Manchester City Council
Report for Information

Report to: Environment, Climate Change and Neighbourhoods Scrutiny Committee - 11 January 2024

Subject: Compliance and Enforcement Services - Performance in 2022/23

Report of: Strategic Director (Neighbourhoods)

Summary

To provide members with an update on demand for and performance of the Compliance and Enforcement service during 2022/23. The report also provides a forward look at on- going and new challenges as a result of changes to legislation, policy and areas of growth that will have an impact on the work carried out by Compliance & 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, visit and work.
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 6th December 2022: 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 2022/23. 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; responsive 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. Compliance and Enforcement (C&E) teams work closely together and with services across the Council such as the Events Team, Community Safety, ASBAT, Neighbourhood Teams, Highways, Waste & Recycling, Public Health, Planning, Building Control & Licensing, Housing Services, Strategic Housing as well as external partners such as Greater Manchester Police, Greater Manchester Fire & Rescue Service, HMRC and the VCSE. 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 & Performance Team (C&PT)** – responsible for intelligence and evaluation of project-based activities, producing management information, providing assurance that enforcement teams are compliant with regulatory requirements 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; 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.

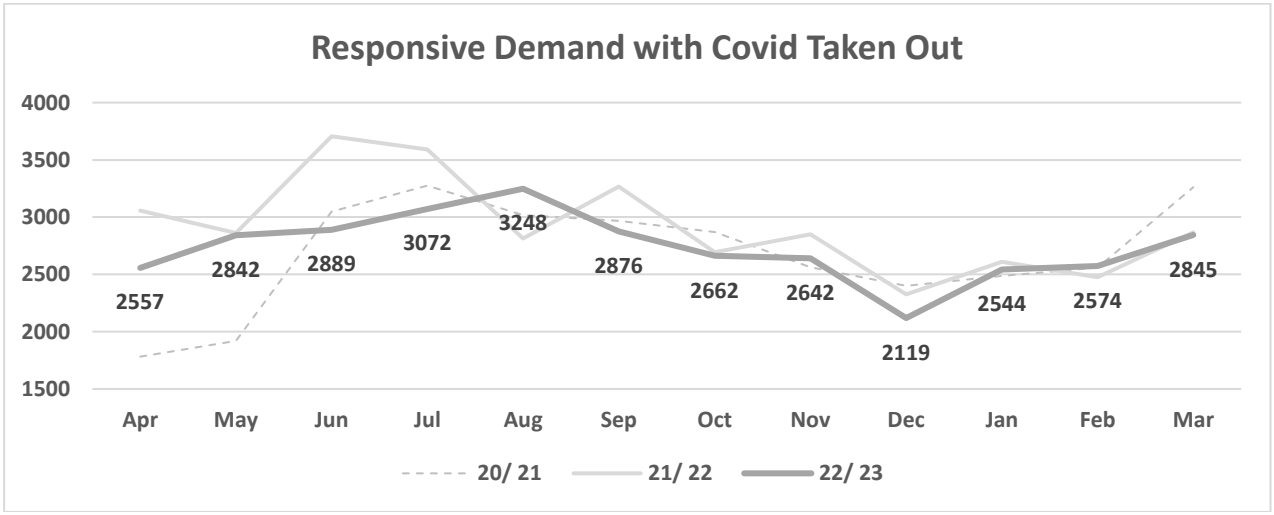
3.0 Demand

3.1 The service's overall demand is made up of responsive demand, and proactive /programmed work. This year we have seen a significant increase in proactive work and a decrease in responsive work. For the last 4 years the service has seen a year-on-year increase in responsive demand but in 22/23 we saw a change in this trend with a decrease in the volume of RFS received overall. A total of 32,880 requests for service (RFS) were received in 22/23 compared to 39,852 in the previous year, which is a 17% decrease in responsive demand. However, in 21/22 the service was still receiving a high volume of COVID related RFS which no longer existed in 2022/23. Excluding the COVID jobs (4,684) would reduce the 2021/22 RFS from 39852 to 35,168 which is more akin to pre-covid levels so, although there has still been a decrease, it is only 7% (35,168 cf 32,880). As 2022/23 was the first full year, post covid, with no lockdowns it remains to be seen if this trend will continue into future years, although we expect that some of this decrease in responsive work, will be as a result of increasing proactive work. The increase in proactive work is addressed more fully in section 4 of the report but the key

areas of most significant increase in 2022/23 were in licensing related work and street based activity. Both these areas were significantly impacted by lockdowns so increases were to be expected. 95% of all RFS response times were achieved which remains consistent with previous years.

3.2 Figure 1 shows the volume of RFS received by the service, excluding COVID Jobs*. Comparing RFS received in 22/23 to the previous year shows a steep rise in 21/22 from May peaking in June, coinciding with the lifting of COVID restrictions, including hospitality and large spectator venues, following the third national lockdown. This also coincided with Euro 2020 which had been delayed until 2021 due to covid so was a particularly busy period in hospitality venues. Much of this demand relates to issues such as noise and waste related complaints. We generally see an upward trend in responsive demand in the late spring/summer months as seen in 22/23. The anomaly in 21/22 with the peak occurring earlier is largely attributed to the vastly increased no of people using hospitality and other venues, following a period of low demand when these venues were closed. Both years see a reduction from the end of the summer months which then increases from December and continues to rise throughout the tail end of the year. 22/23 represents a more typical year with the volume of RFS received staying relatively steady with August having the highest volume of requests. Jobs received in August equate to almost 10% of all RFS received in the year. The steepest reduction in volume for 22/23 is between November and December which corresponds with the volume of RFS received during the same period in 21/22.

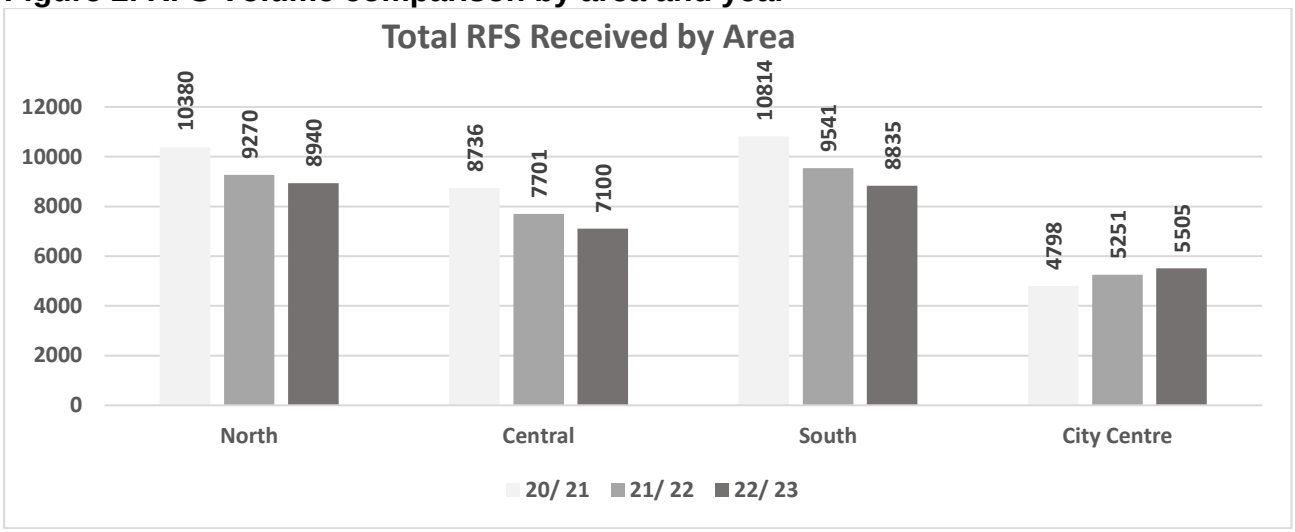
Figure 1. Responsive demand comparison by month and year
(excluding 4,732 COVID jobs in 21/22) COVID jobs include RFS in relation to business requests for advice, reports of lack of PPE, and complaints concerning customers and businesses not complying with face mask wearing and social distancing requirements



3.3 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 (2500) These mostly relate to Trading Standards issues such as notifications of unfair commercial practices where businesses that are located outside of

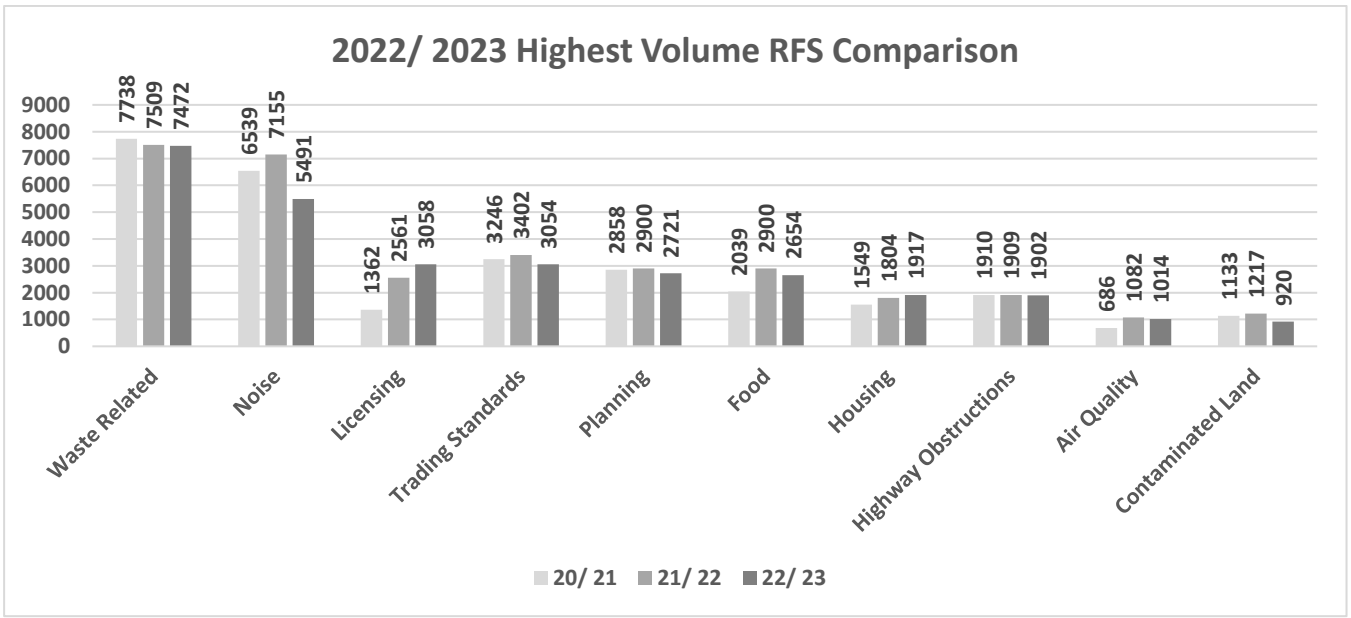
Manchester operate across the city. Responsive demand across the whole of the city apart from the City Centre has decreased. North by 4% (9270 to 8940), Central by 8% (7701 to 7100), South by 7% (9541 to 8835). The City Centre has seen a slight increase of 5% (5251 to 5505).

Figure 2. RFS Volume comparison by area and year



3.4 Figure 3 sets out the sources of highest responsive demand across the City over the last 3 years. As reported in previous years, waste consistently remains the highest volume of RFS, accounting for 23% of the total. Although the number of RFS has decreased slightly, the overall proportion of waste related RFS has increased by 4% when compared to the previous year (in 21/22 waste equated to 19% of the total RFS).

Figure 3. Highest volume of RFS category comparison by year



3.5 **Waste Related RFS**

3.5.1 A total of 7472 waste related RFS were dealt with in 22/ 23 compared to 7509 in 21/22 (a decrease of less than 1%). 43% in the North, 31% in Central, 21% in South and 4% in City Centre. 58 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, Central has seen the greatest reduction by 5% (2436 to 2306) followed by the City Centre with 4% (301 to 289). The South has seen the greatest increase by 7% (1478 to 1578). Whilst most areas have seen a reduction in waste related RFS the percentage difference is not significant (less than 1% overall).

3.5.2 34% (2570) of the 7472-waste related RFS were investigated by our Neighbourhood Project team (NPT) who work closely with Biffa to address incidents of fly-tipping and pursue legal action where possible, 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 reported by the public and MCC officers. This figure has stayed broadly the same (4909 to 4902). The service continues to work with partners to proactively address waste issues within our neighbourhoods, including targeted work to address commercial waste and use of CCTV to both prevent and assist with prosecuting fly-tipping offences. Prosecutions require the criminal burden of proof i.e. prove the case against the defendant “beyond reasonable doubt” and where we have the evidence, we do take forward prosecutions as shown in the case studies and the number of prosecutions set out in figure 9 later in this report.

Case Study 1. Joint Waste Initiative (Crumpsall)



The North NCT received ongoing reports from residents of fly tipping in the rear passageway of Hallworth Road and Wellington Road, Crumpsall. NCT Officers arranged for the Biffa Investigation Team to clear the rear passageway. Evidence found within the waste was referred to the Neighbourhood Project Team and enforcement action was taken against the perpetrators who received a fixed penalty notice of **£150**.

A bin audit was also completed by the Waste & Recycling team and further works were carried out in relation to this after establishing over 12 properties on the street had bins missing.

An active streets event was then held by colleagues in the North Neighbourhood Team, during which North Compliance Officers picked up issues with private properties and served 4 x PDPA notices and 1 CPN warning which have all been complied with.

Compliance Officers also requested a change to the alley gate locks from a padlock on a chain to an internal lock to assist with residents closing the gates. Officers also advised residents to report any fly-tipping to prevent a build-up in the alleyway and to assist in identifying the perpetrators. Residents provided positive feedback and a willingness to report any further incidents of fly-tipping.

Case Study 2. Accumulation of Waste (Rusholme)




Central NCT Officers found a large amount of dumped waste and refuse on the car park of a business in Rusholme. Due to the amount of waste and evidence of rodents, notice was served on the owner to clear the land and secure the site.

Despite the landowner's assurance, they failed to comply with the notice, so the Environmental Crimes Team arranged for the land to be cleared and resecured.

A charge was placed on the land and the owner invoiced for **£4242.54**
which covers the council's cost for having to step in and clean up the site.

Case Study 3. Fly-tipping Investigation (Citywide)

Whalley Range - The Biffa Investigation Team found a large accumulation of waste from a house clearance. The team managed to gain evidence from a property on Hembury Avenue. The waste appeared to have been from a resident that recently moved into the area. Officers in the NPT investigated resulting in prosecution at Magistrates Court costing the individual **£851.00**

Fallowfield - Residential waste was dumped in the rear alleyway next to communal bins on Braemar Road. The waste was investigated and removed by Biffa, which was referred to the Neighbourhood Project Team resulting in £150 fixed penalty notice being issued. However, the resident failed to pay the fine, so was then prosecuted resulting in **£851.00** in magistrate's court. Without this early intervention, it may have become a weekly occurrence with other residents doing the same.

Ancoats & Beswick - A large amount of waste was found dumped on Lime Bank Street. Evidence was found amongst the waste relating to a Failsworth resident. Investigations revealed that the resident had paid a man to remove waste from her home without making appropriate checks that the person taking the waste was authorised to do so. The resident was ordered to pay a total of **£640**.

Miles Platting & Newton Heath - An alleyway next to Hooton Street in Miles Platting and Newton Heath where a large amount of residential waste was found, linked to a property in Altrincham. The NPT receive many environmental offence referrals where the waste has originated outside of Manchester. However, this resident was traced to Bradford Road, which cost them **£609.00** in Magistrates Court.

Withington - A side alleyway along Mauldeth Road where residents nearby dumped their household waste and contaminated the recycling bins. This can be a common problem where recycling bins are left out and accessible for longer periods of time. It cost the resident **£851.00** at Magistrates Court for disposing of their waste in this manner.

3.6 **Noise RFS**

3.6.1 Noise RFS have decreased by 23% (7155 to 5491). RFS include domestic noise, licensed premises and construction noise. The largest decreases related to noise from Licensed premises which decreased by 28% (716 to 515), Domestic noise decreased by 27% (4641 to 3397) which includes barking dogs, student noise and party noise. There was no increase in any category of noise complaint. The reduction in noise jobs may be attributed to more residents returning to places of work rather than working from home, a sustained level of proactive activity, education, and support.

3.6.2 The North of the city accounted for 25% of all Noise jobs, Central 21%, South 39% and City Centre 15%. Less than 1% (7) 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 6 jobs (less than 1%) that are general enquiries in relation to noise. The percentage split by area is fairly consistent with the previous year with a slight increase proportionally (3%) in the North for 22/23. Central had the largest reduction in noise complaints, reducing by 25% (1554 to 1171).

3.6.3 Successful initiatives and partnerships such as the 12 Streets Project in Fallowfield/Withington have helped to drive down student noise complaints. Officers also carry out proactive visits when they learn of or are made aware that student events are taking place. In addition to this, officers increase student area patrols during summer months when more outdoor parties take place, to engage and educate. This pre-emptive work has led to a reduction in complaints.

Case Study 4. Student Noise (Fallowfield)

LOOH officers attended a report of noise from a student house party. They asked the students to shut all doors and windows, and to keep people inside to contain the noise.

However, later that night officers received further complaints so revisited the property and found raised voices and very loud music causing a statutory nuisance. Nosie Abatement Notices were served later that morning and followed up from the university with a referral regarding conduct and discipline.

Due to the ability to take swift action and liaise with the University the students realised the seriousness of the issue and sent an apology email expressing their regret and determination not to repeat the behaviour. The complainant also sent an email thanking LOOH officers for their efforts in dealing with and resolving this complaint.

3.6.4 Figure 4 shows the number of noise jobs received by the service in 22/23 compared to previous years. Domestic noise consistently makes up the largest proportion of noise jobs received year on year. A further break down of domestic noise shows that people and noise making equipment make up 88% of the total categories in the domestic noise grouping.

3.6.5 With the reopening of the NTE in 21/22, after almost a year of restricted activity, there was a huge increase in noise complaints. In 22/23, as is the case for many of the areas of reduction, residents and businesses are returning to 'normality' so 22/23 reflects a levelling off in noise complaints This will be monitored closely to see if these new levels are maintained.

Fig 4. Noise Jobs (* made up of more than 1 category)

	20/ 21	21/ 22	22/ 23	% of jobs (22/ 23 - 5364)	% Shift from 21/ 22
Domestic *	4599	4641	3398	63%	-27%
Licensed Premises *	135	716	515	10%	-28%
Commercial Noise	499	466	407	8%	-13%
Noise Other *	256	438	390	7%	-11%
Alarms *	460	382	367	7%	-4%
Construction Noise *	399	319	283	5%	-11%
Street Noise *	7	11	4	0%	-64%
Grand Total	**6355**	**6973**	**5364**		**-23%**

Case Study 5. Domestic Noise (Moss Side)

A resident contacted MCC to advise he was being disturbed by loud music and heavy bass from a neighbouring retail unit. This had been ongoing since the resident had moved into the property often for several nights a week until the early hours. LOOH Officers attended and carried out an assessment of the noise nuisance from the resident's property. Loud music and heavy bass were audible, and vibrations could be felt through the floor. The rear of the retail unit had been turned into a makeshift recording studio. Despite several attempts to speak with the occupier no response was forthcoming. Officers served a noise abatement notice at the premises and also the residential address of the occupier. The notice stated the noise nuisance must be abated and prohibit any recurrence.

Several further calls were received by LOOH and despite attempts to engage with the person causing the noise there was no improvement, so an application was made to the Court for a warrant to gain entry to the premises to seize noise making equipment. Despite several attempts to gain access no response was forthcoming, and a locksmith forced entry to the premises. Officers seized items from the premises including several speakers, a microphone, and a large mixing desk.

Since the seizure was carried out no further reports of noise nuisance have been received from the neighbouring residential property. The team is continuing with legal action.

Case Study 6. Commercial Noise (Northenden)

A hot food takeaway in Northenden was subject to noise complaints in the late summer. The noise was reportedly bothering several residents living close by both during daytime and evening hours. On further inspection by the Environmental Protection team, it became apparent that as part of the works to upgrade the business's kitchen extraction system, the fan had been re-located from inside to outside. The noise was assessed and although it was not a statutory nuisance, the owner was co-operative and agreed to relocate the fan back inside the building and the residents were really pleased with the outcome.

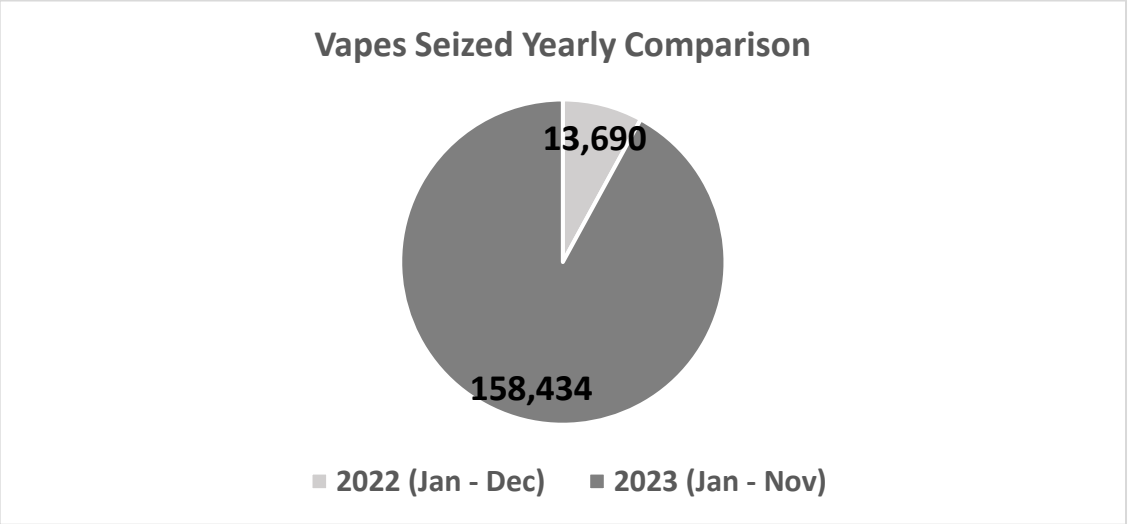
3.7 Trading Standards RFS

3.7.1 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 3054 RFS were received in 22/ 23 which is a 10% decrease from 3402 in the previous year. The breakdown is North 344 (11%), Central 193 (6%), South 238 (8%), City Centre 221 (7%) and Citywide enquiries 895 (29%). The majority of RFS (1163, 38%) relate to businesses/ organisations not located in but who operate in Manchester. This is a decrease of 26% from the previous year (1578).

3.7.2 The only area of increase is in RFS relating to crime and disorder (increase from 178 to 241 of which 107[44%] related to illicit tobacco/vapes). We started

to see a significant increase in reports of illegal vapes and illicit tobacco products during 22/23, particularly sales to under 18s, a trend which has grown exponentially in the current year. Trading Standards officers have seized non-compliant vapes from small retailers to large importers and are now finding that vapes are being concealed, for example, under floorboards and in locked rooms to avoid detection. Figure 5 below illustrates the significant increase in seizures of illegal vapes.

Figure 5. Vapes seized yearly comparison



Case Study 7. Illicit Tobacco – (Gorton)

Following complaints about the sale of illicit tobacco from a home discount store in Gorton, TS officers arranged a test purchase which resulted in a sale of a packet of cigarettes in non-standardised packaging.

Officers from Trading Standards then visited the premises with the assistance of a specialist tobacco detection dog and found a quantity of illicit tobacco products hidden behind the counter and concealed in a microwave.

The tobacco was seized as it did not comply with the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015. Samples of the seized tobacco were sent for examination and later confirmed as being counterfeit under the Trademarks Act 1994. In total 1,480 cigarettes, 950g of hand rolling tobacco were seized.

Trading Standards re-visited the premises and carried out a search of the premises with a specialist tobacco detection dog. Officers found illicit tobacco products concealed in black carrier bags behind some Christmas decorations on the shop floor. The tobacco was seized as it did not comply with the Regulations. A total of 140 cigarettes were seized and 600g hand rolling tobacco was seized on this occasion.

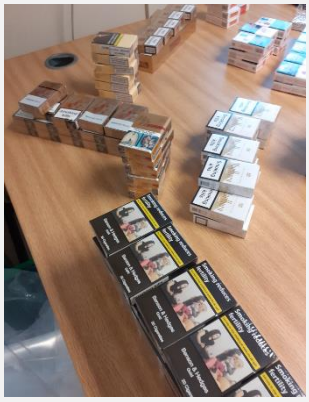
The Company was found guilty in absence of supplying Illicit tobacco. The company was fined **£10,000** with costs awarded and a **£180** victim surcharge.

Case Study 8. Joint Working - Vapes – (Airport)

The TS team works alongside Border Force at Manchester Airport to monitor consignments which are non-compliant. In just a couple of months, the team received 5 referrals from Border Force in relation to non-complaint vapes (being over the maximum tank capacity). In total, 107,200 vapes with a retail value of £1,156,688 were refused entry by trading standards. They were all disposed of, not re-exported, and more importantly did not enter the UK Market.

A seizure of illegal vapes was made in Strangeways where 5550 vapes were seized due to excessive tank size. The trader is an importer and a wholesaler. The retail value of the goods seized was around **£80,000**. During the seizure, a couple of traders in the area came and thanked the officer for the work they were doing and how much it was appreciated by the legitimate traders in that area.

Case Study 9. Joint Working – Vapes and Illicit tobacco – (Central)



TS Officers along with a test purchasing consultant, a dog handler/detection dog from Wagtail UK and members of Longsight GMP conducted a day of targeted inspections for illicit cigarettes and vapes within the Levenshulme, Longsight and Rusholme areas of Manchester. The joint inspections resulted in several successful seizures of illicit tobacco and disposable vape products as well as oral and shisha tobacco.

The partnership work addressed challenges TS officers have encountered on previous occasions, such as hostility, verbal and physical abuse from members of the public (when attempting to remove seized goods) and refusal to provide identification. Having a police presence was beneficial to both parties and demonstrated how different agencies working together can obtain a common objective. GMP's presence showed the local community that criminal activity was being addressed/disrupted in their area. Trading Standards officers were able to

carry out the inspections while the police prevented crowds forming in areas where previous assaults had occurred. In one premises a TS officer seized 2486 cigarettes 0.55KG Hand rolling Tobacco and a quantity of smokeless and oral tobacco. In a separate premises 4645 cigarettes were seized.

Other benefits of this joint approach include:

- Police can check number plates on vehicles associated with the business, which aside from potentially being involved in criminality may also be uninsured.

- GMP officers also secure any weapons located in premises which shop workers keep for protection, they can improve their intelligence on which premises are selling and/or stocking large quantities of items such as nitrous oxide cannisters.

- Having a consultant test purchasing illicit cigarettes as well as a detection dog increases the chances of locating the illicit tobacco and local police officers are aware of the levels of criminality operating in their area.

Case Study 10. Supporting Scam Victims (Ward)

The Trading Standards team, work with the National Trading Standards Scams team to monitor and stop mail being sent to known scam victims and where possible return recovered money to the victims.

As a result of a successful prosecution, data and money relating to victims of scam mailings that falsely promised cash prizes in exchange for a small fee, was obtained. Trading Standards were able to return monies recovered from this operation to a victim of the scam. The visit was carried out in conjunction with Age UK to raise awareness of the types of scams as well as returning money to the victim.

3.7.3 The Strangeways area of Manchester has had issues for many years with a large number of shops selling counterfeit goods and associated criminal activity in the area. Over the years lots of great work has been accomplished but the scale of the problem was too large for it to be tackled effectively by one organisation. In November 2022 GMP launched Operation Vulcan, a specialist policing team formed specifically to deal with all the issues in the area including the sale of counterfeit goods.

3.7.4 From the beginning of this operation partnership working was key to its success. With Trading Standards as a lead partner, along with many other council services, they worked closely with GMP to address the issues in the area. Trading Standards assisted by training GMP officers in dealing with counterfeit goods. TS Officers worked with GMP on many counterfeit shop raids, seizing millions of pounds worth of stock and helped with the intelligence picture in the area. TS also assisted with important messaging to warn people

that counterfeiting is not a victimless crime and that prospective buyers needed to consider the safety of the goods they are purchasing. During the course of the operation over 200 counterfeit shops have been closed and the area is no longer a centre of counterfeiting activity.

Case Study 11. OP Vulcan Partnership Working (Strangeways)

Counterfeit Phone Goods - Following information that a mobile phone and tech shop on Moulton Street was importing counterfeit goods, Trading Standards arranged a visit alongside Op Vulcan and brand experts representing Samsung and Apple. Trading Standards seized 3684 counterfeit items in total. Mainly consisting of Apple and Samsung phone parts and a quantity of vapes. Whilst there an offensive weapon (knuckle duster) was recovered and handed to GMP. GMFRS also attended and issued a Prohibition Notice on the first floor of the premises due to fire safety concerns. the seized items were signed over and destroyed, protecting the public from buying counterfeit electrical items that are unlikely to have been manufactured to the same standard as their genuine counterparts.

Counterfeit Clothing - Following information from a brand representative, Trading standards visited a clothing shop in Newton Health, supported by our partners from Op Vulcan. In total 1520 items were seized, including counterfeit clothing, handbags, trainers, sunglasses, jewellery and fragrance. The estimated value of the seized goods is over £81k. We are now working with the brands to have the items examined with a view to interviewing the owner of the business and progressing to a potential prosecution.

3.8 Planning RFS

3.8.1 Planning work includes consultation on planning applications, pre-application consultations and review of conditions attached to planning permission. This area of work has slightly decreased with 2721 RFS received in 22/ 23 compared to 2900 RFS received in 21/ 22. The breakdown is North 29%, Central 21%, South 19% and City Centre 31%. Citywide general enquiries/consultations less than 1%.

3.9 Contaminated Land RFS

3.9.1 Contaminated land RFS, have decreased by 24% from 1217 in 21/22 to 920. 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.

3.10 Food and Health and Safety RFS

3.10.1 Food RFS decreased by 8% compared to the previous year (2880 to 2654 in 22/23). 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 517 (19%), Central 589 (22%), South 592 (22%) and City Centre 673 (25%). There were also 253 (10%) citywide RFS cases for issues like requests for advice on setting up a food business.

3.10.2 New food business registrations/new business trading increased by 7% from 1031 to 1106 in 22/ 23, these account for the largest percentage of jobs for the year. Prior to the pandemic this figure was around 600 to 700. 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 continue to see an increase in food businesses who are trading but have failed to register which has increased from 237 to 294 (24%).

3.10.3 The team also deals 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 by 25% from 186 in 21/ 22 to 232 in 22/ 23. 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 decreased by 11% from 945 to 840 in 22/ 23. 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. Food officers and an Official Veterinary Surgeon check certain imported products intended for commercial use in Manchester and other onward destinations (products of animal origin including human consumption and non-human consumption, high risk food not of animal origin for human consumption and certain food contact materials). These checks help to minimise food safety, public health, biosecurity, and food fraud risks. The team is also a Port Health Authority and works closely with the UK Health Security Agency in dealing with any infectious disease issues and pests on planes.

Case Study 12. (Airport Consignments)

The Border Control Post received a pre-notification of chilli peppers arriving from Thailand. During the documentary check it was noted that there was organic produce within the consignment including the chilli peppers, however the correct documentation had not been submitted with the consignment documents for the organic status. Organic products are generally sold at a higher cost and customers may choose organic produce for a variety of reasons including health.

Initial investigations showed that neither the importer nor exporter were registered with an Organics body and therefore the chillies and other food items could not be sold as organic. The seller said they were not intending to sell as organic, however, to prevent food fraud an identity check was carried out on the consignment and the chillies were subject to testing for pesticide residues.

The chillies had been packaged in retail packs to go directly on the shelves and were not labelled as organic. Some items such as frozen coconut was labelled as organic and therefore was non-compliant with the law. Furthermore, on carrying out the identity check officers identified several items that contained products of animal origin that had not been pre-notified to the border control post.

There were composite products that contained milk and egg all of which subject, to further enquiries may have been imported illegally.

The chillies failed the pesticide residue test and were voluntarily surrendered, the items containing products of animal origin were dealt with by our official veterinarian and were seized. All were disposed of at cost to the importer.

Border Force (BF) was notified as there had been issues with previous consignments from this importer with BF advising the importer that if illegally imported food items were found in future consignments, then the entire consignment would be seized and destroyed. These are stronger powers than those available to the Council whose powers only allow us to seize and destroy the non-compliant food stuffs allowing the compliant part of the consignment to enter the country.

Case Study 13. Public Health (Ancoats & Beswick)

The food team was contacted by a resident living in an apartment block on Great Ancoats Street, Manchester.

The complaint was that the basement carpark had been continuously flooding with a strong sewage odour due to defective drainage.

Investigation by the team found that this was due to a macerator system that had been installed on the drainage system years earlier which was old and defective, and the system was being overloaded by the combined drainage from the domestic residences and the commercial businesses situated on the ground floor of the building. The flooding comprised drainage detritus and sewage causing a potential public health issue.

The team worked with building owners, the engineers appointed by the surveyor team and owners of the commercial premises, including food businesses, to implement measures to resolve this matter which enabled the food businesses to continue to operate whilst minimising risks to food safety/public health.

3.11 Housing Compliance RFS

3.11.1 Housing RFS cover damp, drainage, fire precautions, heating and hot water, gas and electric, unlawful eviction and tenant and landlord disputes. The service received 1917 RFS in 22/ 23 compared to 1804 in 21/22, an increase of 6%. The RFS breakdown is North 667 (35%), Central 679 (35%), South 482 (25%) and City Centre 85 (4%). The 3 main categories of complaints received

were dampness and leaks 846, unlawful evictions 239 and heating and hot water 169. RFS for dampness and leaks remains the highest volume RFS received by the Housing Compliance team year on year. The increase is mainly due to the greater focus on the adverse health effects of mould growth in defective, damp residential properties. Figure 6 shows the increase of dampness and leaks RFS over the past 3 years.

Figure 6. Dampness & Leaks RFS

Year	Dampness & Leaks RFS	% of overall total
2020/21	540	35%
2021/22	671	37%
2022/23	846	47%

Case Study 14. Disrepair – Dampness & Mould Growth (Gorton)

An inspection was conducted on a property in Gorton. At the inspection it was noted that excessive mould growth was present in the property, especially to the kitchen and the final entrance doors to the property were allowing draughts into the property preventing an adequate internal temperature in the kitchen and hallway, which may have contributed to the mould growth, by limiting the heating of the rooms.

Following the inspection an Environmental Protection Act Notice, Section 80 was served to address the dampness and mould growth in the property, including the removal of the mould and any remedial work to address the causes of mould in the property.

Following the service of the notice, the landlord undertook the work as prescribed and all within the timescales specified. The landlord removed the mould growth and ensured external doors were draught proofed to prevent further mould growth occurring. The landlord attended the reinspection with the Housing Compliance officer to ensure the notice was fully complied with.

3.11.2 In 20/ 21 the number of unlawful eviction RFS was 177, in 21/ 22 this increased to 185 and in 22/ 23 this has increased further to 239 (29% increase). A number of factors are likely to be contributing to the rise. During the pandemic, the government placed a ban on evictions, this ended on 31 May 21. Since that time, the court system has been backed up leading to prolonged periods in the process for a landlord to legally evict a tenant. The cost-of-living crisis has seen tenants struggle to pay their rent and some landlords resort to criminal means to remove tenants as the court system falters.

3.11.3 The demand on housing and lack of supply of affordable housing puts pressure on tenants who are not able to find alternative accommodation when served with an eviction notice. Some landlords are increasing rents causing residents to fall into arrears leading to an increasing number of tenants being served eviction notices who are then forced to stay put while the due legal

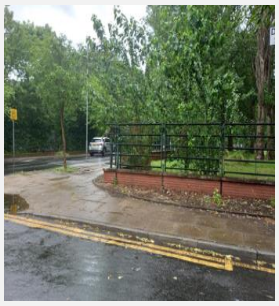
process plays out. However, some landlords are resorting to illegal eviction methods including harassment of tenants rather than wating for a court date. Working closely with support services, it is suspected that many more cases go unreported.

3.11.4 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.

3.12 Highways Related RFS

3.12.1 Highways related RFS cover issues such as obstructions, muddied sites, and overhanging vegetation. There was no change in volume of work in this area with 1,902 jobs received in 22/ 23 compared to 1,909 in 21/ 22. 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 do not need formal enforcement action.

Case Study 15. Obstruction (Citywide)

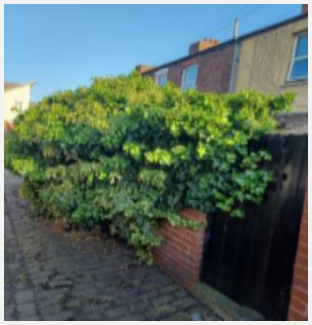


Hulme & Moss Side:
Officers carried out an audit of clothing banks in Hulme and Moss Side areas to address ongoing issues with their placement on the highway. Once ownership had been identified, the process of removal commenced. Using both informal and formal legal requests, 6 clothing banks were removed from MCC land. Many of these clothing banks are unconnected to charities and attract fly tipping and side waste.


Moston Lane, Moston:
Highways legislation was used by officers to address an obstruction on the pavement where the Business Owner had placed his goods for sale on the Highway. The notice was fully complied with, and all the goods taken off the Highway allowing for free unobstructed movement of pedestrians


Kingsdale Rd, Gorton & Abbey Hey:
Overgrown vegetation was found to be reducing the visibility for vehicle and pedestrians causing a risk to the road and footpath users, officers served notice on the property owner using S154 of the Highways Act, the notice was fully complained with all the vegetation being cut back to the boundary line.


Catherine Rd, Crumpsall:
A skip was placed on the highway on Catherine Road in front of residential premises causing issues of waste spillage on the highway and the skip being added to by others with contaminated waste. A section 154 Highways warning letter was sent to the property owners and direct contact made with the skip company. The skip was removed within 24hrs.



Fairhaven Avenue, Ardwick:
Overgrown bushes on Fairhaven Avenue were found to be affecting the waste collection service by preventing the communal container from passing as well as preventing the neighbours from accessing the rear of their property. Legal notice under the Highways Act was served on the owners
and the foliage was cut back, no further action was required by officers.

3.13 Licensing RFS

3.13.1 Licensing work includes responding to new applications, licence suspensions, consideration of temporary event notifications and requests related to premises licence conditions. All areas of the city have seen an increase when compared to 21/ 22. In the North of the city the increase was from 359 to 450 (15%), In Central from 334 to 457 (15%), in South from 498 to 640 (29%), and in the City Centre 1366 to 1507 (10%). The 3 main categories of requests for service were Temporary Event notice referrals 1541 (50% of licensing RFS), Suspension of Licence 362 (12%) and Licensing applications 255 (8%).

Case Study 16. Suspension of Licence (Cheetham)

A restaurant/bar in the Cheetham ward was reviewed as, despite many attempts over several months, to work with the business, no improvements were being made. The premises licence was granted for the use of a restaurant and bar. However, only 2 months later, whilst on proactive monitoring in the area, the premises was found to be operating as a ‘Shisha Bar’. Following a full licence inspection, breaches of conditions were identified, and steps agreed to rectify them along with stopping Shisha smoking with immediate effect.

Several visits, both proactive and in response to call outs, were made to the premises regarding noise break out, dispersal concerns, breaches of The Health Act and opening beyond their permitted hours. Despite the intervention and support of the team the premises remained unable or unwilling to comply with its licence.

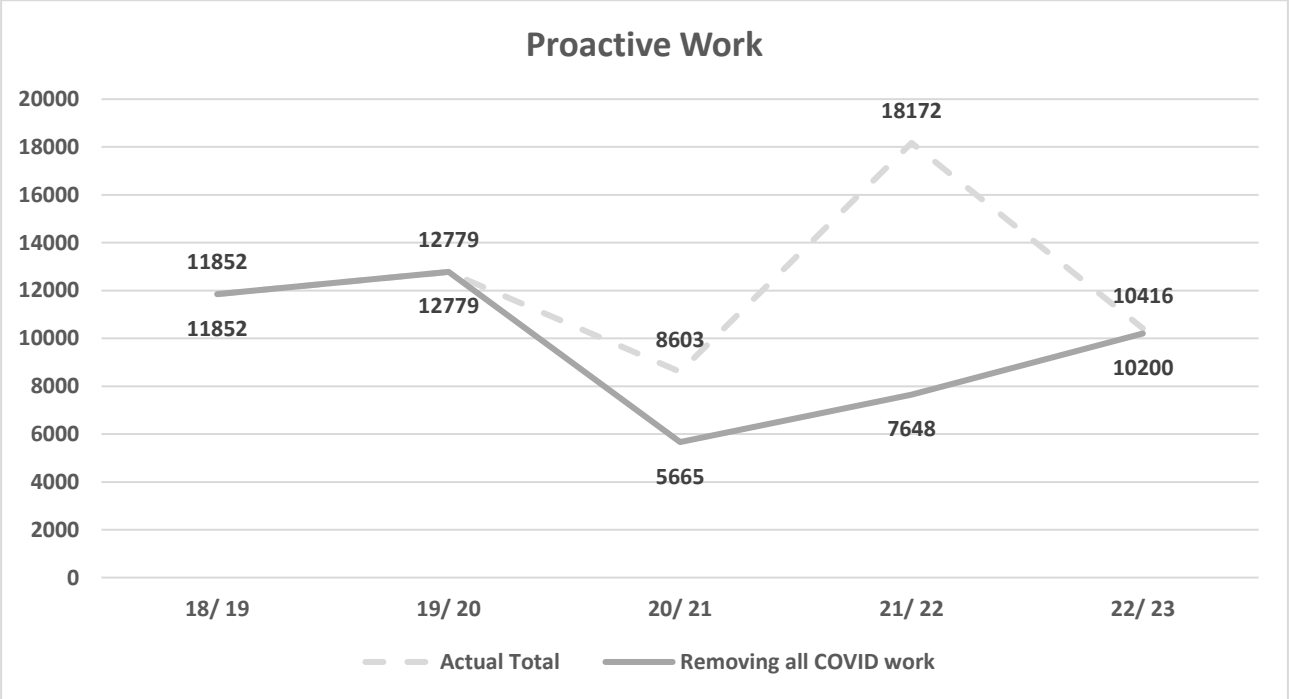
A Pre-Review meeting was held in conjunction with Greater Manchester Police to make clear the concerns, but no improvements were made so the premises licence was reviewed and at a sub-committee hearing the licence was revoked.

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 great change, where businesses are having to quickly adapt to changes, with new legislation, guidance and currently 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 the services, 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.

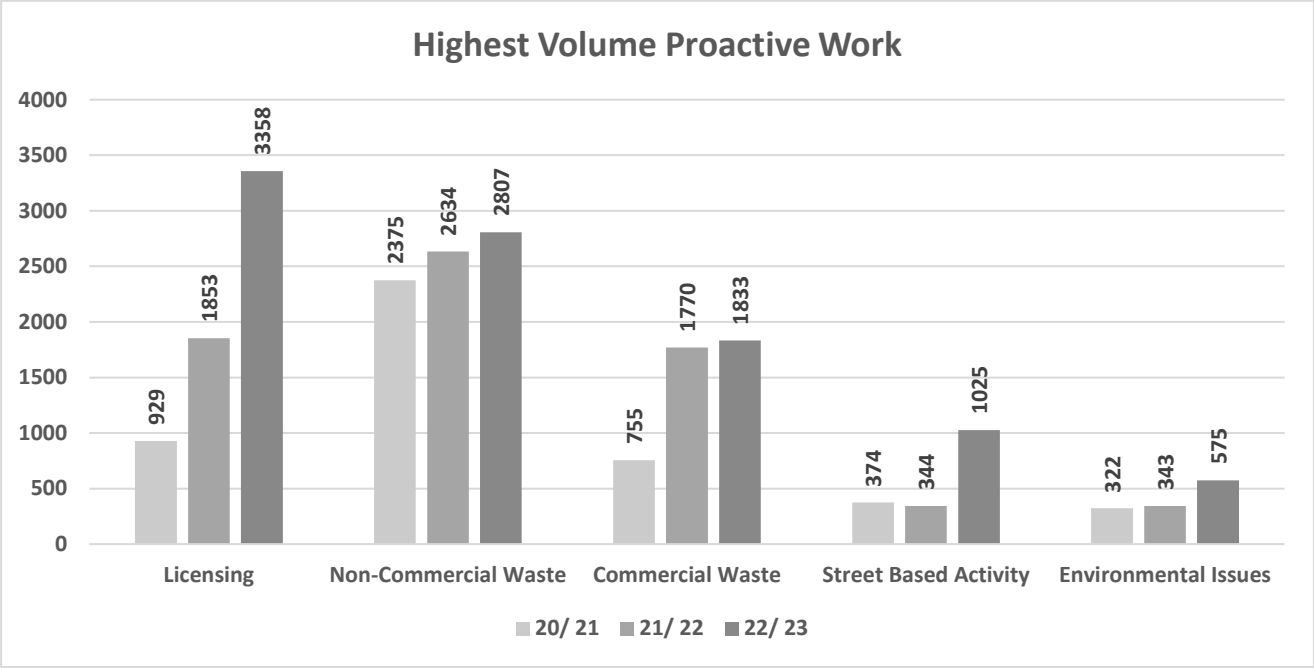
4.2 Figure 7 shows all proactive activity by year. In 21/ 22 proactive work increased significantly in the main due to the service's response to support businesses in managing the impact of COVID. Comparing 22/23 with 21/22 overall proactive jobs would appear to decrease by 43% (18172 to 10416) but this is because the 21/22 total includes 10,524 COVID related jobs. Excluding COVID related work there has been an increase of 33% (7648 to 10200) showing that business-as-usual proactive activity is returning to closer to 19/20 pre-COVID levels.

Figure 7. Volume of proactive activity by month and year



4.3 Fig 8 shows the highest volume proactive work areas and how they compare to the previous year. The top 5 categories accounted for 92% of all proactive work. Each of the areas are discussed in more detail in the following sections.

Figure 8. Highest volume proactive categories



4.4 Proactive Licensing Work

4.4.1 Proactive licensing jobs, which are, in the main, proactive visits to licensed premises and monitoring at night, increased from 1853 in 21/ 22 to 3358 in 22/ 23, a rise of 81%. This increase reflects the monitoring of premises with TENs, safeguarding and vulnerability visits to student venues and pre-event visits around major events in the city. Inspections of licensed premises is discussed in section 5.4

4.4.2 LOOH officers support work to ensure events are safe and compliant. This includes considering any licence applications and making representations, attending Safety Advisory Group (SAG) and Multi Agency Partnership (MAP) meetings with internal and external partners/agencies. These meetings provide a platform for discussing and advising on public safety and concerns at an event. They aim to support event organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies.

4.4.3 During events such as Parklife, Caribbean Carnival of Manchester, Etihad concerts etc, the team attend and undertake compliance checks to ensure that event plans are followed and any issues arising are addressed, in order to achieve a safe and compliant event. Following events, the team is also represented at the de-brief to feed in lessons learned and help in the planning of safe future events. The team is also engaged in activity outside event sites including street trading and licensing compliance activity which can impact on residents in the vicinity.

Case Study 17. Events, Caribbean Carnival of Manchester

Case Study: Caribbean Carnival of Manchester (CCoM)

Detailed planning took place to ensure a successful Carnival within the park and to limit any adverse impacts on residents as a result of activity taking place outside of the park. Officers worked with colleagues from a range of departments and GMP to ensure that the event operated in line with the event management plans and licensing conditions and that illegal street trading and noise nuisance issues external to the event were addressed. Noise Abatement Notices were issued on properties where loud parties were taking/had taken place and illegal street traders were challenged, issued warning letters, and moved on. The approach delivered a successful Carnival and reduced disturbance experienced by residents in the surrounding area.

Case Study 18. Events - Parklife Festival

A significant amount of work was done by the LOOH team around the external perimeter of the site, following unauthorised access to the site on previous years. Places of vulnerability were quickly identified with the details shared with Event Control to secure the perimeter. This included relocating some of the container bins which were too close to the fencing. Intelligence was shared with GMP officers from both the Manchester and Bury divisions regarding the number of individuals selling Nitrous Oxide around the site with arrests being made.

Inside the event space issues regarding Nitrous Oxide use was fed back to the organisers to ensure that action was taken to address these concerns.
The bar areas were closely monitored by LOOH staff to ensure that the ID Champions, responsible for age verification checks, were undertaking this role and where non-compliance was found this was quickly rectified.
LOOH input to the debrief with a clear expectation that issues identified will be addressed for future events.

Case Study 19. Proactive Visit to Licensed Premises (Harpurhey)

Following reports raised by residents in North Manchester regarding a licensed premises operating outside its licensed hours, officers undertook a number of unannounced proactive visits. The team was quickly able to evidence ‘lock ins’ with the Designated Premises Supervisor (DPS) selling alcohol beyond the permitted times of the Premises Licence.

As part our stepped approach a joint Pre-Review meeting with GMP, took place with the licence holder, during which the evidence was presented to them they were told that any further breaches of the licence would be met with enforcement action from the Licensing Out of Hours team.

Following the Pre-Review, the licence holder replaced the DPS with a more reliable person. Officers continued to work with both the licence holder and the new DPS to

gain compliance on other matters that had initially been a cause for concern for residents such as large groups congregating around the premises. The business was made compliant, and officers continue to monitor the premises.

4.5 Proactive Non-Commercial Waste

4.5.1 Proactive work around non-commercial waste activities increased in 22/ 23 by 7%. This work includes domestic waste, fly-tipping and waste on land where there is no evidence of commercial involvement.

Case Study 20. Non-commercial waste (Citywide)


Crumpsall: Neighbourhood Compliance Officers identified a large accumulation of waste in the rear of a residential property on Sedgley Road, whilst carrying out their area proactive patrol's. Officers served a Prevention of Damage by Pest Act notice on the owner of the property, the notice was fully complied with, and the site was cleared by the owner.


Longsight: Whilst the Neighbourhood Compliance Officer was proactively patrolling the area, the officer came across a large pile of building waste on private land on Northmoor Road. The officer served a Prevention of Damage by Pest Act notice on the landowner, the notice was fully complied with, and the site was cleared by the landowner.

Chorlton - Following numerous reports of vermin around a property on Barlow Moor Road, the Neighbourhood Compliance Officer quickly discovered that the root cause of the issue was numerous bags of waste dumped in the backyard of a nearby property which had been there for quite some time and was attracting vermin. After speaking to the owner and serving a legal notice, the waste was removed promptly by the owners and the yard fully cleansed.

Gorton and Abbey Hey – Waste in the front of a property on Parkdale Avenue was attracting pests and vermin. The area Neighbourhood Compliance Officer served a Prevention of Damage by Pest Act notice on the owners to have the waste removed and followed this up with a Section 46 EPA notice on the occupants for disposal of their waste. Both notices were fully complied with.

4.6 Proactive Commercial Waste Work

4.6.1 Proactive commercial waste interventions increased by 4%, from 1770 in 21/ 22 to 1833 in 22/ 23. This work includes Businesses with waste not within containers/ side waste and visiting premises to check that they have current waste contracts. Two Neighbourhood Compliance Officers within the NPT conduct a programme of business inspections to ensure appropriate and sufficient arrangements are in place by business owners to dispose of their

commercial waste. This resource supports Citywide Neighbourhood Compliance Teams to concentrate on problematic areas throughout the city. The work carried out on various projects and days of action has had a real impact in problematic areas. Work with the Environmental Crimes Team to enforce on businesses operating illegally without commercial waste contracts, also known as a Duty of Care, has also increased this year with some successful prosecutions taking place through the courts.

Case Study 21. Commercial Waste (Cheetham Commercial Area)

Targeted proactive work to address all waste issues within the Cheetham Commercial area (encompassing Waterloo Rd across to Cheetham Hill Rd) has taken place. This includes visiting all commercial businesses in the area to check for commercial waste contracts, dealing with all waste related RFS and signposting businesses owners who have an interest in working with MCC as part of a business forum to colleagues in the Neighbourhood Team to develop this further. To date 185 premises have been visited proactively with a variety of actions and legal notices served highways obstructions including deliveries on the highway, overgrown vegetation, and fly posting have also been addressed as part of this project.

Case Study 22. Commercial Waste (Didsbury)

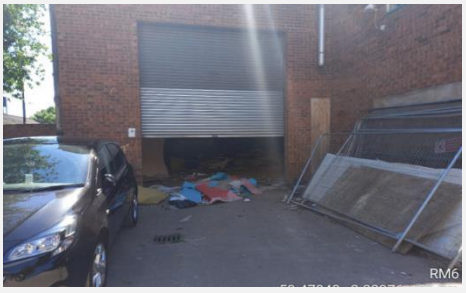
Reports were received of waste dumped on Wilmslow Road in Didsbury Village, particularly around a business that had recently changed hands. Officers checked businesses had the appropriate waste contracts in place and were managing their bins properly. This was followed up with visits to the flats above the shops to make sure the tenants had the correct waste provision in place and were managing their domestic waste appropriately.

The situation has greatly improved, and the new business owners are working closely with South NCT Officers to ensure their business is compliant and now has a new waste contract in place.

Case Study 23. Commercial Waste (Levenshulme)

As part of a project along Stockport Road, officers inspected a local business causing waste issues and found that it did not have a waste contract. Officers served a S34 Notice on the business, which the owners failed to comply with. This was followed up with a £300 fixed penalty notice, which was paid, and a new contract put in place. Area officers have monitored the business to ensure that the waste continues to be managed appropriately. This proactive intervention as part of the project has helped towards improving the area.

Case Study 24. Commercial Waste (City Centre)



Officers, as part of their proactive monitoring identified a building that was open to access, with a large accumulation of waste both internal and externally. The site was also being used by people rough sleeping and
there was evidence of drug use and sex work. A Section 29 Notice under the Local Government Miscellaneous Provisions Act 1982 was served on the landowner to secure and cleanse the site. Full compliance with the notice was achieved within a month of service and the area has since been redeveloped.

4.7 Proactive Street Based Activity

4.7.1 Proactive street-based activity increased by 198%, from 344 in 21/ 22 to 1025 in 22/ 23. This was as a result of the covid lockdowns, which dramatically reduced the amount of street-based activity particularly in the City Centre, where most street-based interactions, such as buskers, pedlars and street traders take place. When the lockdowns were lifted and the city started to return to normal, we saw increases in street-based activity to levels, whilst lower, more akin to pre covid levels.

4.7.2 LOOH Officers carry out daily proactive patrols across the city centre with a focus on ensuring compliance and challenging illegal activity taking place on Market Street and Piccadilly Gardens. Officers regularly challenge illegal street traders. There has been a particularly active group selling counterfeit perfume products from carrier bags to members of the public. These individuals are abusive, threatening, and intimidating towards officers. Officers have seized goods on many occasions, but their behaviour has made it challenging to secure personal details to take forward prosecutions, Officers are working closely with colleagues in GMP to get the detail needed to take forward legal action.

Case Study 25 – Illegal Street Trading (City Centre)

Prior to a concert at the Bridgewater Hall officers engaged with a street trader who advised they had left their certificate to trade in the car. After giving them the opportunity to cease trading, due to non-compliance officers seized goods and prosecuted the individual for illegal street trading

4.8 Proactive Environmental Issues

4.8.1 Proactive environmental issues increased by 68%, from 343 in 21/ 22 to 575 in 22/ 23. This work includes overgrown vegetation on private land (398) and flyposting investigation/ removal (94). Extensive proactive work was carried out in the summer by Neighbourhood Compliance Officers in South of city, where issues of overhanging vegetation causing problems on the highway were addressed both informally and formally with owners. An increase in flyposting is always experienced in the student areas in and around fresher's week. Neighbourhood Compliance Officers are very proactive in the Fallowfield, Withington, Old Moat, Hulme and Moss Side wards tackling the companies and businesses who are illegally flyposting.

5.0 Programmed Activities

5.1 In addition to requests for service and proactive work there are 2 main areas of programmed work, Food Safety 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. At the beginning of 22/ 23 there were 5591 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. The team runs a dual inspection programme looking at food hygiene which includes issues such as food quality and cleanliness of food premises and food standards which includes issues such as allergen controls and correct food labelling.

5.2.2 During 22/23 the Food team worked to the Food Standards Agency's COVID recovery plan which was successfully completed. 835 unrated premises were carried forward into 23/24 the first full food programme since the pandemic. The team are on track to clear the backlog this year.

5.2.3 We estimate the number of food businesses requiring interventions in 2023/24 is approx. 4143 which includes new food registrations/new business trading that will come in through the year, premises due an inspection within the year and unrated premises carried forward from 22/23.

5.3 Licensed Premises Inspection Programme

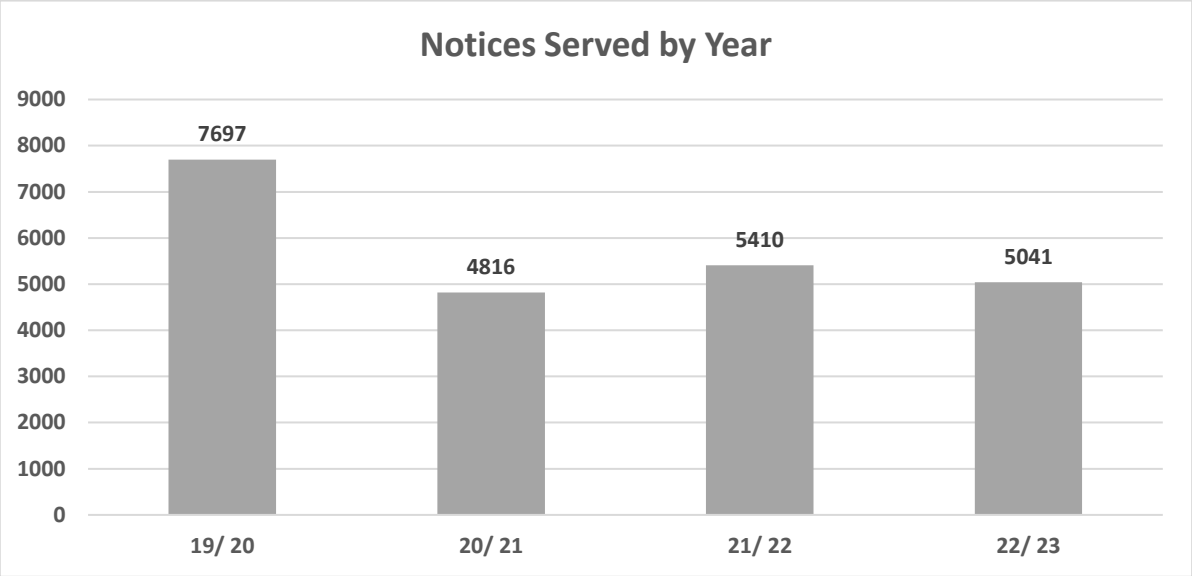
5.3.1 The main objective of the pilot programme is to ensure that every licensed premises is inspected at least once in a 3-year period with scheduled revisits based on the outcome of the initial inspection which provides a risk rating score considering both risk and level of compliance. Premises with a higher risk score will be visited more frequently than those with a low-risk score. The programme will be built up over the 3-year period to give a balanced programme that can then be maintained. So far 324 Licensed premises have been inspected. Although there is not a statutory requirement to inspect Licensed premises it is considered good practice to ensure 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 We take a fair and proportionate approach to dealing with breaches of legislation, to promote good practice, signpost to guidance on aspects of the law and invest both time and resources in preventative work, reducing where possible, risks to public health.

6.2 In the vast majority of cases compliance is achieved through working with people and businesses, using informal means and giving them the chance to get it right and help make our neighbourhoods places where people want to live, work and socialise. However, where formal action is required to achieve compliance, it will be taken. Figure 7 shows in 2022/ 23 5041 legal notices were served compared to 5410 in 2021/ 22, a decrease of 7%

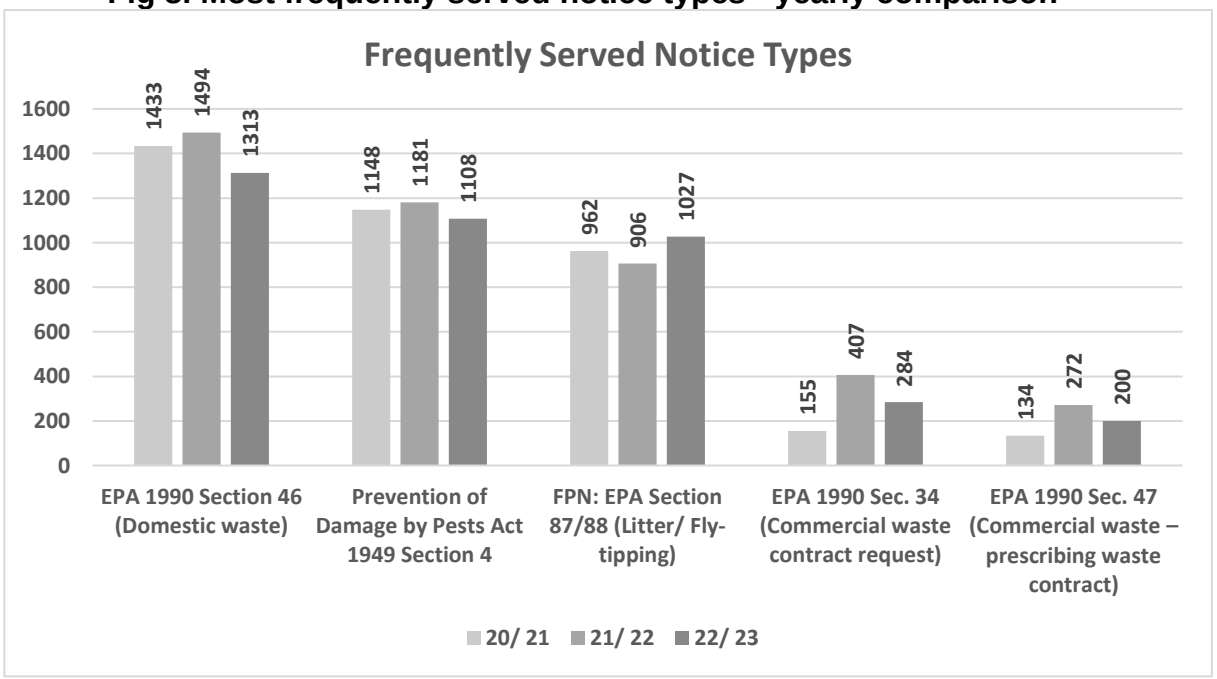
Figure 7. Notices served yearly comparison



6.3 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.

6.4 As shown in Figure 8, Environmental Protection Act Section 46 notices were the highest volume notices served in 22/ 23. 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.

Fig 8. Most frequently served notice types - yearly comparison



6.5 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 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 26. Commercial Waste Prosecution – (Wythenshawe)

This case was investigated by Officers from the Commercial Waste Project. The company did not have a commercial waste contract to dispose of their commercial waste. The business ignored all legal notices, fines and correspondence by officers, which was then referred to the Environmental Crimes Team to take forward a prosecution.

After intensive investigation the case was referred to City Solicitors and was heard in the Magistrates Court. The Defending company did not attend the court hearing. They were found guilty and had to pay a total of **£9,690.00**

Case Study 27. Commercial Waste prosecution – (Harpurhey)

Officers visited a business on Rochdale Road. The company did not have a commercial waste contract and ignored all legal notices, fines, and correspondence from officers, so the case was referred to the Environmental Crimes Team (ECT) and was prosecuted in Manchester Magistrates' Court.

The Defendant did not attend, was found guilty and had to pay **£5,750.00.**

6.6 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 28. PDPA – (Baguley)




Action was taken under the Prevention of Damage by Pests Act 1949 against the owners of a large piece of land behind, a parade of shops on Greenbrow Road, Baguley to remove accumulations of refuse. The landowners failed to clear the waste, so the matter was referred to the Environmental Crimes Team (ECT) for the works to carried out in default. ECT arranged for a contractor to clear the land of fly-tipped furniture, white goods, black bags, miscellaneous waste and litter as well as overflowing and contaminated bins. The landowners were charged **£1500** for the clean-up costs.

6.7 The Compliance & Performance Team (CPT) 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.

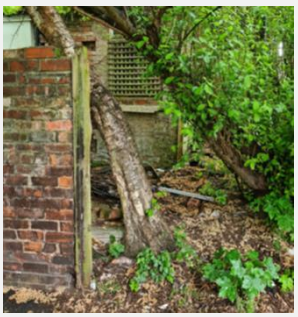
6.8 Although recovery of the debt is prompted by the debt accrued for works carried out in default, by teams within the Compliance and Enforcement Service, the CPT will also pursue any associated Building Control and/or Council Tax debt where possible.

6.9 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.

6.10 In 22/ 23 £121,982.02 debt including interest was recovered.

Case Study 29. Enforced Sale Process (ESP) – (Harpurhey)







A long-term empty property abandoned by the owner in a dilapidated state of repair for several years.

In July 2022 the property was entered into the ESP. CPT officers worked in conjunction with the mortgagee who was in the process of repossessing the property. The property was sold in December 2022 and all person based and land chargeable debt was paid in full, **£5,232.24** owed to the Council was recovered.

The property has since been renovated and is currently being marketed with an estate agent.

Case Study 30. Debt Recovery

Abercarn Close, Cheetham
Outstanding debt pursued in April 2023. All land chargeable debt, **£2,293.97** recovered and paid in full September 2023.

Woodleigh Street, Harpurhey
Outstanding debt pursued in June 2023. All land chargeable debt, **£1,773.55** recovered and paid in full August 2023.

Hillier Street North, Moston
Outstanding debt pursued in July 2023. All land chargeable debt, **£7,937.68** recovered and paid in full September 2023.

6.11 Where notices are contravened or where cases are of a more serious nature more formal enforcement action will 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 22/ 23 a total of 264 prosecutions/civil penalties were concluded by the service.

Figure 9. 2022/23 prosecutions and penalty notices issued across C&E

Prosecution types 2022 /2023	No. of Pros/CPNs	Total fines /charges /outcomes
Fly-tipping/ Littering prosecutions EPA 1990 Sec 87/88	189	**£113,262.00**
EPA 1990 Sec. 33 /34 Commercial Waste Duty of Care (Waste transfer/ escape of waste)	23	**£29,649.25** 1 x formal caution 1 X 6 mths Conditional Discharge 1 12 mths Conditional Discharge 2 x Settled out of court (costs)
Toy Safety Regs 2011	1	**£10,847.00** 1 x Forfeiture of goods
Tobacco and related products Regs 2016	8	**£5,851** 1 x 18mths Conditional Discharge + forfeiture 4 x Forfeiture of goods
Trademarks Act 1994	6	**£2,844.00** 1 Community Service Order+ forfeiture 4 x Forfeiture of goods
Children and Young Persons Act 1991 (Protection from Tobacco)	1	**£114.00** 1 x Forfeiture of goods
Flyposting – Highways Act 1980 Sec. 132	3	**£2,922.37** 1 x Formal caution accepted
Elec Equip (Safety) Regs 1994	1	**£2500.00** 1 x suspended sentence
Illegal Street Trading – Local Government Miscellaneous Provisions Act 1982	11	**£8,360.00** **8 x Forfeiture of goods**

REACH Regs 2008 Registration, evaluation, authorisation and restriction of chemicals. *(chemicals either prohibited or restricted found in plastic such as toy dolls and heavy metals in items such as jewellery e.g., lead, cadmium and nickel)*	2	**£2,159.00**
Housing Civil Penalty Notices issued	19	**£144,899.00** (invoiced) 6 x Failure to comply with a improvement notice 2 x Failure to apply for a Selective Licence 10 x Breach of HMO Management Regulations 1 x Breach of HMO Licence Conditions
Grand Total	**264**	**£323,407.62**

7.0 Ongoing and New Challenges

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

7.2 Puppy Farms

7.2.1 Since the implementation of the legislation in April 2020 there remains some confusion and misinterpretation of the legislation. Many domestic breeders are not aware that they may need a licence. TS Officers try to make clear that if domestic breeders are advertising litters for sale (irrespective of the number per year) they may be classed as a business and therefore licensable. Further challenges include:

- Difficulties in establishing what is classed as a business for the purposes of the legislation e.g. one litter of puppies sold for a high price could be classed as a business and therefore require a licence.

- Difficulties taking action as evidence required can be difficult to gather e.g. witness statements from advertising sites and closed social media groups that are challenging to access.

- Difficulties proving that complaints of people breeding dogs are linked to evidence of sale.

- Increase in pregnant dogs being imported from the EU for profit. Difficult to trace their onward journey once in the UK.

7.2.2 We are now seeing an increase of breeding being ancillary to other serious organised crime. We are working with the Police to combat this without compromising other offences. Safety of officer, involved in investigations, remains paramount and safety of officers is assessed on a case-by-case basis, with support from GMP and the RSPCA's specialist investigation teams, requested where required. Other investigations have also been shown to be largely cross borough criminality. Large scale breeding (puppy farms) is generally operated throughout the region presenting issues in tracking down offenders, locations of sales and breeding. Some cases have shown that houses are rented purely as 'showing houses'. These houses are not lived in and their sole purpose is for prospective sellers to show and sell animals. This leads to the issue of tracking offenders and the source of the animals.

7.2.3 Although animal welfare is a statutory duty, clarity is needed in what role different partners will play in enforcement against illegal breeding and the challenge of rehoming animals seized as part of our investigations. To try and meet this emerging demand the TS team has increased the number of staff trained on animal licensing with 3 officers attending a course this year. Officers' must be fully qualified in animal licensing to be able to work on enforcement which is currently a challenge due to low number of fully qualified officers but, as noted above, more are being trained.

7.3 Vapes / Illicit Tobacco

7.3.1 There has been an increase in the number of complaints of vapes being sold to minors, some as young as 11 including children being served in school uniforms, which shows both a complete disregard of the law and the effects of the products on children. There has also been an increase in the sale of illegal vapes with more found to be concealed.

7.3.2 We continue to work closely with partners such as HMRC to organise enforcement visits to businesses suspected of selling illicit tobacco and vapes. This year has seen a steep increase in seizures for illicit tobacco and illegal vape products.

7.3.3 Work in this area is being prioritised with funding via HMRC which also funds the tobacco dog and costs associated with test purchasing.

7.4 Food Allergens / Stop Agreements

7.4.1 Over the last few years, the Food, Health & Safety and Airport team has been taking a national lead in issuing food Allergen Stop Agreements to poorly performing food businesses which have no allergen management or inadequate allergen controls in place at their premises. Despite regulatory changes and tragic cases of allergen deaths, officers still find that some businesses fall short of their legal responsibilities and confidence in management/controls, in some businesses, remains low. The team devised the 'Allergen stop Agreement' which enabled officers to voluntarily stop businesses serving people with allergies until they had adequate management systems in place.

7.4.2 Currently there are around 800 food businesses that have a food allergen voluntary stop agreement in place. Following the pandemic and as the country started to return to business-as-usual officers have been working on how to improve food allergen compliance in food businesses.

7.4.3 Manchester REACT'S (Raising Effective Allergen Compliance through Training and Support) is Manchester's response to improving allergen compliance. It has been recognised that training and support to businesses is still needed around food allergens and as much of the existing training that is available does not meet the needs of many Manchester's businesses, we have developed a bespoke package of training and support to help businesses achieve compliance in this critical area.

7.4.4 Training currently available is theoretical and quite complex therefore the team has broken down the training into smaller components consisting of theoretical and practical/interactive work with the aim of bringing allergens awareness to life. We teamed up with MCC comms team and Manchester City Football Club who have provided facilities and staff to help film short videos to be used in the training package. MCFC are also providing a venue for some of the training sessions.

7.4.5 The project is ongoing and growing in momentum as the project aims to roll out to our Manchester businesses in the New Year. A Manchester REACTS Allergen strategy has also been developed for 23/24 which, separate to the training also includes different elements e.g., test purchasing, sampling, data analysis, increasing enforcement etc.

7.5 Cosmetic Procedures

7.5.1 In recent years there has been a growing prevalence and normalisation of non-surgical cosmetic procedures nationally. This was highlighted in the 2019 Chartered Institute of Environmental Health (CIEH) report as the 'ugly side of beauty.' This area has been growing considerably over the years and has become one of the most profitable retail sectors. Procedures such as Botox anti-wrinkle injections, cosmetic fillers, chemical peels and energy-based treatments are growing in popularity, with new procedures rapidly emerging onto the market. The current regulatory framework places few restrictions on who can perform non-surgical cosmetic procedures. The government recognises the CIEH and other beauty sector concerns about the lack of regulation in this field and the potential dangers that this poses to the public.

7.5.2 In a recent first phase consultation Environmental Health and Public Health colleagues responded jointly, stating that high risk procedures should be restricted to qualified health care professionals. Customer safety is a priority when a client decides upon invasive and complex non-surgical cosmetic treatments. Registered Medical Practitioners including nursing professionals already know the risks associated with infection control, safeguarding, public safety, the importance of equipment conformity, the use of prescribed substances and premises cleanliness. It is our view, along with colleagues nationally, that non-practising health care professional providers may not

understand the risks associated with certain non-surgical invasive cosmetic procedures without enhanced training in infection control, the techniques and products used and equipment standards. Many Practitioners outside the healthcare profession do not know the complications associated with procedures they administer and are not able to address such matters in after care provision. Emotional, physical and mental complications may arise due to a lack of practitioner competency for high-risk procedures. Many do not have access to suitable training to a nationally accredited standard of expertise, education, and skill.

7.5.3 The proposal to licence non cosmetic treatments is a welcomed and long-awaited proposal under the Health and Care Act 2022, which will bring into regulation many high-risk non-surgical procedures which currently fall outside beauty and aesthetic regulatory controls, currently regulated under the Local Government Miscellaneous provisions registration process. As it is in its early development, the resource requirements are not yet fully realised, However the following will need to be considered:

- Training and possible qualifications/accreditation for officers. Additional time and resource required for officers to build knowledge on new and developing treatments, products and equipment.

- Support/awareness for the beauty sector on the change of regulation.

- More treatments will be captured in the licensing scheme and therefore an increased workload.

- Resource to follow up and assess licence renewal. Currently, the registration process requires only one inspection on registration. This will have resource implications.

- Charging for services has not yet been decided. This may be set nationally; however, it is possible that this could be set locally. The ongoing challenge will be ensuring consistency with other GM authorities while covering costs.

7.6 Private Sector Housing - Future Regulatory Burdens

7.6.1 The Renters (Reform Bill) is currently at the Committee Stage in Parliament. The proposals include a landlords property portal, including new offences for failing to register and making tenancy related offences such as illegal eviction a duty, rather than a power, for councils to investigate, along with several additional tenancy offences, for example, failure to provide a written tenancy agreement. We are currently working with DLHUC so they understand the demands they are putting on local authorities via the Bill. It is expected that new burdens funding will be issued when the Bill becomes an Act, but this is often a one-off payment to assist with training and promoting the changes to landlords and tenants not sustainable on-going funding.

7.6.2 In addition there is a future proposal to introduce a decent homes standard for privately rented properties and new offences where it is not met. New offences and powers will increase the need for additional resources at a future date.

7.7 New Case Management System

7.7.1 The current case management system is being replaced with a new cloud-based solution. The current system, due to its age, significantly limits what can be done with the data it holds, making it difficult to provide the insights required to support or inform decision making and improve the service offered to our residents and businesses. As the service operates extensively out of hours, mobile functionality, reliability, flexibility and availability are top priorities

7.7.2 The service is working closely with ICT on the replacement of this key system which involves a significant amount of work in the development of the new system, integration with other key council systems such as CRM and in training and supporting staff to ensure that we use the new system to its full capability in improving service delivery.

8.0 Recommendations

8.1 Members are invited to consider and comment on the report.