

Board and Topic	Rec No.	Recommendations as approved by the Executive on 6 December 2005	Update on Implementation of Recommendations as of April 2009
Environmental & Sustainability Scrutiny Board - Take-Aways; Powers of Enforcement (Review Completed October 2005)	1	<p>The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the penalty notice support bid would make to addressing these issues.</p>	<p>Comments from EPU: The bid referred to was the Local Performance Service Agreement 2 bid (LPSA2) to provide a weekend nighttime noise enforcement service. This 'Noise Patrol' has been in operation since April 2006 and was funded for the first two years from LPSA2. Since April 2006 the Noise Patrol has received nearly 3000 calls, made nearly 1800 visits, served 160 noise abatement notices and prosecuted 23 offenders. The powers for the Noise Patrol to serve fixed penalty notices under the Clean Neighbourhoods and Environment Act 2005 did not become law until October 2008. EPU set up procedures to serve fixed penalty notices for nighttime noise offences and trialled them, but they were found to be too bureaucratic and time consuming and no substitute for our existing powers under the Environmental Protection Act 1990 and the Noise Act 1996.</p> <p>Although the Noise Patrol deals predominantly with noise complaints, some of these are from licensed premises. Any complaints and actions taken are passed to licensing, trading standards, the police and other appropriate agencies. Breach of licence conditions and planning conditions can also be referred to the Noise Patrol, who will collect evidence for enforcement by the respective teams.</p>
	2	<p>A multi-agency access database containing details about all individual take-away properties should be created. Such details should be in the form of notes on disturbance, environmental health issues, actions taken to ensure compliance etc and updated by licensing, planning, environmental health and the community police as appropriate. This should be maintained to ensure that it remains current</p>	<p>Comment from Development Control: The use of technology to integrate planning, regulatory and licensing functionality is being coordinated by colleagues in IT. In the meantime the UNIFORM system provides information including conditions imposed on take-aways since 1996. This information is available to other Council departments. Environmental regulation does now have access to UNIFORM and can check for new take-away applications received to enable them to comment. Limited information on planning enforcement cases is also available.</p> <p>Comment from EPU: We began on an IT system, but this was not progressed, effectively being replaced by the following (which related to the already signed off recommendation 3 of this review): Licensing Enforcement meetings now take place every two months and include licensing officers, EPU, trading standards, planning enforcement, the fire service and the gambling commission. This involves intelligence sharing, planning joint visits and enforcement activities, setting priorities and determining appropriate courses of action including lead officers for each case.</p>
<p>Scrutiny Comment as of 26 November 2007: An update from the Environmental Protection Unit on recommendation 1 to be circulated to Members by email. In relation to recommendation 2, information requested from Neighbourhood Services on the possibility of using street operatives to feed back information on hours of opening.</p>			