

**Manchester City Council
Report for Information**

Report to: Neighbourhoods and Environment Scrutiny Committee - 4 December 2019

Subject: Compliance and Enforcement Service - Performance in 2018/19

Report of: The Strategic Director (Neighbourhoods)

Summary

To provide Members with an update on demand for and performance of the Compliance and Enforcement service during 2018/19. As requested by the Committee the report also provides information on the activities undertaken around enforcement in relation to commercial waste enforcement, unlicensed drinking establishments, shisha businesses and management of waste associated with licensed HMOs.

Recommendations

That Members note and comment on the report.

Alignment to the Our Manchester Strategy Outcomes (if applicable):

Manchester Strategy outcomes	Summary of how this report aligns to the OMS
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, assisting businesses to meet their legal obligations and taking firm action against those who flout the law or act irresponsibly.
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. Taking action against those businesses who are not compliant allows law abiding businesses to thrive.
Working with both residents and businesses to support them in improving the neighbourhoods in which they live and work and socialise	Working with both residents and businesses to support them in improving the neighbourhoods in which they live and work and socialise.

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	

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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 Neighbourhoods Scrutiny Committee 4th December 2018: Compliance and Enforcement Service – Overview of the role of the service and performance to date.
 Report of Chief Operating Officer (Neighbourhoods)

1.0 Introduction

1.2 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.

1.3 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; flytipping; littering; dog fouling; highway obstructions including skips; flyposting; empty properties and unauthorised encampments.
- **Environmental Crimes Team (ECT)** – responsible for works carried out in default; contract management; enforcement support; prosecutions; animal welfare and public space protection orders.
- **Neighbourhood Project Team (NPT)** - responsible for investigating incidents of flytipping 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; 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; provide technical support to strategic regeneration schemes; noise control at large events and exhumations. 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 effectively a range of issues that that can arise both during and outside of normal working hours e.g. licensed premises enforcement; street trading; domestic and commercial noise enforcement; busking; begging etc. 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; flytipping; 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 undertake a wide range of desk based compliance activities in support of the specialist teams: e.g. creating programmed inspection plans; verifying waste management contracts; food business registration; verification surveys and checks and management of the debt recovery and enforced sales processes. The team is also responsible for producing service wide statutory returns.

- 1.4 This report sets out the key areas of demand and how the teams performed across the whole service in 2018/19. 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 more focussed and targeted approach.
- 1.5 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.
- 1.6 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.

1.7 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, or referring the matter to the courts 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.

1.8 The report also addresses the following areas as requested by Members:

- Commercial waste enforcement;
- Shisha businesses;
- HMO Licensing and waste; and
- Unlicensed drinking establishments.

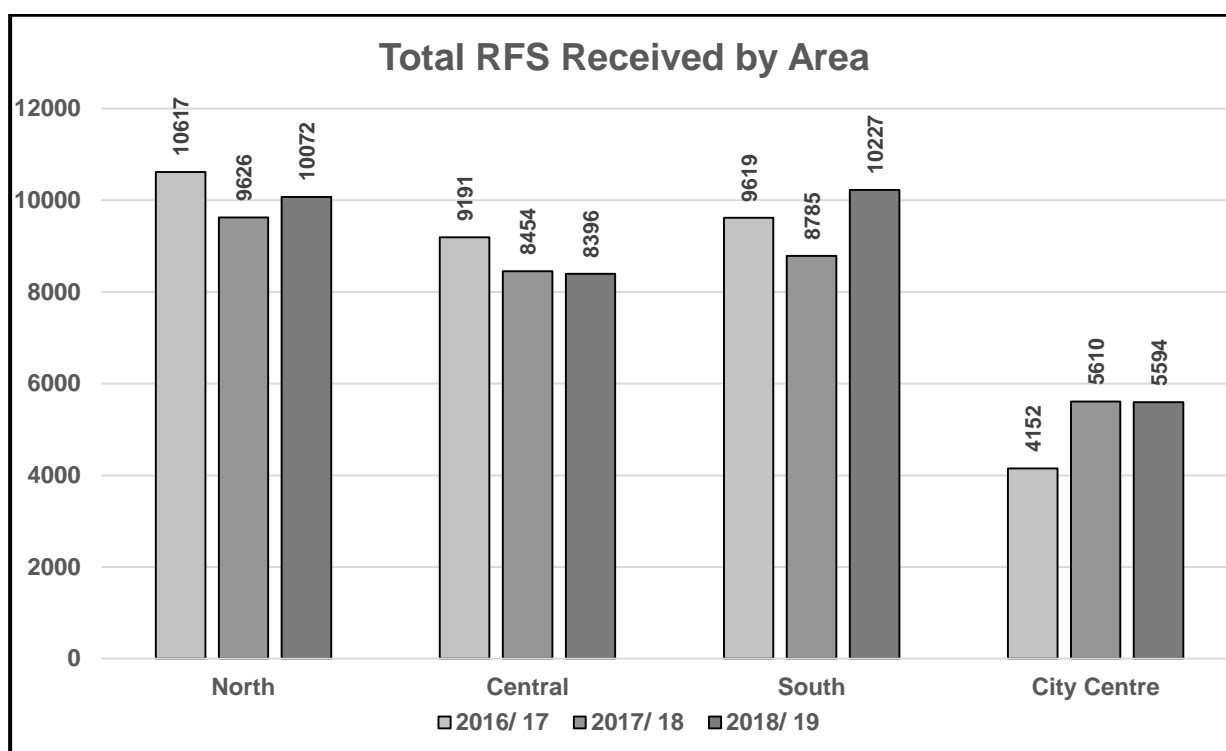
Case studies are included to illustrate the diverse nature of the issues that the service helps to resolve.

2.0 Overall Demand

2.1 In 2018/19 the service received 36,288 requests for service (RFS) and completed 13,780 proactive activities. This is compared to 34,063 RFS and 5,683 proactive activities in 2017/18. There has been an overall increase in RFS of 7% but a significant increase of 142% in proactive activities during the year. Proactive jobs will be discussed in more detail in section 3.

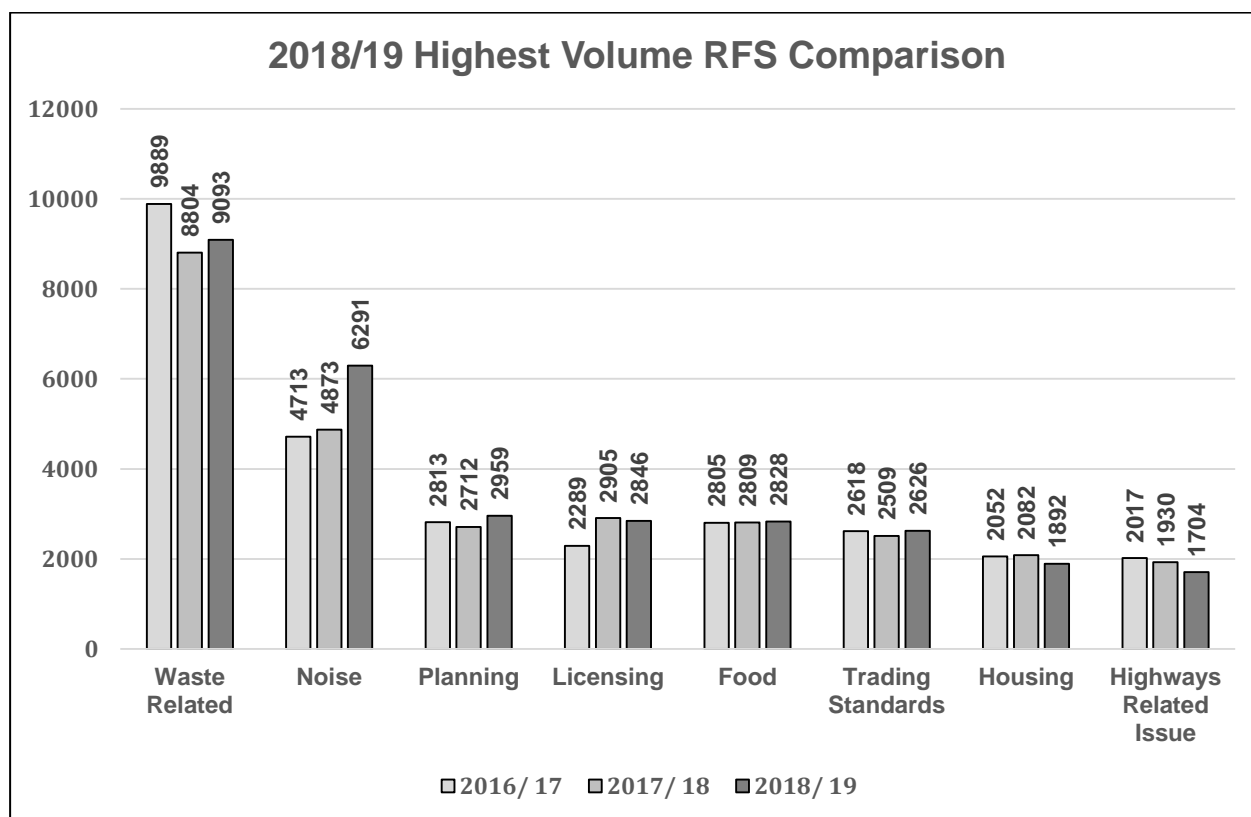
2.2 Figure 1 compares the overall volume of RFS received by area over the last 3 years. The table excludes RFS that had no specific ward assigned (1,999). These are mostly related to Trading Standards issues such as notifications of unfair commercial practices where businesses located outside of Manchester operate across the city.

Figure 1. RFS Volume comparison 16/17, 17/18, 18/19



- 2.3 The overall number of RFS when compared over the last 2 years has not changed significantly, however there is a slight increase in the North (5%) and a more pronounced increase in the South (16%) while Central and City Centre (Deansgate and Piccadilly wards) have both remained relatively stable compared to last year.
- 2.4 As noted above the South has had the most significant increase in demand overall at 16% when compared to the previous year. Noise, waste and airport work remain the highest volume areas of demand and each has increased in 18/19. Total noise RFS has increased by 50% (1535 – 2310), waste related RFS by 11% (1,556 – 1,732) and airport work by 10% (1,313 – 1,444).
- 2.5 Across the city the work areas of highest demand are set out in Figure 2. As is the case in previous years the greatest demand comes from waste related RFS which remains around 25% of all RFS received by the service.

Figure 2. Highest volume of RFS category comparison 16/17, 17/18, 18/19



2.6 A total of 9093 waste related RFS were investigated, this is compared to 8804 in 17/18. The breakdown being: North 4060 (45%), Central 3039 (33%), South 1738 (19%), City Centre 255 (3%). One job was categorised as out of Manchester in relation to land on the border of Brooklands and Trafford maintained by MCC. Overall waste related RFS has risen by 3%.

2.7 Of the 9093 waste related RFS dealt with by the service, 3389 (37%) were proactively identified and investigated by our Neighbourhood Project team who work closely with Biffa to address incidents of flytipping and pursue legal action where appropriate. The remaining waste RFS are complaints from the public and jobs logged by MCC officers. These have increased by almost 14% from 4813 to 5466 in 18/19. This is due to a 12% increase in RFS coming from the public but also a 22% increase in jobs logged by MCC Officers directly (670 – 819).

2.8 Waste complaints made by the public in the City Centre have reduced from 306 to 236 in 18/19 (23%). This is mainly due to an increase in proactive activity in the City Centre dealing with waste as and when officers come across it, including weekends when visitor numbers are at their highest. This flexible approach has resulted in fewer RFS being received. Proactive waste jobs in the City Centre have increased from 184 to 324 (76%). The proactive waste work in the City Centre includes flytipping, domestic and commercial waste.

- 2.9 Of the top 8 RFS demand categories, noise related RFS have increased the most (29%). 6291 noise RFS were received compared to 4873 in the previous year. Noise RFS include domestic noise, licensed premises and construction noise. The overall figure also includes RFS for applications for noisy working.
- 2.10 The breakdown for noise RFS is as follows: North 1461 (23%), Central 1298 (21%), South 2310 (37%), City Centre 1214 (19%), there are an additional 8 jobs not linked to a 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. Within this category, the highest areas of demand are domestic noise 3701 (59%), Licensed Premises noise 658 (11%) and construction noise 555 (9%).
- 2.11 In the South noise has seen the most significant increase, specifically in relation to domestic noise, increasing by 53%. This includes noise from student accommodation, barking dogs, people making noise such as slamming doors, shouting etc. and noise making equipment. In the South domestic noise accounts for 68% of all noise RFS received. Prior to the introduction of the Licensing and Out of Hours Team (LOOH) residents would contact GMP and Manchester Student Homes (MSH) to report domestic noise nuisance. However, residents are now more aware of the service provided by the LOOH team through having previously used the service and as a result of us actively promoting the service (through resident community meetings, the Council website, the Community Safety Team, the Neighbourhood Team and MSH), and will usually contact the service direct. Those who do still contact GMP or MSH are directed to contact the LOOH team via the City Council's Contact Centre.

Case Study 1 – Student noise (Fallowfield)

The Licensing and Out of Hours Team (LOOH) continue to work in partnership with the Off Campus Student Affairs Officer and the Community Neighbourhood Response Team (G4S) to address issues of student noise. A recent example is a report to the council from a resident about a student party. The LOOH Team attended the house party and warned the students that it was too loud and needed to be turned down. Officers warned that if it continued a notice would be served. At the time this request was complied with. The LOOH Team informed the Community Neighbourhood Response Team of the party and asked them to monitor during their patrols. Later that night the Community Neighbourhood Response Team witnessed loud music from the house and challenged the students about this. They informed the LOOH Team and provided statements about what they had witnessed, so a notice could be served.

The Community Neighbourhood Response Team remained in the area to challenge any further noise but there was none. Through working together the disturbance was quickly resolved. A notice was served on the students and details passed to the Off Campus Student Affairs Officer who is currently pursuing internal University disciplinary proceedings against these students.

- 2.12 Two notable increases are the number of construction noise RFS received and applications for prior consent for noisy working. Construction noise increased by 28% (from 434 – 555) prior consent by 46% (from 224 – 327). Manchester's economic success has resulted in significant investment in new building projects which inevitably results in increases in construction noise. However, having the Licensing and Out of Hours Team available to address noise as it is happening and work with construction companies and residents to minimise the impacts has been very successful. Some noisy work such as crane lifts are subject to time restrictions for being brought onto site through busy arterial routes. This is usually outside of normal working hours. Crane erection and dismantling is also a 10 -12 hour activity which usually requires out of hours working consent. By working with residents to explain why this is the case and working with the companies to ensure that it is done as quickly as possible and within agreed timeframes enables a balance to be struck.

Case Study 2 – Construction noise (Piccadilly)

Significant development involving a number of companies in a fairly compact area of the city generated a number of complaints about noise nuisance during the permitted hours for noisy construction work. LOOH met with all of the sites and continue to engage with new sites as they start work in the area to agree informal action plans which are site specific to reduce impact on the nearby residents. This includes working with site managers to reduce the hours they will conduct noisy working particularly at weekends and on bank holidays. This has been welcomed by residents and improved relationships between them and the construction companies. Control of Pollution Act notices are used to ensure all sites operate within the hours stipulated unless consent to work is approved and where residents have complained of sites starting earlier than allowed officers start their shifts as early as 06:30 to capture the evidence required to take enforcement where necessary.

Case Study 3 – Ordsall Chord (Deansgate)

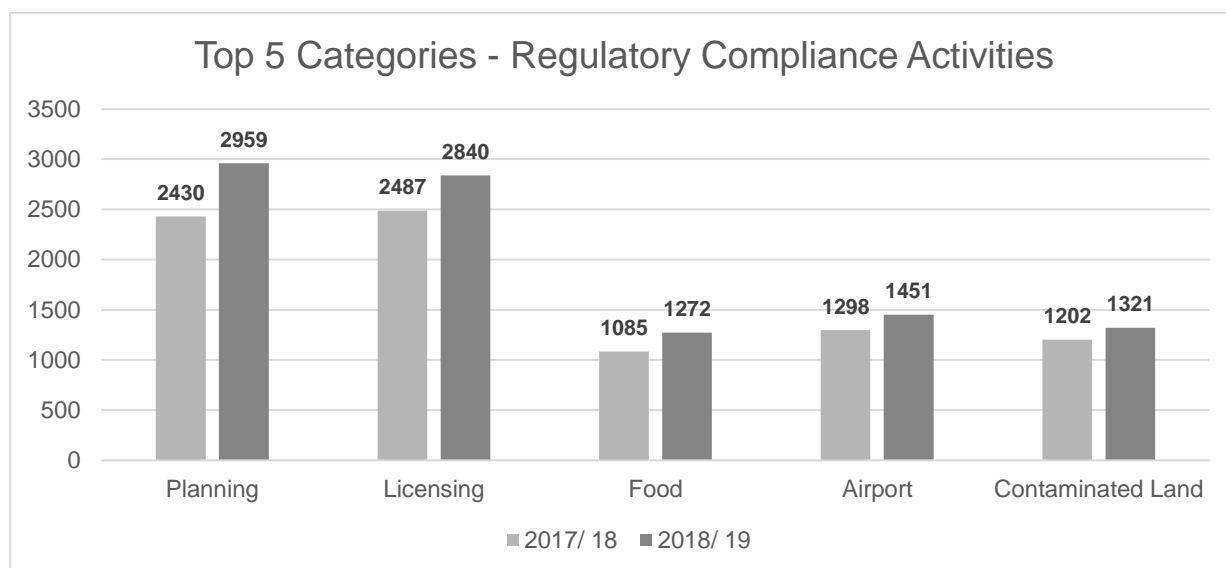
The Ordsall Chord project was the installation of a railway line to link Manchester Piccadilly and Oxford Rd stations to Victoria station. The new connection has increased capacity and reduced journey times into and through Manchester. The Environmental Protection team worked closely with engineers from Network Rail and their contractors to protect residents and businesses from excessive noise disturbance. Around 700 engineers worked on the longest most complex stage of the project which included a 24hr blockade for out of hours work. Thousands of residents and businesses were affected by the work, but by ensuring suitable working methods and controls were in place and implemented the impact was managed and the project was delivered with the least amount of noise & vibration impact on the surrounding buildings and occupants.

- 2.13 Planning includes planning applications and consultations on potential sites and review of conditions. This has increased by 9% with 2959 RFS received. The breakdown is North 689 (23%), Central 759 (26%), South 572 (19%) and City Centre 927 (31%). Citywide general enquiries/consultations 12 (1%).

- 2.14 Licensing has remained relatively consistent 2846 compared to 2905 in the previous year. Licensing work includes responding to new applications, the review of applications for temporary events and requests related to premises licence conditions. The breakdown is North 377 (13%), Central 423 (15%), South 619 (22%) and City Centre 1427 (50%).
- 2.15 Food RFS make up the biggest percentage (62%) of the Food, H&S and Airport team's total workload and has remained at a similar level to last year - 2828 compared to 2809. Food RFS includes food hygiene complaints such as poor cleanliness, pest infestations and food poisoning issues. 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 (545, 19%), Central (539, 19%), South (703, 25%) and City Centre (746, 26%) there are also 273 (10%) citywide RFS cases for such things as requests for advice on setting up a food business in Manchester. The team also deal with H&S and Airport work. Total RFS for all 3 areas covered by the team have stayed relatively constant at 4567 RFS received in 18/19 compared to 4422 the previous year. Health and Safety includes accident investigations, gas safety inspections in food premises and risk assessments. Airport work includes clearing consignments of non-animal and animal products and pests on planes.
- 2.16 In 18/19 the Food, Health & Safety and Airport team introduced a new procedure aimed at improving how businesses ensure that their food is safe for members of the public with food allergies. The consequences of ingesting allergenic ingredients can be severe. Due to the food safety risks for those suffering food allergies, ensuring businesses comply with legal requirements was a key area of work for 2018/19. A new procedure was implemented which includes the use of voluntary stop agreements (VSA) where businesses agree to stop serving members of the public who have food allergies. The stop agreements ensure that risk to the public is removed whilst businesses work towards compliance. In 18/19 570 stop agreements were put in place (North 137, Central 131, South 203, and City Centre 99).
- 2.17 Manchester has a large student population and a Food Standards Agency (FSA) led campaign (Easy to Ask) recognises that young people (16 – 24 years old) are the most vulnerable group when it comes to allergens, many leaving home for the first time, with a tendency to eat out more and inexperience with cooking for themselves. The campaign also recognises that newer students tend to be less confident in asking about the food they purchase. A FSA survey in 2018 revealed only 14% of young people felt extremely confident asking for allergen information when dining out. Manchester City Council has led the way in how local authorities approach the regulation of legislation regarding food allergies and this has been acknowledged by the FSA as a model they would wish to adopt. The team will continue to work with the FSA and other Local Authorities in implementing their own processes. To date 5 other Local Authorities have adopted our approach via the Association of Greater Manchester Authorities Food Liaison Group

- 2.18 Trading standards complaints include issues with product safety, consumer scams, doorstep crime, under age sales, illicit tobacco, weights and measures, animal welfare and counterfeiting. A total of 2626 RFS were received in 18/19 a 5% increase from the previous year. The breakdown is North (386, 15%), Central (229, 9%), South (256, 10%), City Centre (230, 9%) There are also a number of citywide enquiries and complaints in relation to businesses/organisations not located in but who operate in Manchester (1525 57%). This is a 15% increase from the previous year attributed to an increase in online business and businesses located outside of Manchester.
- 2.19 Housing RFS cover damp, drainage, fire precautions, heating and hot water, gas and electric, unlawful eviction and tenant and landlord disputes. The service received 1892 RFS compared to 2082 the previous year which is a 9% decrease. The RFS breakdown is North (693, 36%), Central (640, 34%), South (484, 26%) and City Centre (75, 4%). The decrease is mainly due to the increase in proactive activity being able to address housing issues more quickly and efficiently. As a result of successful funding bids, having greater capacity has allowed the team to focus on the key issues such as rogue landlords and compliance with Selective and Mandatory Licensing schemes rolled out in specific areas of the city known to have concentrations of poorer housing condition. In October 2018 the extension to Mandatory HMO Licensing came into force increasing the scope of properties brought within the regulatory regime. Smaller properties used as HMOs which house 5 or more people in 2 or more separate households will in many cases require a licence. New mandatory conditions included in licences were also introduced, prescribing national minimum sizes for rooms. The team has found that many of these smaller HMOs fail to meet standards so have successfully used legislation to ensure such properties meet space, amenity and fire safety standards while also strengthening conditions around waste management and noise nuisance. The importance of proactive work in improving housing conditions should not be underestimated as often the most vulnerable, who are the least likely to complain, live in such housing.
- 2.20 Highways related RFS cover issues such as obstructions, skips, muddied sites and cars for sale on the highway. A total of 1,704 jobs were received, a 12% decrease from the 1,930 received the previous year. Year on year since 2016/17 Highways related RFS have decreased. This is linked to an increase in proactive work by the Neighbourhood Compliance teams who pick up on issues before they become complaints In 18/19 301 proactive obstruction jobs were recorded compared to 161 in the previous year, this is an 87% increase in activity.
- 2.21 The successful growth of the city places greater demand on regulatory compliance services as the number of planning and premises licence application and food businesses increase. In addition to this more businesses are importing foods that need to be cleared at the airport Border Inspection Post and there is greater demand for new build properties both commercial and residential. Figure 3 shows the volume of the top 5 regulatory compliance activities received in the year.

Figure 3. Top 5 Regulatory Compliance Activities RFS received



- 2.22 The areas of greatest demand for regulatory compliance activity are shown in figure 3. All areas have seen increases in regulatory compliance activities however it was the South and the City Centre which rose the most, by 486 and 387 respectively, cumulatively accounting for 64% of the total increase.
- 2.23 Planning work increased from 441 in 17/18 to 572 in 18/19 (30%) in the South. The largest increase in planning consultation is mainly due to small developments and changes to domestic properties such as extensions and conversions.
- 2.24 In the South of the city contaminated Land RFS increased from 600 in 17/18 to 723 in 18/19 (21%) The Environmental Protection team receive these requests to investigate ground conditions for suitability for proposed developments and to ensure where required suitable land remediation is undertaken to make the site safe. With the increase of construction across the City there is less land to build on so developers are looking at Brownfield sites that were previously for industrial use, this will include sites that were formally used as landfill. The importance of this work not only protects public health but underpins Manchester's vision for commercial and residential growth.

Case Study 4 - Brownfield Sites (Citywide)

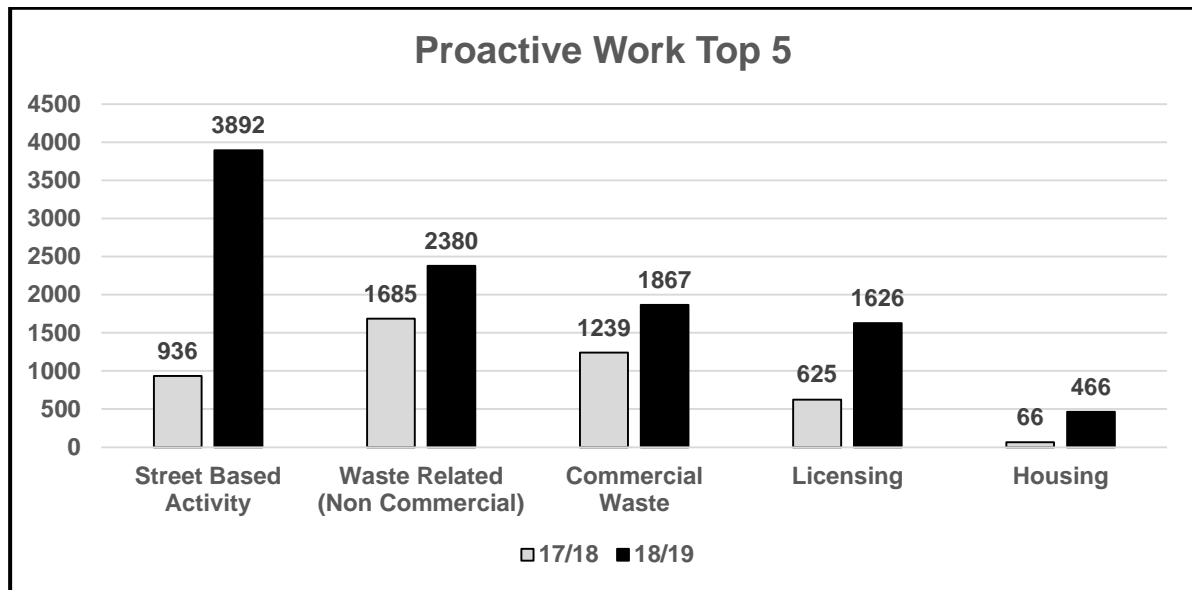
Regeneration is occurring across the city transforming vacant land and degraded buildings into thriving new communities. Sites range from small housing infill schemes to large multi-storey developments. Through the planning process the developers need to show that the land is suitable for use and that the necessary enabling works are undertaken to secure the safety of the land (for stability and human health). These developments would not be possible without the land being remediated and the works being approved by the Environmental Protection Team.

- 2.25 Airport consignment work increased from 1295 in 17/18 to 1444 in 18/19 (12%). Airport work includes assessments of consignments and imported food. Manchester Airport has EU approval to operate as a Border Inspection Post (BIP). BIP status allows the airport to import food and food products of animal origin, i.e. meat, poultry, fish and products derived from them, from outside the EU. These products are subject to specific import controls before they can be released and given free movement to any EU country. Manchester Airport is the only airport in the UK outside the London area to have this status for products for human consumption. Chilled products and fresh products need to get to market promptly to be in optimum condition for consumers and businesses so having the BIP at Manchester Airport is important to the regional as well as local economy.
- 2.26 In the City Centre Planning RFS (927) and Licensing RFS (1422) saw the biggest increases 29% and 14% respectively. This is in keeping with the projected growth outlined in the State of The City Report with an estimated 29,400 people living in the City Centre (Piccadilly and Deansgate wards). An increase of 185% since 2004 (10,315). In the longer term it is expected new apartment-led residential development will lead to 100,000 residents by 2025. In line with this, construction in particular is projected to grow at a significant rate which will continue the upward trend in planning work.
- 2.27 Temporary Event applications account for 47% of all licensing regulatory compliance work received in the City Centre in 18/19. These are applications to carry out licensable activities for when a venue doesn't need a permanent licence or when they want to temporarily amend a licence for a particular event such as selling alcohol, providing regulated entertainment or serving hot food or drink between 11pm and 5am. Businesses can apply to temporarily extend their working hours or to carry out specific licensable activities not included in their original licence and unlicensed venues such as community centres , school etc. use them to enable them to carry out licensable activities at community and charity events, school fairs etc. As these applications have a statutory response time of 96 hours this places a time pressure on the team.

3.0 Proactive Activity

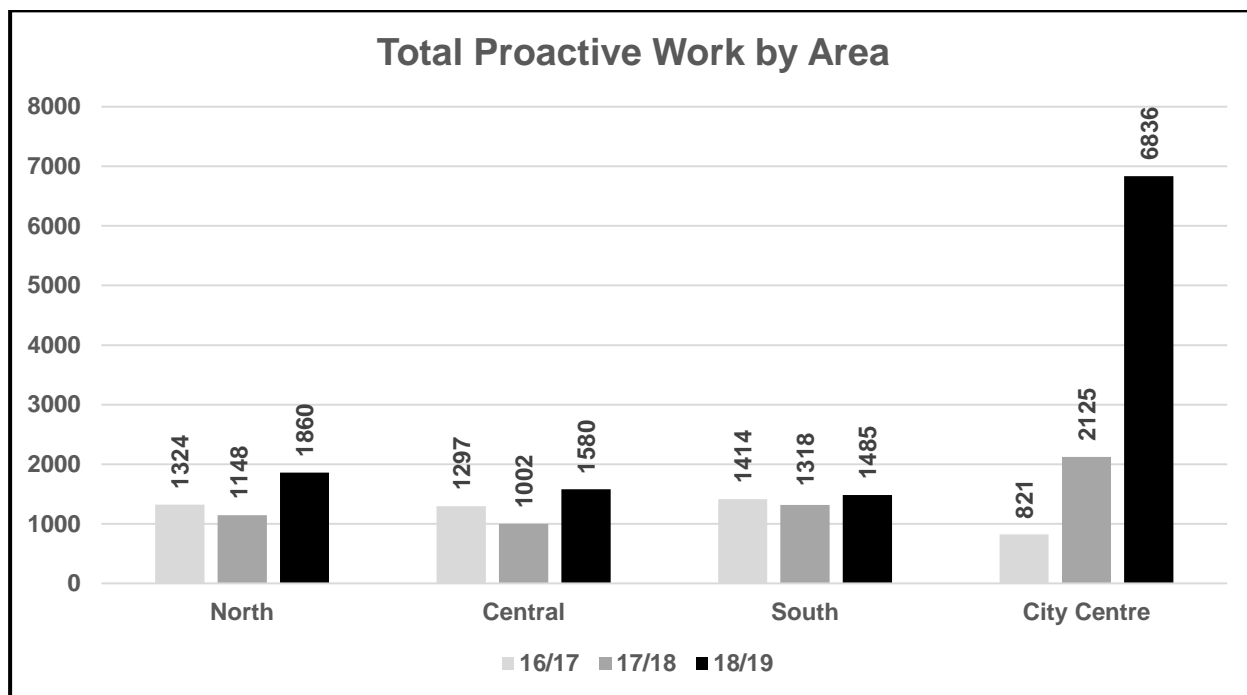
- 3.1 Figure 4 shows the increase in proactive and project work across the city. 11,852 proactive activities took place compared to 5655 in the previous year which is a 110% increase. The top 3 categories in terms of volume are Street based activities such as peddling, busking and charity collections 3892 (33%), Waste related 4247 (combined commercial and non-commercial waste categories 36%) and licensing work such as compliance visits to licensed premises 1626 (14%).

Figure 4. Top 5 proactive work categories 17/18 compared to 18/19



- 3.2 Significant increases occurred in all 5 categories. Street based activities increased by 316%. Waste related work such as domestic waste and certain types of flytipping increased by 41%, Commercial waste activities increased by 51%, licensing work increased by 160% and Housing activities such as work to identify rogue landlords increased by 606%. Commercial waste and licensing increases relate to the city centre area where proactive work in these areas increased by 222% from 2125 to 6836 in 18/19.
- 3.3 As noted in 2.26 and figure 5 the largest increase, geographically, in proactive work is the city centre increasing from 2125 to 6836 compared to the previous year. The biggest increases are street based activities 878 to 3742 (326%), licensing activities 424 to 1247 (194%) and commercial waste 398 to 1144 (187%).

Figure 5. Proactive volume comparison year on year 16/17, 17/18, 18/19
 NB Chart does not include jobs logged as Citywide or out of Manchester



3.4 There are a number of reasons for the overall increase in the city centre. Further analysis shows that these are:

- The recording of street based interactions was not introduced until September 2017 so only two full quarters of reportable data were included in last year's report (878). For 2018/19 we have a full year of data which has more than quadrupled with 3742 recorded interactions which is a more accurate reflection of the work carried out.
- The second largest increase year on year in the city centre is licensed premises inspections. This is due to the Licensing & Out Of Hours team having a fuller complement of staff leading to an increase in work with Licensed Premises ensuring compliance with licence conditions. There has also been a change in how the information is recorded to ensure that revisits to premises are captured which has led to more accurate figures. 424 recorded visits in 17/18 compared to 1247 in 18/19, a difference of 823.
- The third largest increase year on year in the city centre is proactive commercial waste interventions (298 in 17/18 compared to 1144 in 18/19, 745 difference, 284%). A greater focus on proactive work and extended hours mean officers are able to pick up and investigate waste issues before they are cleared and focus on waste related projects such as the Northern Quarter Commercial Waste Project which involved surveying all commercial enterprises in the district that inhabit Office Blocks to help identify those without suitable commercial waste contracts or no waste contracts at all.

3.5 The rise in proactive Housing work is due to identifying and addressing rogue landlords. (33 proactive cases in 17/18 compared to 429 in 18/19).

This has been possible due to successful bids to the Controlling Migration Fund from Central Government which enabled a dedicated rogue landlord team which is funded for 2 years and consists of 3 full time officers, to be set up. The work allows us to proactively inspect properties, where tenants may be being exploited and living in unsafe conditions. The work involves multi agency partnership with GMFRS, GMP, Immigration and local Neighbourhood teams to address a range of issues that arise from these types of properties.

- 3.6 In Manchester we have successfully prosecuted a number of landlords and agents for Housing Act offences over the years, however, the low fines imposed by the Courts did not always reflect the seriousness of the offence. Prosecutions are generally resource intensive and can often be a lengthy process. In some cases, the low level of fine was not a strong enough deterrent. The Housing and Planning Act 2016 introduced Civil Penalties of up to £30,000 from 6th April 2017 as an alternative to prosecution for certain offences under the Housing Act 2004.
- 3.7 Between April 2018 and March 2019 we issued 28 civil penalties with fines totalling £300,000. The level of fine is determined in line with the Council's civil penalty policy looking at the culpability of the offender and the harm caused. As some of the fines are substantial, it is having a real impact and making landlords/agents sit up and take note of what their legal obligations are to prevent any further breaches.

Case Study 5 – Rogue Landlords (Gorton & Abbey hey)

The Housing Compliance team first visited a large detached former pub in Gorton converted into 3 self-contained HMO flats with immigration enforcement (ICE) in December 2017 where a number of arrests were made. Following that initial visit the Housing Compliance team together with Greater Manchester Fire and Rescue Service attempted to work with the landlord (long term leaseholder of the building) to bring it up to standard. Once those attempts failed, officers served an improvement notice but the landlord failed to comply with the requirements of the notice. The landlord was also warned that he must apply for an HMO licence and to meet HMO standards to which he also failed to comply. Subsequently the team served 2 civil penalties on the landlord with a total value of £47,500. The owners have ended the lease agreement taking back control of the property from the leaseholder.

- 3.8 In 18/19 Trading Standards took part in a national home office funded project looking at the sale of knives to children aged under 18. Seventy two Test purchases of knives using young volunteers were attempted and in twelve of these cases knives were sold to a young person under the age of 18. Three of these cases have been taken to prosecution and the businesses received fines and costs of over £3000 for 2 of the businesses and over £4000 for a 3rd business. A further case is due to go to trial in January. In the other businesses they were able to demonstrate due diligence in that they had good processes in place to prevent sale of knives to those under 18 and had trained staff but employees had not followed training given. Written warnings are issued to employees for a first offence. Following on from this further funding

has been secured which will enable Trading Standards to offer businesses free training for their staff to help ensure their staff don't sell knives to under 18's. This will be in conjunction with officers from GMP.

- 3.9 The Trading Standards team also worked to remove 32,823 unsafe/non-compliant items from the supply chain through checks of product imports at the airport such as toys with excessive phthalates linked with fertility issues and childhood asthma, hairdryers that caught fire when tested and doorbells that were electrically unsafe. The team also seized 18,555 unsafe items from trade premises in 18/19. Unsafe goods seized included TV boxes with non-compliant plugs, skin lightening creams containing banned substances and Bug Zappers with access to live parts.

Case Study 6 – Unsafe imported products (Woodhouse Park)

Trading Standards officers visited Manchester Airport following a referral of a consignment that potentially contained unsafe toys. Intelligence showed that Trading Standards officers had previously stopped the same importer and taken samples of 'soft toys' which had failed the Toy (Safety) Regulations.

A sample was sent to the laboratory for testing which failed safety tests. One of the tests identified a choking hazard due to small detachable parts. The consignment was refused entry into the UK the case is ongoing but the consignment will be destroyed.

Case Study 7 – Electrical safety/Counterfeit goods (Cheetham)

During a routine inspection of an importer based in Manchester samples were taken including electrical items with 2 pin plugs. Suspected counterfeit goods were also discovered and seized. Samples of the electrical items were sent to the laboratory for testing.

The samples failed the relevant testing under the Electrical Equipment (Safety) Regulations 2016 this included a hairdryer that whilst under test, set on fire. The Lab stated -'this was the worst they had seen'

The team is currently working with Legal Services to prosecute the individuals running the company.

Case Study 8 – Illicit Tobacco (Sharston/ Old Moat)

Trading standards received intelligence via members of the public reporting premises to the Keep it out campaign website following a media campaign encouraging people to report illicit tobacco sales.

2 seizures of illicit cigarettes and hand rolling tobacco were made at a shop in Sharston. A seizure of 240 illicit cigarettes and 1.20 kg of hand rolling tobacco were seized from a shop in Old Moat. These seizures were carried out with the assistance of a tobacco detection dog. The results are shared with HMRC who

calculate how much unpaid duty is owed and Trading Standards is taking forward a prosecution.

- 3.10 In addition to requests for service and proactive work there are 2 key areas of programmed work.
- 3.11 In 2018/19 439 HMO properties were due a compliance inspection. All inspections were completed within the year. New licensable HMOs make up a very small percentage. The vast majority are licensed properties that have expired so an officer is required to inspect to verify that the property meets HMO standards and that certain management standards are met before another licence is granted. HMO licences last a maximum of 5 years however a licence can be granted for a shorter period of time e.g. if a property should have been licensed and has been operating without a licence prior to making an application or where there are concerns about management, a licence can be granted for a shorter period.
- 3.12 The annual programmed inspection of food businesses is one of the largest demands on the team. There were 4,869 food premises on the City Council's database which is a 5% increase from the previous year. For 18/19 just over 3,000 premises were due an intervention which included approximately 712 newly registered food businesses. Levels of compliance among food businesses remain high with 92% of food businesses in Manchester within the broadly compliant category. This aspect of the food team's work is vitally important as Manchester establishes itself as one of the UK's most exciting culinary destinations. The team's priority is to ensure good quality compliant food premises that contribute to the City's reputational success and economic growth.

Case Study 9 – Food Allergens (Citywide)

Food officers are working with a national care home provider and their Primary Authority to raise standards in relation to allergen controls. Significant improvements have already been made. This work will improve allergen controls in relation to the care homes in Manchester but also nationally.

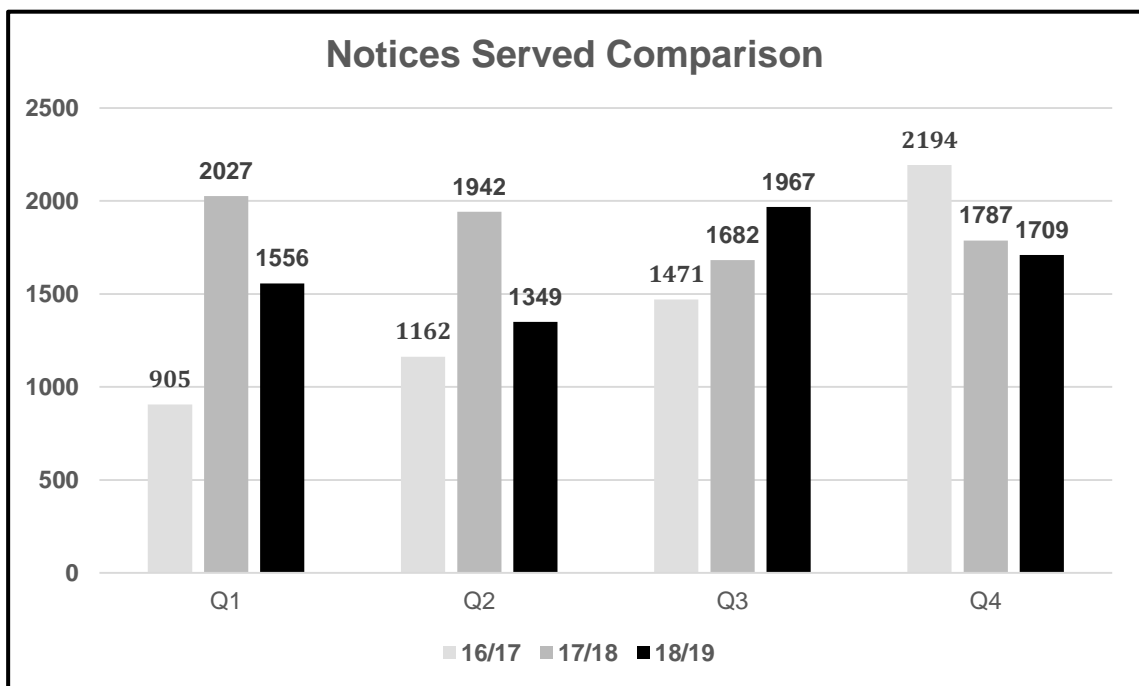
Case Study 10 – Food Safety (Ardwick)

Following 2 hospital Listeria deaths the team was involved in the investigation of such and has continued working with several onsite food providers together with the inpatient caterer and the Trust to further improve food safety standards. One area being looked at is food prepared/provided by clinical staff. The team has become the advising Authority with the Trust in a Primary Authority partnership in relation to food safety and standards. This partnership is considered as leading the way nationally in relation to food handling by clinical staff.

4.0 Formal Enforcement Action

- 4.1 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. In 18/19 6581 legal notices were served compared to 7438 in the previous year. This is a 12% reduction in the requirement for legal notices indicating that working proactively with residents and businesses continues to be successful in achieving compliance.

Fig 8. Notices served 17/18 compared to 18/19



- 4.2 Where legal notice is served, as long as 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.
- 4.3 Where notices are contravened or where cases are of a more serious nature more formal enforcement action including prosecutions will be pursued. Figure 9 shows the number of successful prosecutions across all Compliance & Enforcement Teams. In 17/18 379 prosecutions were carried out. In 18/19 a total of 1061 prosecutions were concluded by the service. Figure 9 shows the number of successful prosecutions and results achieved in the year.

Fig 9 Number of successful prosecutions 2018/19

Prosecutions types 2018/2019	No. of Prosecutions	Total fines /charges /outcomes
Flytipping	225	£104,372.00 (1 x 4 months imprisonment suspended for 2 years. 2 x vehicle involved in flytipping seized and destroyed)
Commercial Waste Duty of Care – (Waste transfer/ escape of waste) EPA 1990 Sec. 34	15	£17,573.36
Commercial Waste Duty of Care (Control of waste from the premises) EPA 1990 Sec 47	1	£1,009.00
Flyposting – Highways Act 1980 Sec. 132	3	£4,496.00
Littering prosecutions	717	£261,948.50
Microchipping of dogs Regs 2015	4	£2,706.96
Breach of Public Spaces Protection Order (Dog Control)	1	£20.00
Food Safety & Hygiene Regs 2013 – (Pest infestation)	2	£17,560.00
Health & Safety at work - (falls from height, unsafe storage racking and equipment and inadequate training)	1	£29,800.00
Local Gov. (MP) Act 1982	16	£10,509.35
Health Act 2006 Sec. 8 - Smoking	21	£39,812.00
Trade Marks Act 1994 / Toys (Safety) Regs 2011	13	£22,309.61 and 3 x Forfeiture of counterfeit goods
Electrical equipment safety Regs 1994 – (E-cigarette's)	1	Forfeiture Order granted
Supply of Machinery (Safety) 2008 – (unsafe Hover Boards)	1	£47,684.60
Consumer Protection from Unfair Trading Regs 2008 – (Meet & Greet parking)	2	£4,425.00
Consumer Protection Act 1987 Pt 3 – skin lightening creams with hydroquinone.	1	£2,632.00
Children & Young People Act 1933 (tobacco)	1	£408.00
Children & Young People (protection from tobacco) Act 1991	1	£1,300.00
Registration, Evaluation, Authorisation and Restriction of Chemicals Regs 2008 – Supply of toys containing excess phthalates	1	£4,106.00
Failure to comply with a Housing Prohibition Order under the housing Act 2004 and breaches of HMO management regulations	6	£31,246.00
Housing Civil Penalties	28	£300,000.00
Grand Total	1061	£903,918.38

5.0 Littering Enforcement

- 5.1 3GS are a company employed to take environmental enforcement action on behalf of the Council for littering offences. 3GS primarily operate in the City Centre and periodically throughout the year in outlying district centres and parks across Manchester.
- 5.2 Enforcement officers are deployed 7 days a week working 8am to 8pm. Their introduction has positively impacted on City Centre hot-spot areas where litter is discarded. There has been a particular emphasis on businesses where workers congregate outside buildings to smoke. Education with businesses and their staff in the past had not deterred workers from discarding their cigarette butts on the footpath but the introduction of enforcement has greatly reduced this practise where it was most prevalent.
- 5.3 The enforcement officers can issue FPNs for offences such as littering, graffiti, flyposting, dog fouling and littering due to leaflet distribution. In 2018/19 13,742 FPNs were issued.
- 5.4 Manchester launched a joint campaign in 2018 with Keep Britain Tidy and other partners across the city to tackle littering and fly-tipping in Manchester with the aim of making Manchester the first tidy city by 2020. Education is at the forefront of the campaign but there is also a role for enforcement measures where people don't respond to education and disregard the laws around littering.

6.0 Flyposting enforcement

- 6.1 Flyposting can be dealt with where appropriate by Fixed Penalty Notice e.g. minor scale offences. However, where the fly-posting is widespread/prolific or the responsible parties fail to engage, incidents are escalated to the Environmental Crimes Team for investigation. The following case study indicates a case where a prosecution was the most appropriate action.

Case Study 11 – Flyposting (Piccadilly)

A recent flyposting prosecution was taken against a large sports retailer after plastering Manchester City Centre with more than 30 fly-posters advertising their store on Market Street. The Environmental Crimes Team investigated the case and the company's response was that their staff had been 're-educated' and that the member of staff responsible for the campaign was no longer with the company. The company was given several opportunities to attend an interview under caution to discuss these matters but failed to send a representative.

At the court hearing, the company pleaded guilty to the fly-posting offences and were fined £7,500.

- 6.2 The following sections provide information on the issues requested by the committee

7.0 Commercial waste enforcement

- 7.1 Reports of flytipping or discarded commercial waste are reported to the Neighbourhood Compliance Teams. Section 34 of the Environmental Protection Act (S34 EPA) imposes a 'duty of care' on businesses which produce or handle waste. This duty requires businesses to ensure their waste is properly stored, transported and disposed of. It applies to anyone who produces, carries, treats, imports or disposes of controlled waste. The section 34 provisions can be used:
- To prevent illegal dumping and disposal of waste by checking whether businesses have a proper waste contract.
 - To ensure waste is stored correctly, in a safe and secure manner.
 - To require proof that waste was transferred to an authorised person.
- 7.2 A S34 EPA notice tends to be served where a business claims to have a waste contract in place but is unable to provide documentary evidence upon initial request. In most cases, the officer would also have reason to suspect that the specific business, or businesses in the area, are not disposing of their waste correctly e.g. black sacks dumped near business premises this will result in enquiries to that business, regarding their duty of care.
- 7.3 Enquiries determine whether the current waste disposal arrangements comply with the law. This is likely to involve examining waste transfer notes and waste contracts to ascertain whether legal waste disposal provisions exist. Officers will where necessary, contact the waste collection company to confirm the waste collection arrangements in place. If the business fails to comply with the section 34 notice then they will be invited to attend an interview under caution during which they are given the opportunity to explain why they have failed to comply with the Notice. If appropriate, a Fixed Penalty Notice, can be offered to the company to discharge their liability for the offence. If the Fixed Penalty Notice (FPN) is refused/not paid or if the circumstances of the case are such that a FPN would not be appropriate, a prosecution will be pursued.
- 7.4 Section 47 of EPA can be used to prevent or remedy poor waste management practices. Using this section, the Council can enforce requirements as to the types and numbers of waste receptacles (bins), and how they should be used. Businesses, particularly new businesses, may simply be unaware of their waste obligations, and they need to be educated regarding what is required of them. The serving of a section 47 notice is an opportunity for the owner to comply with the law rather than a punitive measure. Where no, or inadequate, waste collection arrangements are in place a notice can be served under section 47 of the Environmental Protection Act 1990. To issue a section 47 notice, the Council must first prove that existing waste storage provisions are insufficient, or likely to cause an environmental problem. The notice is intended to remedy the existing problem by specifying the measures that need to be taken and gives the business the opportunity to comply with the law.

Officers will monitor the premises following service of the notice to confirm that the terms are being adhered to. Where businesses don't comply with the notice evidence of this is gathered and the offender is invited to attend an interview under caution (often referred to as a PACE Interview). If appropriate, a Fixed Penalty Notice can be served. For more serious breaches or if the FPN is refused/not paid a prosecution case is prepared by the Environmental Crimes Team and Legal Services and taken forward to court.

- 7.5 A number of targeted enforcement initiatives took place around district centres across the city. In 2018/19, 71 projects were completed. This was 9% higher than the previous year. These projects are based on a combination of intelligence from Member and resident complaints, feedback from colleagues in the Neighbourhood Teams our waste contractors Biffa and officer observations. These targeted initiatives were additional to the 1867 proactive commercial waste investigations carried out in the year
- 7.6 In some areas, following investigation, it has become clear that there is also an issue with flats above shops having inadequate waste disposal arrangements. In such cases the residents have been depositing their refuse next to the commercial bins which has led to the perception that the businesses are not managing their waste. In these cases section 46 Environmental Protection Act notices have been issued to the residents of the domestic properties.
- 7.7 The following case studies are examples of where compliance was achieved using the approach outlined in 6.1 to 6.6. The key aims of these projects were for all commercial premises in the areas to have an appropriate waste contract that is managed effectively and to achieve a cleaner environment to live and work in with changed behaviours of businesses, which will include taking greater responsibility of reporting issues in the community.

Case Study 12 – Commercial waste (Rusholme)

Rusholme is one of the busiest districts within Manchester with a high concentration of residential properties, shops, restaurants and takeaways that produce a considerable amount of commercial waste. During the past 12 months there has been a high turnover of businesses and new business owners requiring more frequent visits to the area to educate and ensure compliance.

The NCT identified a number of environmental issues and prepared a project plan to ensure that duty of care is incorporated in every businesses' operating strategy.

Before the project started NCT officers proactively visited the area including the alleyways at the rear of the businesses. Flytipped black bags, mainly containing food waste were strewn along the back alleyways. In addition the waste containers were strewn along the alleyway, some of them unlocked and overflowing. Many of the commercial waste containers had no markings to identify which premises they belonged to.

To improve the state of the alleyways officers visited each business to ascertain their commercial waste contract details and confirm if the business used containers or a bag collection service and the frequency of collections.

During visits officers took the time to show the business owners/managers the alleyways at the rear of their premises to establish how and where they stored and disposed of their commercial waste and expressed the importance of disposing their commercial waste correctly to improve and reduce the waste in the alleyways and the impact on the wider community.

Since the initial visits 37 Section 34 notices and 80 Section 47 notices have been served. In total 117 legal notices were served on businesses in the Rusholme Area.

Since the start of the project there has been a vast improvement, in the waste management and overall appearance of the area particularly the alleyways at the rear of the business premises on Wilmslow Road.

There has also been a significant reduction in requests for service and complaints from the public compared to 12 months ago.

Officers will continue to monitor the businesses and “hotspot” areas to ensure businesses maintain valid waste contracts and that they are also complying with their contract conditions.

Case Study 13 – Circus Development (Deansgate)

Located on Oxford Street, at one of Manchester’s most prominent city centre junctions, the Circus is a multi-level leisure scheme incorporating a selection of bars and restaurants on the ground floor. Over the past twelve months there had been significant issues on site regarding waste management. Each of the six tenants at the property were responsible for their own waste management, and there were a total of 82 bins on site. These bins were poorly managed by some tenants, resulting in pest infestations, unsightly appearance and several complaints from the local business and residential community. unsightly waste management was impacting on the businesses themselves as there were approximately 82 bins visible with multiple waste contractors collecting at different times creating traffic, noise pollution, lack of recycling, waste management accountability, and increased CO2 emissions from daily heavy duty vehicles.

Compliance officers visited the area and issued S47 EPA notices to all the businesses outlining conditions for better waste management to prevent escape of waste, which led to multiple fines being issued to businesses for non-compliance.

A number of meetings were held with Planning, Environmental Health and the Managing Agent to look at consolidating the waste management on site. The managing agent was able to alter lease agreements and negotiate with businesses to agree an additional service charge to bring the waste

management into the terms and conditions of the leases for the whole development. Following discussions with partners and negotiations the agent agreed to replace the 82 bins with one shared compactor for general waste and recycling. The compactor was delivered on site in February 2019.

To date there have been significant improvements to the overall waste management for the Circus Development. Businesses have reported the ease of use and the improved ability to manage and control waste for their business. The bin storage area is now much cleaner and accessible. Any issues with the compactor have been resolved within a 2 hr time frame and businesses are satisfied with the new arrangements. Officers have seen the improvements to the quality of the environment, as well as the reduced traffic congestion and pollution from multiple journeys. Officers have not had to issue any notices or fines for the period of January- October 2019 for this location

- 7.8 Another increasing issue predominantly in the South and Central area of the city has been flytipping of commercial builders waste with a large increase of reported incidents in 2018/19. The rise in the '*man in a van*' services and unregistered waste carriers has meant more proactive investigations taken by the Neighbourhood Compliance Team (NCTs).
- 7.9 In addition the Biffa Investigation team who cover all wards within Manchester have worked closely with all Compliance Teams and the Environmental Crimes Team in gathering information and intelligence from residents, businesses and stakeholders which has been a vital building block in achieving positive enforcement outcomes throughout Manchester.

Case Study 14 – Waste Issues (Baguley)

Biffa reported regular problems with the bin store room at a high rise apartment block in Baguley where the containers were overflowing making it impossible for them to be emptied safely. On visiting it was clear to the compliance officer that there were too many (4) blue containers (for paper & card) and just 1 brown container (for glass, cans and plastic) with no signage explaining what type of waste should be put in the different containers. The officer liaised with the building's management company and the MCC Recycling Team to replace one of the blue containers with a brown container; to install signage to explain what can be recycled and providing residents with split bags to use within their apartments. This resulted in better waste management, increased recycling, and happier residents as their bin store room is now much cleaner.

- 7.10 The introduction of CCTV cameras placed in known hot-spot areas has been a success in tackling this issue. Their introduction has been invaluable in identifying offenders and taking enforcement action including fines and prosecutions. These cameras have enabled the Environmental Crimes Team to utilise their enforcement powers to seize the vehicles, which were later crushed. In total there were five vehicles crushed. Three of these were due to camera footage and two from partnership working/sharing information. Without the introduction of CCTV cameras in hot spot areas it's likely these vehicles

would still be operating and committing flytipping offences. To date CCTV evidence provided by the City Council's Control Room has supported the Environmental Crimes team in taking forward environmental enforcement cases, which has resulted in:

- 11 criminal convictions for fly-tipping
- 8 littering Fixed Penalty Notices issued
- 5 fly-tipping Fixed Penalty Notices issued
- 3 vehicles seized after being involved in fly-tipping offences

This, in turn, has resulted in the following sanctions:

- Fixed Penalty Notices issued totalling £2,490
- Court fines and costs totalling £20,794.49
- A 20-week suspended prison sentence
- 350 hours of community service
- 1 conditional discharge

Case study 15 – Builders Waste (Longsight)

In July a white Ford Transit tipper van was seized after evidence was obtained over an 8 month period linking it to large-scale flytipping across the city, in particular one major incident in Longsight.

Suspensions had first been raised due to the amount of waste regularly being stored in the vehicle, which was marked “scrap” in large letters alongside a mobile telephone number, this vehicle had been seen on CCTV flytipping but officers struggled to find where it was being kept. As such, when Biffa operatives noticed the vehicle filled with refuse and parked up on a street in Longsight, they acted quickly and placed a unique marker on the waste for identification purposes.

When a large amount of waste was subsequently found fly-tipped on another street in Longsight, the waste was inspected and the marker was found, alongside other waste which could be identified as originating from the vehicle. The Local Authority can seize a vehicle when they have evidence of it being used in the commission of an alleged flytipping offence. In addition to seizing the vehicle officers wrote to the registered keeper, according to the DVLA, but no reply was received and further checks confirmed that this person was not registered at the address provided by the DVLA. Since no valid claim for the vehicle was received, arrangements were made to have the van destroyed.

8.0 Unauthorised encampments

- 8.1 NCT in conjunction with GMP take action to remove unauthorised encampments from council land. The legal powers to enable this are Section 77 Criminal Justice & Public Order Act 1994 and Civil Procedures Rules Part 55. The process is time and resource intensive.

- 8.2 Irrespective of which powers are used the Neighbourhood Compliance Officers must first visit the site to conduct welfare checks to ensure there are no social care or medical issues that need assistance.
- 8.3 As the council is responsible for securing and clearing any waste after eviction the NCT liaise with relevant Departments as soon as an illegal site is reported so preparations can be put in place to deal with this quickly particularly to secure the site to try to prevent further unauthorised encampments.
- 8.4 The process should take between 7- 14 days but this is dependent on securing a court date which can add to the timescale significantly. Often Travellers will vacate sites before the expiry of legal notice or court hearing but the legal process must be followed to secure an eviction.

Case study 16 – Land (Miles Platting & Newton Heath)

In June 2018 following a report of 20 caravans on council owned land in Newton Heath officers visited, carried out welfare checks and arranged for legal services to prepare a notice under Section 77 Criminal Justice & Public Order Act 1994 to be served by NCT instructing the occupiers to vacate the land within 24 hours. When the NCT officers returned to serve the notice the site had been vacated. They arranged for waste to be removed and corporate estates arranged for the site to be secured.

3 months later the same site was reoccupied by 8 caravans as the security put in place had been breached. Welfare checks were carried out and notice served giving 24 hours to vacate. The travellers did not comply with the notice so a court date was arranged.

A further revisit took place by NCT which confirmed that the travellers had moved on. Again the site was cleared and secured but due to this site having been reoccupied the NCT asked corporate estates to improve the security measures at the site which now include a raised concrete block behind the gates and bunding to the site perimeter. Since these additional security measures were put in place there have been no further encampments at this site.

9.0 Shisha businesses

- 9.1 As reported to this committee in February 2019 the Licensing and Out of Hours team have successfully carried out enforcement on illegal shisha premises including warning them that they are committing an offence by allowing smoking in the premises and following this up with seizures of the shisha pipes and prosecutions enabling the seized pipes to be destroyed.
- 9.2 In 2018 there were 3 successful prosecutions of shisha premises with fines imposed totalling £10,595. In 2019 to date there have been 13 successful prosecutions of shisha premises with fines imposed totalling £36,270. In addition, the Licensing and Out of Hours Team have seized 803 shisha pipes

in 2019, following the agreed strategy. Based on the wholesale price of a shisha pipe (£30) the estimated value of goods seized is £24,090.

Figure 10. Shisha Bar Enforcement outcomes

Year	No. of FPNs	No. of Prosecutions	Prosecutions Fines
2016	0	0	£0.00
2017	6	6	£7,776
2018	2	3	£10,595
2019 to date	3	13	£36,270

- 9.3 In April 2019 the first case went to court where a seizure has taken place. As well as imposing a fine the court also granted a disposal order on the goods seized. Following this every successful prosecution has resulted in a disposal order for good seized.

Case study 17 – Shisha pipes (Rusholme)

The team was part of a multi-agency operation with Planning Enforcement, four cafés were visited over two days with all the shisha related equipment on site being seized due to breaches of a planning stop notice. To date planning have seized 468 shisha pipes with an estimated value of £14,040. All of these items have been disposed of.

Suede Shisha Café on Wilmslow Road was shut down for 6 months using a closure order due to multiple anti-social behavioural issues towards City Council and GMP Officers.

- 9.4 As well as taking enforcement action against shisha businesses who allow people to smoke inside their premises the team is involved in work nationally to share good practice on enforcement methods and also to work on a public health campaign to educate people of the harmful effects of smoking shisha which is considered far more harmful to health than smoking cigarettes.

10.0 HMO Licensing and waste

- 10.1 When the extension to HMO licensing came into force in October 2018, the Council reviewed and updated the HMO licensing conditions. As part of the review, the conditions around waste were strengthened to ensure there is more accountability with licence holders in how waste is managed in their properties. The Housing Compliance and Enforcement Team who implement, issue and inspect licensed HMO's have set up a referral process working closely with local Neighbourhood Compliance teams who investigate and deal with all waste complaints.
- 10.2 Problematic properties where notices have been served and there has been little or no improvement with waste issues will be referred to the Housing Compliance Team if in the first instance the Neighbourhood Compliance Team

(NCT) make the landlord aware of the waste issues and advise them of the actions they need to take to improve waste management. Early indications are that this appears to be working and no cases have yet been referred for breach of the conditions.

Case Study 18 – Waste RFS, Licensed HMOs (Moss Side / Withington)

The NCT received a waste complaint for an address in Moss Side. The compliance officer contacted the landlord and served s46 notices on the tenants. Following some further problems they sent the landlord the HMO waste letter who contacted the compliance officer to advise that they had recirculated all the relevant information about bins and collections to their tenants, and would consider taking further action against the tenants if the problems recurred. To date, there have not been any further issues at this address.

At an HMO in Withington an issue arose in Nov 2019. The Managing Agent was contacted using the HMO waste letter and responded to apologise and explain what they'd done to resolve the matter. No further problems were experienced at this address. The knowledge that action can be taken against the HMO licence appears to be achieving compliance with waste issues at HMOs where problems have been raised.

11.0 Unlicensed drinking establishments

- 11.1 Illegal drinking establishments are those that sell alcohol, do not obtain a licence and operate completely outside of licensing regulations.
- 11.2 There are very few reports of this type of activity and usually where this is a problem a multi-agency response is needed as there will likely be other issues such as ASB or criminal activity associated with the premises. In 2018/19 two complaints about such premises were received.

Case Study 19 – Illegal drinking (Moston)

The Licensing and Out of Hours Team received reports of unauthorised licensable activities and nuisance at a commercial address in Moston. The report was that groups gathered in the early hours of the morning and that alcohol and hot food (which requires a licence if being sold after 11pm) were being sold.

The team worked with GMP and an initial visit took place at 6am. Around 30 men, many of whom appeared drunk were in the premises and hot food was being prepared. At this initial visit there was no evidence of sale of hot food or alcohol (which are licensable activities) taking place. One man who was witnessed leaving the premises in a car, was stopped and arrested after being breathalysed and found to be over the legal limit.

Due to the issues being caused in the area a multi-agency initiative took place to gather the evidence necessary to take action. Teams involved were the

Licensing and Out of hours Team, Anti-Social Behaviour Action Team, Housing Compliance Team and GMP, Due to the impact that this activity was having in the local area a premises closure order was used to stop the activity and give respite to the local community. The closure order runs until 22 November and an extension to this order is being considered.

Case Study 20 – Illegal alcohol sales (Burnage)

The LOOH team received a request for service from a local resident that an Off-licence were allegedly serving alcohol outside of permitted hours, counterfeit tobacco and selling alcohol to underage customers. An investigation was opened in December 2018 with referrals also being made to Trading Standards.

The LOOH monitored the premises and discovered 'vulnerable' customers purchasing alcohol (mainly high strength) in the mornings before alcohol sales were permitted. 3 test purchases of alcohol outside of permitted hours were conducted which were all failed by the premises. A full licensing inspection revealed there were multiple condition breaches and more out of hours sales of alcohol were witnessed on the premises CCTV.

Interviews under caution highlighted further concerns regarding modern slavery involving a staff member, which was referred to GMP. The case has now been forwarded to City Solicitors where a prosecution is pending for Licensing Act offences.

12.0 Conclusion

- 12.1 The range of issues in Manchester requiring regulatory intervention continues to grow. Different approaches are needed depending on the issue but as can be seen from the work across the range of compliance and enforcement services a strong Our Manchester approach is taken particularly in respect of owning it both through working with businesses and residents to take responsibility for issues and working closely with colleague departments and partners to resolve issues. This is reflected in the significant increases in proactive and project work undertaken by the teams to ensure that where issues arise, they are dealt with.