food business registrations increased from 550 to 1031 in 21/22 an 88% increase. These figures are new food businesses that go on to trade. It is estimated that approximately 300 new food business applications don't actually open but the work to assess them will still have taken place. Through proactive visits and other intelligence, we have also found a significant increase in food businesses who are trading but have failed to register which has increased from 83 to 237 (186%).
- 3.13.3 The figures reflect a continuing increase in home food businesses and the popularity of online food delivery websites. The pandemic accelerated an already growing business area, so the increased demand is not surprising and is in line with the growth trend from 2017 to date. This increase has added additional pressure on team resources as there are unique challenges in assessing suitability to prepare food in a home setting including difficulty gaining access as this type of business does not typically operate during normal working hours. Online food websites such as Deliveroo, Uber Eats and Just Eat will not accept a food business until they are registered and awaiting

an inspection from the responsible Local Authority which adds additional pressure to the team. Typically, officers have found that home food business operators are generally compliant with food hygiene and safety standards.

- 3.13.4 The team also deal with H&S and Airport work. Health and Safety work includes accident and complaint investigations, review of risk assessments for events (particularly events involving lasers and pyrotechnics), inspection of tattooists, ear piercing and electrolysis services. This area of work has increased slightly from 163 in 20/21 to 186 in 21/22. Airport work includes clearing imported commercial consignments of non-animal and animal products for human consumption, food contact materials such as plastic kitchenware and organic consignments. Airport work increased slightly from 894 in 20/21 to 945 in 21/22. This work aims to ensure the safety of food being imported and protect public health by preventing the introduction of organisms and diseases into the UK. The team is also a Port Health Authority and works closely with the UK Health Security Agency (previously Public Health England) in dealing with any infectious disease issues and pests on planes.

Case Study 12. Health & Safety in the workplace (Whalley Range)

An officer visited a small supermarket premises in Whalley Range in August 2021 and during the inspection found that the restrictor plate guard was missing from the mincing machine which could have caused a serious injury to staff working at the shop.

The Officer served a prohibition notice to prevent the machine being used until a restrictor plate was fitted preventing access to the mincing blades, or any other equally effective measure.

The business complied with the notice by replacing the old machine and providing a safe new mincing machine with a restrictor plate. This is an example of how the food team ensure the safety of workers and reduce health & safety risks at places of work.

3.14 Housing Compliance RFS

- 3.14.1 Housing RFS cover damp, drainage, fire precautions, heating and hot water, gas and electric, unlawful eviction and tenant and landlord disputes. The service received 1804 RFS in 21/22 compared to 1549 the previous year, an increase of 16%. The RFS breakdown is North 38%, Central 34%, South 24% and City Centre 4%. The 3 main categories of complaints received were dampness and leaks 671, unlawful evictions 185 and heating and hot water 184. RFS for dampness and leaks remains the highest volume RFS received by the Housing Compliance team year on year.

Case Study 13. Housing Defects – (Levenshulme)

In December 2021, the Housing Compliance and Enforcement team received a complaint from a family, living above a takeaway, that had no heating despite bills being included in the rent. On inspection, it was found that the gas meter, located in a shop rather than the flat itself, had been removed. The inspection also uncovered that the property was completely unsuitable for the family (mother father, 2 teenage son and a 12-year-old daughter who were all sleeping in the lounge and had only basic cooking and sanitary facilities).

The hazards posed to the tenants were serious including excess cold due to the lack of heating, fire safety due to the lack of detection between commercial and residential and the access to the flat being through the shop, overcrowding due to the only habitable room being the lounge, where the family slept, and electrical safety as there was an open consumer unit with loose wires

Following the inspection officers served an emergency prohibition notice, meaning that no one could remain / sleep in the building until the landlord removed the hazards. The family were temporarily accommodated through Housing Solutions and a referral was made to social services for the safeguarding of the children. This case demonstrates the important role the team plays in helping improve housing conditions for our most vulnerable citizens

- 3.14.2 In 19/20 the number of unlawful eviction RFS was 241, in 20/21 this reduced to 148 and in 21/22 this has increased to 185 (25% increase). The team will monitor this trend closely to see if this continues to increase and identify the reasons behind it. When the team receive a complaint of harassment or potential illegal eviction, both the tenant and the landlord are contacted. The main objective is to ensure tenants are aware of their rights, with the desired outcome being that, where appropriate, the tenant will be able to maintain their tenancy and to make landlords aware that they need to follow the due legal process when attempting to evict a tenant.

Case Study 14. Breach of HMO Regulations – (Longsight)

The Management of HMO Regulations (2006) are in place to ensure basic property and management standards including fire safety, for the benefit of tenants in the private rented sector.

A large property agent on Dickenson Road, Longsight was issued a civil penalty notice in August 2020 after a House in Multiple Occupation (HMO) managed by the company was found to be in breach of HMO regulations. The company appealed the fine through the First-Tier Residential Property Tribunal, however the tribunal upheld the Council's decision to impose the penalty agreeing that the agent was guilty of 'systematic failings' and the breaches were significant enough to warrant the Civil Penalty Notice, ordering the company to pay £21,499.

Housing Compliance officers found fundamental fire safety breaches, including obstructions to escape ways, doors that could not be unlocked without a key in the event of fire and no installed smoke alarms on initial inspection. The management

company also failed to provide a gas safety certificate when requested, and deficiencies were found in the electrical installation. Parts of the property were also found to be in a poor state of repair.

Officers attempted to engage the management company on a number of occasions to address the issues at the property and support them to mitigate the serious fire safety breaches, such as fitting temporary fire alarms, but to no avail.

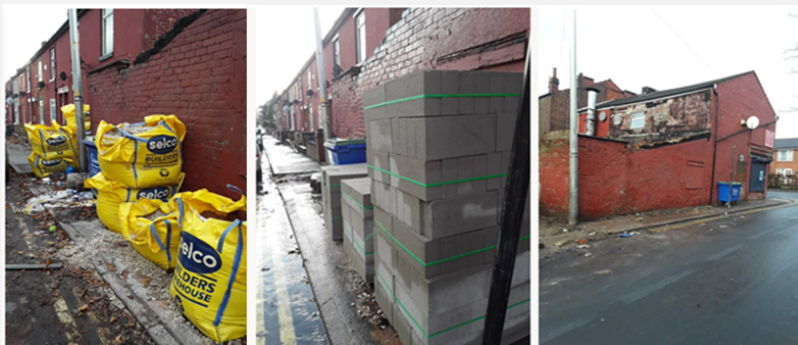
The investigation of the property on Dickenson Road was part of a focused day of action targeting private rented sector properties on the road, which led to the Council issuing two emergency prohibitions (prohibiting the use of the property with immediate effect), two notices for emergency repair works, two improvement notices and four £300 demand notices. This day of action investigation work also led to a separate prosecution for breaching a formal notice served to mitigate Health and Safety risks in a residential property.

3.15 Highways Related RFS

- 3.15.1 Highways related RFS cover issues such as obstructions, muddled sites and overhanging vegetation. There was no change in volume of work in this area with 1,909 jobs received in 21/22 compared to 1,910 received the previous year. In addition to the reported jobs NCT officers also proactively address obstructions they come across as they patrol their areas including obstructions that can be easily removed such as goods displayed beyond the curtilage of a small business or A boards. These matters are usually resolved informally at the time so are not captured in the stats.

Case Study 15. Highway Obstruction – (Harpurhey)

Hillier Street North, Harpurhey, Builders working at a property used the pavement to store various building materials dangerously forcing pedestrians onto the road. Officers served notice to get the obstruction removed from the pavement.



3.16 Licensing RFS

- 3.16.1 Licensing work was relatively consistent over the 3-year period from 17/18 - 19/20 but dropped by almost 51% in 20/ 21 due to the closure of licensed

premises and licenced activities during pandemic lockdown periods. Licensing work in 21/22 has, however, returned to pre-covid level increasing by 88% (1362 to 2561). Licensing work includes responding to new applications, licence suspensions, consideration of temporary event notifications (TENs) and requests related to premises licence conditions. All areas of the city have seen an increase when compared to 20/ 21. In the North of the city the increase was from 180 to 359, In Central from 162 to 334, in South from 273 to 498, and in the City Centre from 745 to 1366.

- 3.16.2 A premises licence can be suspended if the holder of the licence fails to pay the fee due from one or more previous financial years. Referrals of suspensions from the Licensing Unit enable enforcement officers to ensure premises are not operating whilst their licence is suspended. In doing so this encourages businesses to pay the fee to reinstate the licence and therefore the work of the LOOH team contributes to achieving income maximisation for the Council. The team has also increased checks on pavement applications and licences and dealing with subsequent issues.
- 3.16.3 The service has also seen an increase in the number of TENs due to people now being able to enjoy events and celebrations previously delayed or suspended due to the pandemic and the temporary increase in the allowance for temporary event notices.

Case Study 16. Licence Review (City Centre)

In September 2021 a serious incident of public disorder took place at a nightclub in the City Centre. The nightclub had previously been investigated for a number of incidents including noise from music and car horns, antisocial behaviour linked to drug misuse and fighting alongside the breach of conditions of the licence.

The front barriers and door to the entrance of the club were rushed by a large group of young men requiring a large scale response from GMP. A subsequent Summary Review was sought by GMP, supported by LOOH. The matter was considered by the Licensing and Appeals Committee who imposed further conditions on the licence.

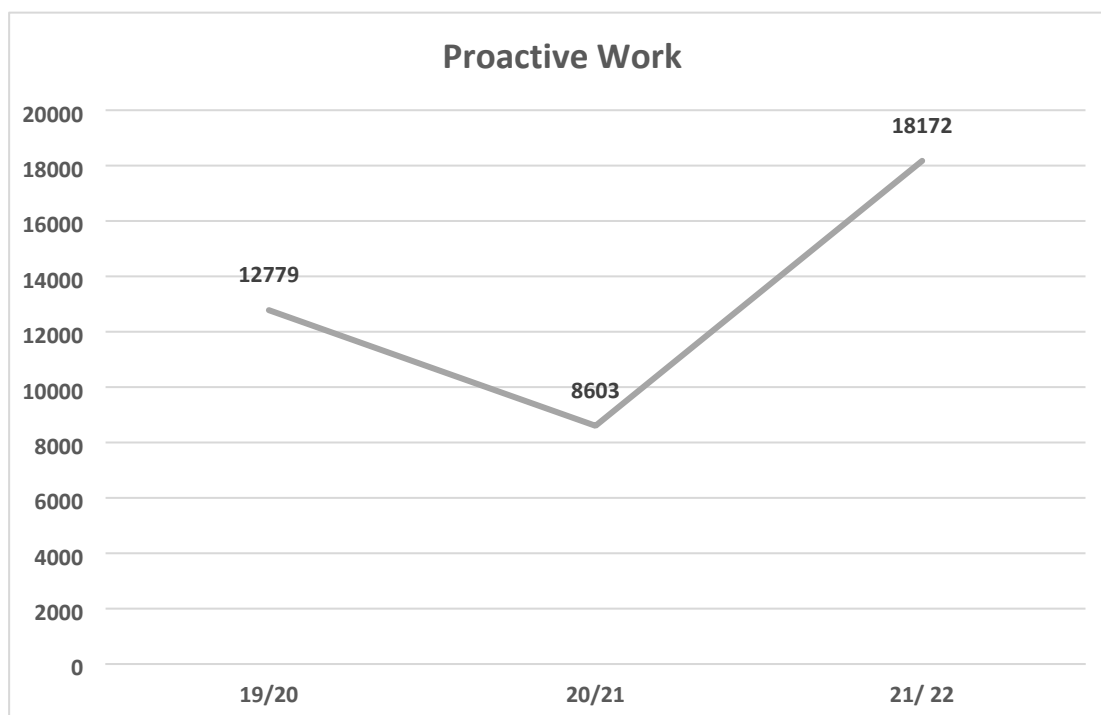
These stringent conditions were carefully monitored by LOOH Officers and appear to have had the desired effect. The noise complaints stopped. The antisocial behaviour from outside the premises ceased. Regular resident group meetings have been held with the nightclub management and since the hearing the residents have been extremely positive about the complete turnaround the changes have made.

In March 2022 GMP provided evidence, including this case, to substantiate their application for a Tilley award, in relation to the close partnership working between GMP and LOOH. This is an award presented for excellent partnership working between GMP and their partners in support of each other to benefit the wider community.

4.0 Proactive Activities

- 4.1 Proactive work provides the opportunity to give advice and support to businesses who want to be compliant, as well as holding to account businesses who don't follow the advice given. Establishing and maintaining positive relationships with businesses also supports compliance in times of uncertainty, such as having to quickly adapt to changes with new legislation and guidance, or as we are currently seeing, acute economic pressures with the increasing cost of energy and other business overheads. Businesses are making difficult decisions in response to the increasing economic pressure and while most businesses will work with us to ensure they continue to remain compliant, there will be some, either as a result of uninformed decisions or refusal to act on guidance, that will require more formal interventions.
- 4.2 Figure 5 shows all proactive activity by year. In 20/21 proactive work was initially impacted as a result of the pandemic, where proactive activities dropped by 32% (12779 to 8603). Proactive work for 21/22 increased significantly in the main due to the services' response to support businesses in managing the impact of COVID. In total proactive jobs increased by 111% (8603 to 18172) compared to the previous year.

Figure 5. Volume of proactive activity by year



- 4.3 Fig 6 shows the highest volume proactive work areas and how they compare to the previous year. These accounted for 92% of all proactive work done, with COVID-19 related work alone accounting for 58% of all proactive work. As mentioned in section 3.3 when COVID-19 restrictions and RFS reduced, the team increased proactive efforts in education and support, working closely with Health Services to ensure public safety.

Figure 6. Highest volume proactive categories

Job Type	2019/ 2020	2020/ 2021	2021/ 2022	Difference	% Change
COVID 19	0	2938	10524	7586	258.20%
Non-Commercial Waste	2343	2375	2634	259	10.91%
Licensing	2461	929	1853	924	99.46%
Commercial Waste	2569	755	1770	1015	134.44%

4.4 COVID-19

4.4.1 As detailed in the 20/21 Performance Report, aligned with the public health response to COVID-19, teams were quick to channel resources into new and emerging COVID-19 workstreams such as managing outbreaks and clusters, test and trace support and investigating cases of COVID-19 in business premises and workplaces. Officers also ensured business practices were COVID-19 secure, providing advice, testing kits, site visits and where necessary, taking enforcement action to ensure compliance. The redirection of resource onto COVID-19 related work meant that teams were continuously working to prioritise workload while also managing high volumes of COVID-19 related demands. The following is an overview of the work that was carried out from August 2021 to March 2022 in response to the COVID-19 pandemic.

4.4.2 **Aug - Sept 2021:** Due to the increase in cases reported, Environmental Health Officers working with businesses on risk assessments were brought in to the Environmental Health Outbreak Control Team to help investigate small clusters within businesses.

4.4.3 Officers worked on engagement visits targeting gyms, offices, retail premises and follow up engagement with the hospitality sector on the National Risky Venue Alert Scheme. The scheme notified the team when there were 2 or more cases testing positive on the same day in a venue. Covid Response Engagement work also targeted the 8 defined areas/wards as set out in the Public Health Covid Response Plan. Partnership work was undertaken with the Testing Team and Manchester Foundation Trust on testing and vaccination events and joint engagement.

4.4.4 **Oct - Dec 2021:** Mask wearing, and good hygiene practices were encouraged during Covid Response engagement visits as the requirement for social distancing had been removed. Covid Risk assessments were still in place at

this point so these were being checked. Priority work, at this time, was the delivery of actions identified in the Health Protection Covid 19 12 Point Plan. Work was undertaken with event organisers on their Covid controls including the Conservative Party Conference, Christmas Markets, ice rink and Lightopia. Engagement work also continued as the number of positive cases began to increase over Christmas and into January 2022.

4.4.5 Jan - March 2022: New Regulations were introduced for the display of signage regarding requirements for wearing face coverings. Engagement work continued with 671 advice visits carried out resulting in 76 warning letters being issued. No formal action was taken as the regulations were disbanded before a legal assessment was determined. Tens of thousands of positive cases were recorded in January 2022, which led to the team adopting a different approach to cope with the increased demand

4.4.6 Feb/March 2022 – The Prime Minister issued a 'Living with Covid' Statement and Test and Trace/contact tracing ended at the end of Feb 2022. This resulted in a huge drop in RFS. Engagement continued but was increasingly hard with no regulations to enforce. The team assisted in promoting the vaccination programme.

Case Study 17. COVID-19 – Proactive education (City Centre)

Officers visited a business premises on Hilton Street to establish if they had an issue with COVID cases and whether they needed any advice, as intelligence had shown that 2 or more people had checked into the business premises within their infectious period. Officers found that although staff managed some aspects well such as regular cleaning of high touch point areas and the card payment machine, tables cleaned after every use and a full deep clean at the end of every day, there were a number of risks that were not managed well. Officers worked with the business to address the following issues:

- Staff did not have regular Lateral Flow Tests (LFT) – Officers advised management to encourage staff to take regular LFT's at least once a week to mitigate the risk of COVID-19.
- Hand sanitizer was not available – Officers advised management to place hand sanitizer at the entrance and strategically around the premises, which would mitigate the risk of contracting Covid -19
- QR code and hand sanitizer signage was not displayed – Officers advised it would be good practice to display the QR code to give the customers the option to use it and that it was necessary for hand sanitizer signage to be displayed following the government guidance.
- Ventilation - premises did not have air conditioning, the windows and door were closed at the time of visit.

- Risk assessment not seen -. Officers advised management to update the risk assessment with current government guidance and submit a copy to officers which was provided.

All points raised were addressed by the business,

4.5 Proactive Non-Commercial Waste Work

- 4.5.1 Proactive work around non-commercial waste activities increased in 21/22 by 11%. This work includes domestic waste, fly-tipping and waste on land where there is no evidence of commercial involvement. There has been an increase year on year in proactive activity to address fly-tipping incidents and in 21/22 this area of work increased by 98% (373 to 738). As noted in section 3.8 RFS for fly-tipping are falling mainly due to the focus of the proactive work.

Case Study 18. Waste (Moston / Harpurhey)

PDPAs served to address excessive waste at a property on Edale Avenue, Moston and to resolve unsightly land off Gill Street, Harpurhey, right,



Case Study 19. Waste (Miles Platting & Newton Heath / Crumpsall)

Waste issues in a garage on Crayford Road, Newton Heath, and at the front of a Crumpsall property, were both resolved following the serving of a PDPA Notice by Compliance Officers.



Case Study 20. Waste (Burnage)

Following previous issues at a privately owned bin store on Burnage Lane, NCT officers noticed that waste was building up again. The investigating officer liaised with the Managing Agent to ensure that the waste was quickly removed, and that the area was secured so that it was only available to occupants of the flats. The officer also asked the Neighbourhood Team to carry out some education with the occupants of the flats to help them manage their waste more effectively.

Case Study 21. Waste (Ancoats & Beswick)

Waste was found by Biffa Operatives on Clayton Lane. Details were found in the waste relating to an address in Salford. After writing to the address, investigating officers were contacted by the resident who explained they had contracted a third party to remove the waste. They failed to check that the person was authorised to transport waste or had a waste transfer licence with the Environment Agency. They could not provide any evidence of the transaction so; the case was prosecuted, and the resident fined £892.



Case Study 22. Waste Partnership Work Examples (North & South)

North NCT, Neighbourhoods, Waste & Recycling and Neighbourhood Project Team met to devise a plan of action to address the continual fly-tipping in the alleyway between Wellington and Hallworth Road, Crumpsall. As a result, a joint day of action took place on the 2 streets as well as other measures to monitor fly-tipping activity and check for evidence indicating the source, engagement with residents and undertaking a bin audit at each property.

A joint site visit was undertaken with Neighbourhood Compliance officers, officers from the Environment Agency and the landowner on Honey Street, Cheetham, to review the land at the rear of the property being used as a waste storage site. Photographic evidence had indicated that the landowner had been using the location for this purpose but on this occasion, it was largely clear of waste. The landowner received a written warning from the Environment Agency against using the land in this way and was ordered to remove all waste by a set date. Failure to do so would mean prosecution. The owners fully complied with the warning and

have been advised that Neighbourhood Compliance Officers would continue to monitor this site.

South NCT officers supported colleagues in the Neighbourhood Team in June with the annual student clear-out week, ensuring students used the facilities provided for disposing of unwanted items, waste deposit stations were in place in areas across Fallowfield, Old Moat, Withington and Victoria Park. NCT Officers carried out additional patrols during June in order to check properties and gardens for any abandoned waste, in total 14 legal notices were served.

4.6 Proactive Commercial Waste Work

- 4.6.1 Proactive commercial waste interventions increased by 134%, from 755 in 20/21 to 1770 in 21/22. The main reasons being the reopening of commercial businesses following lifting of pandemic restrictions leading to an increasing amount of waste being created by businesses.
- 4.6.2 In 21/22 644 businesses were inspected as part of commercial waste projects involving the Neighbourhood Project Team and Neighbourhood Compliance Teams with support from the Environmental Crimes Team. Checks were made to ascertain if businesses had commercial waste contracts in place also known as a duty of care. Where the 'Duty of Care' cannot be provided at the time of the visit a S34 Environmental Protection Act 1990 (EPA) notice is served. 379 S34 notices were served on non-compliant businesses. Officers also check for litter on shop fronts or rubbish in yards and report any other concerns to relevant teams such as planning, Trading Standards, food safety and pest control.
- 4.6.3 Officers also check that the waste contracts meet the needs of the business in terms of the quantity and capacity of waste containers, the frequency of collections and the storage of the containers with no overspill or side waste. If the business is not compliant in these areas officers will serve legal notices under S47 EPA1990 and ensure compliance through monitoring.
- 4.6.4 These illegal activities have a detrimental impact on our communities. Without intervention these issues would become worse. Enforcement is always a last resort but will be taken where necessary.

Case Study 23. Waste – Partnership Work (Central Wards)

During the last quarter of 21/22 Central NCT worked in partnership with GMP, the Neighbourhood Team, NPT, ECT and colleagues from Parking Services on various projects.

A project along the Wilmslow Road corridor to address issues with commercial waste led to the service of 9 Section 47 notices for commercial waste management 1 duty of care notice and 2 notices for waste that would attract or cause harbourage of pests. This resulted in over £19,000 in fines from prosecutions.

A project was also carried out on Stockport Road near East Road to address waste emanating from both commercial premise and residential flats above the shops, The NCT officers served section 47 and section 46 notices on a number of residential proprieties to resolve the issues around the escape of waste and lack of waste receptacles. The Central NCT have not received any further complaints from Members about this area since carrying out this project.

Working alongside colleagues in the Neighbourhood and Waste & Recycling teams, officers investigated options for target hardening in problematic fly-tipping hotspots. In the last quarter of 21/22, Gytes Lane (off Sandfold Lane) in Levenshulme was secured against future fly-tipping by the installation of a barrier.

Case Study 24. Waste – Partnership Work (Central Wards)

Following a referral from the Biffa Investigation team the NPT identified that the waste had been dumped by a solicitor's firm which also did not have a commercial waste contract in place, so the business was fined £400 for fly-tipping and a further £300 for failing to have a commercial waste contract

Case Study 25. Waste – Partnership Work (South)

South NCT - Project work on the 4 banks junction in Chorlton/ Chorlton Park has been taking place jointly with South NCT officers, the Neighbourhood Team and Neighbourhood Project Team. This scheme has seen officers working with commercial businesses checking waste contracts and serving demand notices where necessary. South Neighbourhood Compliance Officers have also been concentrating on escape of waste, and where necessary have served legal notices while the Neighbourhood Officers and colleagues from the Waste & recycling Team have been engaging with occupiers of the flats above shops and educating them on disposal of their waste and how to recycle. Joint working on this project is continuing to be delivered and the area is beginning to look a lot better.

4.7 Proactive LOOH Work

- 4.7.1 Proactive licensing jobs, which are, in the main, visits to licensed premises, increased from 929 in 20/21 to 1853 in 21/22, a rise of 99%. The City Centre LOOH team has carried out significant work with partners to ensure that appropriate safeguarding measures are in place both with venues and in general in the City Centre as an area where many young people, including students new to the city, will be going out to bars and clubs for the first time. Safeguarding and vulnerability visits are conducted with a focus on premises popular with new students and younger groups who may be more likely to become vulnerable. Incidents of reported spiking are followed up with a partnership visit to premises that have been named by the alleged victim as many reports are made after the victim has already left the premises and the premises may be unaware. Training is being developed through the Licensing Multi-agency partnership to be delivered to hospitality staff to enable them to recognise the different symptoms and effects of recreational drugs.

- 4.7.2 Helping to keep people using the NTE safe is also supported through partnership initiatives including a welfare unit, student and village angels and production of the 'A Good Night Out Guide'. A mobile welfare unit which is staffed by St John Ambulance, on a Friday and Saturday night in the City Centre is moving to a unit within Great Northern Complex, which Great Northern are providing at no cost. The Student Angels which operate mainly on the Oxford Road Corridor, and around venues with a large student clientele, are planning on expanding the provision into Fallowfield and Withington. The '[A Good Night Out Guide](#)' is aimed at effectively communicating key safety advice, vulnerability messages and reporting mechanisms within the Night time economy and has been developed in partnership with colleagues at GMCA and with input from partners such as, universities, student focus groups, GMFRS, PH and GMP.
- 4.7.3 One of the issues the City Centre PSPO addresses is illegal street drinking. The LOOH team has engaged in partnership days of action alongside GMP led by ASBAT colleagues with a focus on dealing with street drinking in public places across the city centre including Market Street and Piccadilly Gardens. Activity has centred on engagement with groups or individuals with alcohol being disposed of or removed and in some circumstances groups dispersed. Officers have also visited retail outlets serving alcohol to provide education on PSPO provisions and posters have been made available to premises. In total 371 interventions and 205 confiscations of alcohol were carried out in between 18 May 21 and 31 Aug 22.

Case Study 26. Events & illegal Street Trading (City Centre)

Unfortunately, events and concerts can attract illegal street trading. The LOOH team work closely with the Arena to protect the public from such traders who can be intimidating and aggressive in their sales approach

During an enforcement operation a street trader, who is known to operate at such events, threatened and assaulted four MCC officers. Violence against officers when doing their jobs is not tolerated and the ASBAT team secured an injunction, for 12 months, banning the trader from the area around the Arena at the times concerts take place, protecting both the officers and the public. The trader was also prosecuted for the assaults and was sentenced to a 12-month Community Order in which he must undertake 100 hours of compulsory unpaid work for the community and participate in a Rehabilitation Activity Requirement.

Both criminal and civil cases are as a result of the courage of officers in standing up to criminal behaviour to ensure that others, whether they be MCC officers, business or guests to the city are not subject to such abuse in future.

5.0 Programmed Activities

- 5.1 In addition to requests for service and proactive work there are 2 main areas of programmed work, which are Food and Licensing.

5.2 Food Programme

- 5.2.1 The annual programmed inspection of food businesses is one of the largest demands on the team. In 21/22 there were 5460 food premises on the City Council's database with 2,205 food businesses due an inspection compared to 2,074 due the previous year, and an additional 1,268 new food businesses that required an inspection
- 5.2.2 As a result of Covid and not being able to carry out food inspections during lockdown, the Food Standards Agency set out a national recovery plan to deal with the backlog of inspections focussing on the highest risk premises. The recovery plan has 2 phases and a series of targets within each phase, all of which must be completed by March 2023. The Food team has successfully completed and met all target dates in phase one and part of phase 2 of the recovery plan. The team is on target to complete the remaining targets in phase 2. Between the 1/04/2021 and the 31/03/2022 the team carried out 2462 Food Hygiene interventions at food premises and also established that a further 650 premises had ceased trading.
- 5.2.3 The recovery plan focuses only on the higher risk premises and does not set a target date for interventions at lower risk premises. However, the team has exceeded the expectations of the recovery plan and in addition have completed 975 interventions at low-risk premises. They achieved this using a range of interventions such as on-line and telephone questionnaires and visits.

5.3 Licensed Premises Inspection Programme

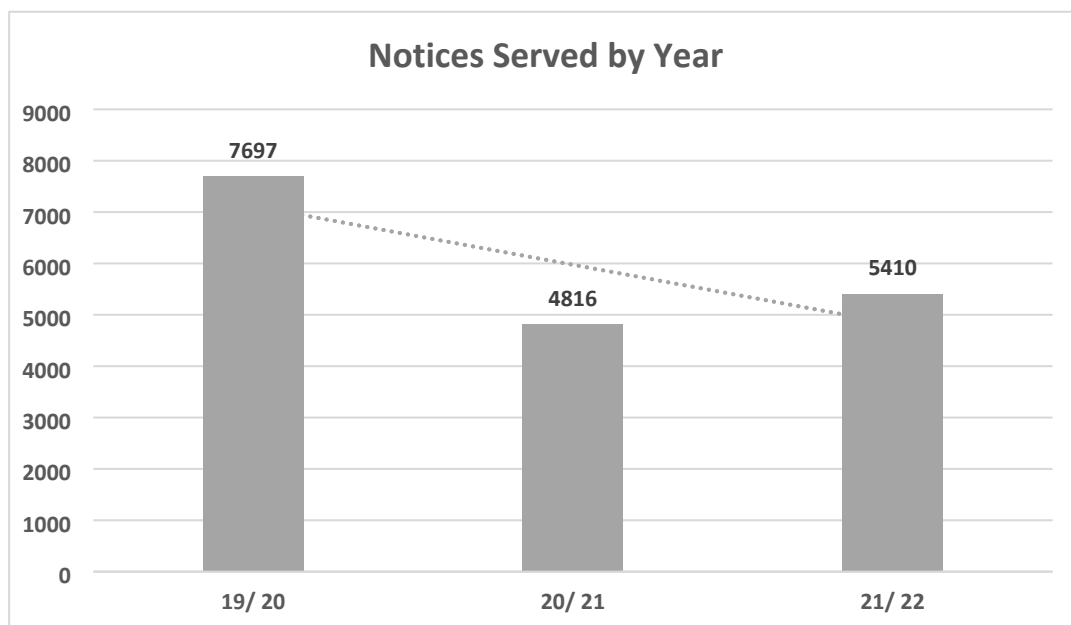
- 5.3.1 Although there is no statutory inspection programme of licensed premises the LOOH team is piloting a project to ensure that all licensed premises are visited on a programmed basis based on the risks associated with each premises such as its size and the activities that take place.
- 5.3.2 It has been positive to note that high levels of compliance have been found in premises inspected during the pilot with 80 of the 221 premises being fully compliant and 141 requiring some fairly minor interventions to achieve full compliance such as changes to signage, smoking and or dispersal policies. In line with the corporate enforcement policy officers work with licensed premises to achieve compliance. This approach helps to develop trust with the industry, using inspections as a support tool to assist businesses to maintain compliance with legal requirements. Developing and maintaining good relationships with businesses makes them more likely to seek advice in the first instance, ultimately reducing the need for enforcement action. The inspection outcomes provide a baseline to measure progress in this area, where we expect to see a shift toward full compliance.

- 5.3.3 The introduction of this programme is not intended to replace the flexibility of the current targeted approach but rather to support it; ensuring that all licensed premises are inspected periodically and, on a frequency that reflects the risks associated with each premises.

6.0 Formal Enforcement Action

- 6.1 In line with the Corporate Enforcement policy and the Our Manchester approach, in the vast majority of cases compliance is achieved through working with people and using informal means. However, where formal action is required to achieve compliance, it will be taken. Figure 7 shows in 2021/ 22 5410 legal notices were served compared to 4816 in 2020/ 21. This is a 12% increase.

Figure 7. Notices served yearly comparison



- 6.2 Where a legal notice is served, if the person or business complies with the requirements of the notice, which may include discharging liability by paying a fixed penalty notice, no further enforcement action will be taken. There is a high degree of compliance with legal notices making them a successful tool.
- 6.3 As shown in Figure 8, Environmental Protection Act 1990 Section 46 notices and Prevention of Damage by Pests Act 1949 (PDPA) notices were the highest volume notices served in 20/21. Section 46 notices deal with the incorrect presentation of waste for collection and can result in a fine if the notice is breached. Section 46 notices are used extensively by the Neighbourhood project Team in the South due to the high volume of student related waste issues.
- 6.4 The largest increases are in relation to notices specific to commercial waste. This is unsurprising due to the reopening of businesses after the pandemic. The Environmental Protection Act 1990 Section 34 requires the person or

business, on whom the notice is served, to produce satisfactory evidence of a waste carrier contract. The Sec 47 notice allows Officers to prescribe a waste contract.

Case Study 27. Commercial Waste Prosecution – (Rusholme)

On 24/03/22, a business on Wilmslow Road was found guilty of offences under s47 Environmental Protection Act 1990 (poor waste management) and s33 Environmental Protection Act 1990 (fly-tipping). The company was fined a total of £10,730 including costs.



Case Study 28. Commercial Waste prosecution – (Longsight)

On the 24/03/22, a business on Stockport Road Longsight, was found guilty of offences under s47 and s33 of the Environmental Protection Act 1990 (poor waste management and fly-tipping). The company was fined a total of £9,740 including costs.



Fig 8. Most frequently served notice types - yearly comparison

	2019/ 2020	2020/ 2021	2021/ 2022	% Shift
EPA 1990 Section 46 (Domestic waste)	2269	1433	1494	4%
Prevention of Damage by Pests Act 1949 Section 4 (Remove accumulation of waste that can attract pests)	1470	1148	1181	3%
FPN: EPA 1990 Section 87/88 (Litter/ Fly-tipping)	1181	962	906	-6%
EPA 1990 Sec. 34 (Commercial waste – waste contract request)	542	155	407	163%
EPA 1990 Sec. 47 (Commercial waste – prescribing waste contract)	313	134	272	103%

- 6.5 Notices under legislation such as the PDPA, Building Act and Housing Act can require the property/landowner to make improvements, clear waste and/or make a property secure within a specified time period. These notices often include a schedule outlining the type and standard of work required to make good the issues identified. If the owner fails to comply with the requirements of the notice, the case is escalated to the Environmental Crimes Team who arrange for Council approved contractors to carry out the outstanding work in default (WID). On completion of the work, an invoice is raised comprising of the contractor costs and the Council's costs for administering the process.

Case Study 29. Works In Default – (Levenshulme)

The Housing Team inspected a rented property in Levenshulme. Officers found the boiler was not working and in a dangerous condition, leaving the tenants with no heat or hot water.

After a referral to Environmental Crimes Team identified the house also had dangerous electrics, putting the occupants in serious harm, work in default was carried out to make the electrical system safe, the gas boiler also needed to be replaced. The landlord has been invoiced for this work and the housing team are taking further enforcement action due to the poor condition of the property.

Case Study 30. Works In Default – (Chorlton Park)

The Housing Team were involved in addressing an extreme hoarding case at a property in Chorlton Park. The conditions inside the property were such that they may have been contributing to a rodent infestation within the neighbouring houses.

The Environmental Crimes Team (ECT) coordinated extensive works following a notice served under the Public Health Act 1936 including sensitively helping the property owner to salvage their belongings that were not contaminated or damaged. The property was pest –proofed to stop future infestations

- 6.6 The Compliance Support Team (CST) in conjunction with legal services, undertakes the recovery of WID debt and uses various means to recoup the costs incurred, including, where legally appropriate, use of powers that can result in the sale of property at auction.
- 6.7 Although recovery of the debt is prompted by the debt accrued for works carried out in default, by teams within the Compliance and Enforcement Service, the CST will also pursue any associated Building Control and/or Council Tax debt where possible.
- 6.8 In addition to assisting in bringing empty homes back into use, enforced sale reduces the level of officer time spent on future enforcement as the new owner of the property tends to take greater responsibility for the upkeep of their purchase. It is important to note, however, that for these benefits to be realised, there is a lengthy legal process, sale at auction and no guarantee that the new owners will improve or reoccupy the property/land although the likelihood is that they will.
- 6.9 In 21/22 £187,980 in principle debt plus £37,366 in interest was recovered.
- 6.10 Where notices are contravened or where cases are of a more serious nature more formal enforcement action can be pursued, such as civil penalties, community protection orders, directions, prohibitions and prosecutions. Figure 9 shows the number of successful prosecutions/civil penalties issued and results achieved across all compliance & enforcement teams. In 21/22 a total of 376 prosecutions were concluded by the service. As mentioned in the 20/21 performance report the reduction in prosecutions was impacted by the suspension and subsequent reduction of hearings in court due to COVID-19. This has led to a backlog of cases which are continuing to work their way through the courts.

Fig 9. 2021/22 prosecutions and penalty notices issued across C&E

Prosecution types 2021 /2022	No. of Prosecutions/CPNs	Total fines /charges /outcomes
Fly-tipping/ Littering prosecutions EPA 1990 Sec 87/88	276	£180,523.00
Commercial Waste Duty of Care – (Waste transfer/ escape of waste) EPA 1990 Sec. 33 /34	54	£70,832.00 1 x formal caution 3 x simple caution 3 x 12-month conditional discharge 3 x 6-month conditional discharge 1 x settled out of court
Toy Safety Regs 2011	8	£17,253.00 2 x Forfeiture of goods 4 x suspended sentence
Refuse Disposal (Amenity) Act 1978 Section 2	7	£4,834.00
Microchipping of dogs Regs 2015	5	£1,132.00
Commercial Waste Duty of Care (Control of waste from the premises) EPA 1990 Sec 47	4	£4,590.00
Local Gov. (MP) Act 1982	4	£5,655.00 4 x Forfeiture of goods
Tobacco and related products Regs 2016	4	£16,408.00 2 x Forfeiture of goods 1 x prison sentence
Trademarks Act 1994	3	£913.00 2 x community punishment order 1 x Forfeiture of goods

Consumer Protection Act 1987 Pt II	2	£170.00 2 x community punishment order
Furniture & Furnishings (Fire)(Safety) Regs 1988	2	£1,408.00
Flyposting – Highways Act 1980 Sec. 132	1	£474.00
Manchester City Council Act 2010 – illegal street trading	1	£1,126.00
Animal Health Act 1981	1	£484 1 x Forfeiture of goods
Elec Equip (Safety) Regs 1994	1	£700 1 x Forfeiture of goods
Registration, evaluation, authorisation and restriction of chemicals (REACH) Regs 2008	1	£2,200.00 1 x Forfeiture of goods
Unfair Trading Regs 2008 - Consumer Protection	1	1 x suspended sentence
Noise, Section 80 EPA 1990	1	£1,816.00
Housing Act 2004 – Failure to comply with an Improvement Notice	1	£582.00
Housing Civil Penalty Notices issued	12	£171,850 (invoiced) 3 x Breach of HMO licence condition

		6 x Breach of HMO management regulations 1 x Failure to apply for a Selective Licence 2 x Failure to comply with an Improvement Notice
Grand Total	389	£482,950.00

7.0 Ongoing Challenges

7.1 The following is an overview of some of the ongoing challenges and demands on the service.

7.2 Illicit Tobacco/ Counterfeit Goods

- 7.2.1 Illicit tobacco – With the cost of living crisis there is concern that there will be a further increase in the demand for and therefore production of illicit tobacco. Concealment and supply of illicit tobacco is increasingly more sophisticated, so investigations need to be supported by equally more detailed intelligence and robust partnership work. Test purchases using a third party has proved the most effective tool in identifying illicit tobacco and in building strong prosecution cases. Based on intelligence, working more closely with partners, the team will also step-up unannounced inspections in targeted areas, assisted by a tobacco detection dog where appropriate. Any illicit tobacco found will be seized and the business investigated with a view to prosecution. There is a wider public health issue as the supply of illicit tobacco enables people to continue smoking and makes it cheaper for young people to start smoking. The team works with Public Health partners to identify ways to assist people to stop smoking.
- 7.2.2 Strangeways – The Strangeways area has seen an increase in enforcement activity over recent years, including innovative use of enforcement powers, such as closure orders, to tackle the sale of counterfeit and unsafe goods. The Compliance and Enforcement Team will play a key role in Operation Vulcan which is a long term, police led, partnership initiative to rid the Strangeways area of the wide range of criminal activity and poor environmental appearance of the area.
- 7.2.3 Vapes – There is a significant issue with vapes that do not meet legal labelling and tank size requirements. Anything above 600 puffs is an indication that the tank size is above the permitted limit. Puffs ranging from 800-10,000 are regularly being found on sale. A huge amount of work has been done in this area, including seizures. A recent seizure saw around £80,000 of stock seized and in the Strangeways area 5586 vapes and 4260 electronic cigarettes were recently seized. Vapes are increasingly being used by young people and there are concerns that the labelling and content of certain products have a direct appeal to this demographic. Underage sales is a real challenge nationally and

evidence gathered by Trading Standards points to this becoming an increasingly complex issue.

- 7.2.4 Young People Vape Behaviour Survey - Annually there is a Young People's Alcohol, Tobacco and E-cigarette Survey. Trading Standards have 5 schools signed up to take part in 22/23. The study aims to monitor and evaluate the behaviour and attitudes of young people (15–16-year-olds) towards alcohol, tobacco and e-cigarettes. In 22/23, the focus will be on the issue of disposable vapes as head teachers and parents have informed officers that they are concerned that young people are accessing such products in increasing quantities. The survey will help to understand this behaviour and assist in targeting appropriate enforcement activity.
- 7.2.5 Avian Influenza - Each year outbreaks of Avian Influenza occur in the UK usually towards the winter months. As part of Trading Standards work in prevention and control of disease the team undertakes work to educate, guide and in a small number of cases, enforce on bird owners in the city including private owners, owners on MCC allotments and the general public visiting our parks and green spaces. In 2021/2022 the team undertook the largest operation to collect information on keepers and to ensure that bio-security measures were implemented. This work involved engaging with owners who may not have access to information, visits to owners including inspections and to enforce notices on those who would not comply with instructions. This work was also undertaken with the invaluable local knowledge of compliance officers within each of the neighbourhoods and the parks and allotment teams. All known keepers were supplied with digital or paper copies of what they needed to do to ensure that they were protected from Avian Influenza. In the year 21/22 no cases were reported within Manchester, however, in 2022 the UK has been hit with an unprecedented number of outbreaks (over 200 across the UK) which has led to an all-England and Wales Housing Order requiring all domestic birds to be kept indoors from 7 November 2022.

7.3 Food Safety/Health & Safety/Airport Work

- 7.3.1 Ensuring that all food businesses are compliant with the requirements of allergen management regulations is an ongoing challenge nationally and is recognised by the Food Standards Agency. The introduction of Natasha's law in 2021, has further highlighted this issue. Where businesses are found to not have suitable controls in place, to safely serve a customer with an allergy, business are asked to sign a 'stop agreement' not to serve customers until compliance is confirmed. There are 1491 stop agreements in place, Work to check compliance with the stop agreements is being followed up on a risk rated basis, using test purchases, dealing with highest risk businesses first. Where premises are not adhering to the agreements enforcement action will be taken. Those businesses that are working hard trying to comply with regulations will be supported to ensure they can provide food safely.

Case Study 31. Stop Agreements (Old Moat)

A food safety officer visited a small bakery in the Old Moat area to carry out a Food Hygiene and Food Standards inspection. When the allergen controls were checked the officer found that the business had not provided any signage to advise customers how to obtain allergen information and was not able to provide the customers with information on the allergens present in their bread. A stop agreement was signed by the business, meaning that they could not provide bread to any customers with allergies. The business was advised what works they needed to complete to meet the requirements of the allergen legislation and left a copy of the "Allergen Risk Assessment for Caterers" guidance at the business. The guidance document was produced by council officers to assist businesses with complying with the law.

An officer from the team contacted the business after the inspection and the Food Business operator advised that all works had been completed.

A revisit confirmed that the business owner had completed allergen training and had the certificate available. The allergen signage was on display at the premises and the allergen matrix and risk assessment had been completed. The officer noted that allergen controls and procedures were now in place and the allergen stop agreement could be lifted allowing the business owner to serve customers who have a food allergy.

- 7.3.2 Implementation of EU-Exit does not relate only to checks of imported foods at the Border Control Post at Manchester Airport. Companies in England that wish to export products to the EU must now obtain an Export Health Certificate to ensure the product will be accepted at borders across the EU. The team assess and issue Export Health Certificates in relation to non-meat products and in doing so economically support local businesses. The team charges for certificates on a cost recovery basis so although a small income stream is created this reduces the capacity for other areas of work.
- 7.3.3 Following the lifting of covid restrictions the events industry has returned to pre covid levels. The team has a key role to play in ensuring that food safety and health and safety requirements are in place at events. Due to the scale of the events taking place in Manchester, direct involvement is risk assessed by the size of the event and the risks it presents. A key issue at present is the appropriate use of lasers and pyrotechnics at events and officers have undergone specialist training to ensure event organisers properly control the risks.

8.0 Future Challenges / pressures

- 8.1 Recent years have seen significant additional legislation and regulation. Some areas of additional work and new pressures are set out below.
- 8.2 Environmental Health has responsibility for enforcing two new pieces of legislation to assist in tackling obesity. This legislation relates to calorie labelling legislation (6 April 22) and High Fat Sugar and Salt legislation (1

October 22). Staff have been trained, and communication materials prepared for businesses. This legislation will, however, have a resource impact as some inspections will take longer and there may be some follow up/enforcement action that will be needed in some cases.

- 8.3 The implementation of the Environment Bill 2021 will introduce new powers in relation to the burning of domestic fuel, for example wood burning appliances, by simplifying enforcement in 'smoke control areas' and introducing fixed penalty notices. There will also be a consultation on targets for ambient levels of particulate matter in the air, such as small dust, dirt, soot and smoke, known as PM2.5. Scientific research shows that exposure to these particulates increases mortality and morbidity rates particularly for those with pre-existing respiratory illnesses.
- 8.4 Many businesses in the city are offering novel beauty treatments that operate outside the control of the current registration scheme for ear piercing, tattooing and acupuncture. For example, Botox style injections and lip fillers. A consultation on a new licensing scheme covering a wider range of cosmetic treatments is expected. We will respond to the consultation and identify the resource required to administer and regulate this new licensing function.
- 8.5 The Food Standards Agency is consulting on changes to delivery of Food Standards and food hygiene interventions nationally which if implemented would create significant additional workload in this area.
- 8.6 The Food Standards Agency continues to push for the implementation of the mandatory display of Food Hygiene Rating Scores in food businesses, as already implemented in Wales, NI and Scotland. Implementation in the rest of the UK has resulted in an increase in food safety standards in these countries and this would be welcomed to support our on-going work to increase compliance.
- 8.7 The Health and Safety Executive (HSE) continues to increase the number of national priorities that Local Authorities may choose to focus on each year. This forms part of our health and safety at work intervention programme. The HSE has identified gas and electric safety in food businesses as an area of national focus. This will be an area we will seek to include in our programme of work.
- 8.8 Businesses are increasingly having a larger and often sole presence online. using social media platforms such as facebook and instagram to advertise products and services. Products sold online may have been imported from all over the world and may not meet UK standards e.g., safety risk/be misleading to customers, make spurious nutritional or health claims etc. This is more difficult to regulate and ongoing investment in staff is required to ensure that we can continue to effectively regulate and enforce in this ever-changing environment.

- 8.9 The Government's White Paper proposals into reforming the private rented sector include, a number of areas such as the introduction of a decent homes standard. In Manchester we are already considering additional actions that can be taken locally to both improve intelligence about where poor housing conditions exist in the private rented sector and additional actions that can be taken to address them. This includes working more closely with partners to ensure disrepair issues they identify are referred to the Housing Compliance and Enforcement Team who will carry out a property inspection to ensure any issues are remediated quickly and reviewing our procedures to ensure that any vulnerabilities, including the age and health of children living in a property are captured at the point of triaging complaints about property condition in the private rented sector, to bring forward early interventions. Although additional government funding of £2.3m has just been allocated across the 10 Greater Manchester authorities, providing some much needed additional enforcement capacity, long-term sustainable funding is needed to support any new enforcement requirements that may be attached to any new powers introduced through further reforms in the private rented sector.

9.0 Summary Conclusion

- 9.1 The service has continued to work to clear the backlog of inspections following COVID and also to deal with the unexpected consequences of the past 2 years such as an increase in new food businesses and lack of experienced staff within the hospitality sector. Just as the service quickly and effectively positioned itself to deal with the impacts of Covid we are now ensuring we are in a place to respond and adapt to the issues emerging in the recovery phase which is likely to continue for some time. Recovery of the economy, loss of employment and the changes in the working and leisure habits of our communities all have a direct impact on the demands placed on the service. The work the teams do to protect the public and the environment to make our neighbourhoods places where people want to live, work and socialise is of utmost importance within this ever-changing socio-economic landscape. One of the ways we will work to achieve this is to ensure that partnership work continues to underpin our approach, enabling the effective sharing of intelligence, insights, and best practice. Good working relationships are essential in delivering shared desired outcomes, not just with other council services, regulatory bodies and partners but also with residents and businesses in the interests of achieving vibrant, equitable neighbourhoods.