Committee: Sustainable Communities Overview & Scrutiny Panel
Date: 24th April 2012
Agenda item: 7
Wards: All

Subject: Update on work of E&R Enforcement Review Task Group
Lead officer: John Hill
Lead member: Andrew Judge/Martin Whelton/Mark Betteridge
Forward Plan reference number:
Contact officer: Andrew Bradley

Recommendations:
A. That Members note the contents of this report and associated appendices.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY
1.1 In July 2006 a task group of the Overview and Scrutiny Committee commenced a review of council enforcement policies, which resulted in a report consisting of fourteen key recommendations. The report was commissioned, as there was a perception that Enforcement Activity between sections was inconsistent and where areas of good practice had been identified in different sections, a positive effort should be made to ensure that this adopted throughout the service.

1.2 This report follows on from the report that was submitted to the Overview and Scrutiny Commission on the 3rd September 2009 (See appendix 2) and the subsequent updates to LSG on 29 November 2010 and Overview and Scrutiny Panel on 15 March 2011. At the November meeting it was accepted that the 14 original recommendations of the O&S task group had been delivered, but that the future reporting should take the form of an update report on an annual basis to Scrutiny highlighting areas of work covered. Appendix 1 provides details of the successful work undertaken by the enforcement teams who make up the Enforcement Review Task Group. In addition reference is also made “lessons learned” where the outcomes of enforcement action were not successful or there are future challenges for the group.

2 DETAILS
2.1 The Enforcement Review Task Group is an Officer Group that meet on a monthly basis.

3 ALTERNATIVE OPTIONS
3.1 N/A

4 CONSULTATION UNDERTAKEN OR PROPOSED
This is part of an annual update report to LSG and the Overview and Scrutiny Panel.

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In some cases, such as of food hygiene in commercial premises, enforcement is a statutory service, whilst in others such as planning enforcement it is delivered on a non-statutory basis.

A robust and proactive planning enforcement service can be a key contributor to crime and disorder initiatives and can help to boost public confidence in the regulatory services delivered by the Council and their partners.

Certain savings proposals for E&R have resulted in the reduction in numbers of officers in enforcement related service areas. Whilst every effort is made to minimise the risk of impact on service delivery, it is inevitable that over a period of time the Directorate will need to move towards a prioritisation approach to handling enforcement investigations. Similarly, the reduction and restructuring of support service areas such as Legal Services will have an impact on the Council’s ability to sustain the current level of enforcement and prosecution across the existing wide range of service areas, in particular the concept of hard charging may affect some sections ability to take cases of a more serious nature that are triable either way i.e. in the Crown Court and counsel may need to be employed. This could potentially be a reputational risk to the Council, particularly if the nature of enforcement becomes more reactive rather than the objective of being a more proactive function.

Appendix 1: Detailed breakdown and review of the work undertaken by the various strands of enforcement with the Environment & Regeneration Directorate.

None
Annual review and update of work undertaken by Environment & Regeneration Enforcement.

In July 2006 a task group of the Overview and Scrutiny Committee commenced a review of council enforcement policies, which resulted in a report consisting of fourteen key recommendations. The report was commissioned, as there was a perception that Enforcement Activity between sections was inconsistent and where areas of good practice had been identified in different sections, a positive effort should be made to ensure that these were adopted throughout the service.

An officer task group, The Enforcement Review Task Group (ERTG) was established in order to implement the fourteen recommendations.

Details

The Enforcement Review Task Group meets on a bimonthly basis and consists of officers representing the various Enforcement teams in Environment and Regeneration. This includes Environmental Health Commercial, Housing, Pollution, Licensing, Trading Standards, Building Control, Planning Enforcement, Safer Merton, Parking, Waste Services, Highways as well as representatives from Communications, Legal, the Metropolitan Police and the London Fire Brigade.

The groups main functions are to:

1. Maintain the overarching enforcement policy and encourage the development of individual departmental enforcement policies.

The group has developed an overarching enforcement policy, which was adopted in June 2009 and covers all the Councils enforcement functions.

The overarching enforcement policy acts as the framework for the departments enforcement policies, all of which are set out on the individual departments WebPages.

2. To promote the importance of regulatory work within Environmental Services.

Successful prosecution work is always followed up by the press and communication team for publication. The ERTG group reviews recent actions and ensures the press team are advised.

3. Encourage a multidisciplinary approach to resolving complaints from members of the public particularly where complaints are complicated and involve several sections.

This has recently expanded to include liaison with the Safer Merton Teams and representatives of the fire brigade in particular the Peak Activity Team. Examples of where the joint work has been effective include the closure and licence reviews of Bar Sia and the Burn Bullock, the closure of the squatted premises at 85 & 87 Denison Road SW19 and the ongoing work at Monarch Parade, Mitcham.
4. Encourage different sections to work together to identify potential issues at an early stage so that they may be resolved before coming a problem.

Building control, planning, environmental health and licensing regularly meet and exchange information. To strengthen these arrangements working protocols have been drawn up to formalise them. In addition the ERTG has a regular agenda item on cross departmental issues to progress chase any outstanding issues.

In June 2012 as part of the run up to the Olympics, Officers from Environmental Health Commercial and Trading Standards will be carrying out joint visits to Off Licences and other small retailers to check that counterfeit alcohol and tobacco are not being offered for sale. Officers from the same teams are currently undergoing training as they are being contracted to work for the Olympic Delivery Authority to enforce the provisions relating to trading and advertising within the designated Olympic Venue Area around Wimbledon All England Lawn Tennis Club.

5. Identify enforcement training for Officers

Training sessions organised through the ERTG group have included criminal investigation techniques and personal safety and conflict resolution. In March 2012, a course was run on Advanced Investigative Interviewing by an external law training provider. Personal safety training for council officers has become an increasing priority due to the increase of reported violent incidents being directed towards council officers.

6. Identify and implement training for elected members

On the 1st June 2011, an evening member training event was laid on for and attended by thirteen Councillors.

The feedback from the event was very positive in deed, the attendees finding it both enjoyable but very informative. There was a strong call for another such event should time and resources permit.

7. Identify further opportunities for working with partners

The ERTG has recently involved the Peak Activity Team (PAT) of the London Fire Brigade and they now regularly attend the group meetings and work closely with the licensing team.

In spring 2012 Merton Parking Services are undertaking joint investigative work with the Police and are targeting Blue Badge fraud. In addition, the presence of Police accompanying Council officers on duty is hoped to provide a timely reminder to the public that the Council adopts a zero tolerance policy in respect of verbal or physical aggression displayed toward Council officers.

In preparation for the Olympic Games, Environmental Health have been attending a number of training events and workshops with partners to ensure that there is an appropriate and coordinated response to incidents, that may occur during the games period. Partners include the Heath and Safety Executive, the Food Standards Agency, the Health Protection Agency and Health Protection Unit.
Summary of work carried during 2011 & 2012

Set out below is a review of the key successes of the individual enforcement teams over the last 12 months:

Environmental Health (Commercial)

The Commercial team protects the interests of Merton residents by regulating standards of food safety and labelling, investigating food related illness and health and safety in the workplace. We also monitor the quality of drinking and leisure water, the control of infectious disease and the enforcement of the smoke free regulations.

The purpose of food hygiene inspections are to identify contraventions of the law and to ensure that the Food Business Operator has identified all the potential risks arising from the activities carried out in the food business and to ensure that controls have been developed and are being properly implemented. This is often referred to as Hazard Analysis. The number and frequency of inspections are set by the Food Standards Agency, who are the responsible authority for Food Control within the United Kingdom.

Our visit returns, including enforcement actions are now uploaded directly on to their website. We were pleased with last year return in that it showed that we were properly directing our resources at the highest risk premises.

Merton has for the last three years been part of the very successful London Scores on the Doors Scheme. The success of these schemes has been widely recognised and the Food Standards Agency are now requesting all local authorities to migrate to the single National Food Hygiene Rating Scheme.

Merton has now fully adopted this scheme and is currently uploading its data onto the National Website. We are currently, only the fifth London borough to be fully operational on this scheme, but the majority should migrate over by the Summer of 2012.

We felt that it would be advantageous to be a part of this National Scheme, particularly on the run up to the Olympics, as the All England Lawn Tennis Club will be an Olympic event venue.

At the moment the scheme is voluntary and food businesses are not yet required to compulsory display their ratings.

As in previous years, Health and Safety enforcement has involved an inspection programme designed to target high-risk premises and to support the objectives of the Health and Safety Executive. Routine inspections are now replaced by targeted, joint, project led working, which is coordinated throughout the thirty-three London Boroughs.

In respect of infectious disease matters investigations are carried out by personal and/or telephone interview and by means of questionnaires and are facilitated by regular liaison between the Service and the Health Protection Unit’s (HPU) Consultant for Communicable Disease Control. Both Environmental Health Officers and Administrative staff deal with such notifications. All outbreaks are dealt with in accordance with an Outbreak Plan that has been agreed by the London Boroughs of Merton, Sutton, Croydon, Kingston, Richmond and Wandsworth and with the area HPU.

In last year’s report we mentioned that the team were involved in groundbreaking application of legislation when applying for a Part 2A Control Order. This was made in order to place restrictions on a person who had a complex and difficult to treat tuberculosis
infection. The Order, which was granted in Court by a Magistrate, was one of the first to be made in the country.

In June 2011 we were called upon to make a further Part 2a Order, but this time the Health Protection Unit requested the order on a Saturday, causing our emergency call out arrangements to be fully tested. A Part 2a was obtained through the out of hours arrangements at Wimbledon Magistrate’s Court and a Magistrate was visited who signed the Order at their home at 9.30pm at night.

This is the only Part 2a Order in the Country that has been granted using Emergency out of hours procedures.

The Health Protection Agency have showcased this particularly case on a number of occasions to demonstrate the excellent partnership working relationships that exist between Merton Council and the Health Protection Unit in order to protect Public Health.

**Key Enforcement Successes in last 12 months**

**Prosecutions**

- **Xu Cheng 73 Monarch Parade, Mitcham, Surrey**
  
  This was mentioned in our last report as it was part of a joint initiative with Merton’s Joint Task Action Group. Poor hygiene and a mouse infestation resulted in a Hygiene Emergency Prohibition Notice being served. The premises were only allowed to reopen after extensive cleaning and pest control treatments had been made.
  
  In September 2011, the owner was fined £250, ordered to pay the councils costs of £978 plus a £15 victim surcharge.

- **Love You Like Cooked Food, 291 Northborough Road, Streatham.**
  
  These premises were again mentioned in last years report as we had successfully prosecuted the owner for failing to improve hygiene standards at his takeaway. As we had previously prosecuted the premises, they were subject to frequent revisits. Unfortunately hygiene standards did not improve and further proceedings were instigated.
  
  In September 2011 the owner was fined £250 and ordered to pay the councils legal costs of £1,039.28. At the time of writing this report the premises are closed and up for sale.

**Closures**

- **Morden Food Stores, 64 London Road, Morden**
  
  In April 2011, these premises were closed on the spot with a Hygiene Emergency Prohibition Notice, further to a routine inspection that revealed a severe mouse infestation. These premises were not allowed to re-open until pest control measures had been put in place, contaminated food had been destroyed and the premises thoroughly cleaned and disinfected. Legal proceedings are now pending.

- **Al Makhah Food Stores 73 Monarch Parade, Mitcham, Surrey**
  
  Ongoing checks in Monarch Parade’s commercial premises resulted in these premises being closed on the spot in May 2011, due to a severe mouse infestation. They were not allowed to re-open until pest control measures had been put in place, contaminated food had been destroyed and the premises thoroughly cleaned and disinfected. Legal proceedings were instigated against the owner but have now been abandoned as he has fled the country.
• **Jimmy Spices The Broadway Wimbledon**
  In March 2011, a customer phoned up to complain, that whilst dining in this restaurant, a mouse run over his foot. An investigation was carried out and a severe mouse infestation was found to be affecting the two food stores on the first floor. A Hygiene Emergency Prohibition Notice was served to ensure that satisfactory pest control measures were put in place and all the affected foodstuffs were destroyed and the areas deep cleaned and disinfected. Legal proceedings were instigated and the company were fined £10,000 pounds plus the council were awarded their legal costs of £15300.

• **Bamboo Bamboom**
  A number of complaints were received in December 2011, about this unit which provides take away food via orders made over the internet. An unannounced visit was made and a serious mouse infestation was found, which required the closure of the premises. They were not allowed to reopen until an effective pest control treatment had been put in place and the affected areas had been cleaned and sanitised. A report is being prepared for submission to our legal department.

**Voluntary Closures**

• **Bookers Cash and Carry, 15 Endeavour Way, SW19**
  Officers responded to a complaint from a member of the public about the sighting of mouse droppings at the store and discovered an extensive mouse infestation. Voluntary closure was agreed. The premises kept closed whilst extensive pest control and deep cleaning operations were carried out, the premises were only allowed to reopen when the conditions were deemed to be satisfactory. Although the matters were serious, due to the prompt remedial action, the Owners were offered and accepted a Simple Caution for the Hygiene Offences breached.

• **Curry Royal, 33 Hartfield Road Wimbledon, SW19**
  A routine Food Hygiene visit in October 2011, revealed significant problems with a mouse infestation on the premises. The owner offered to voluntary close the premises until emergency treatments and proofing works had brought the problem under control. A report on this matter is currently being prepared.

• **Chic n Ribs, 182 High Street Colliers Wood SW9**
  A routine inspection in October 2011, found these premises were open for trading whilst the premises were infested by rats that were gaining access through open drains caused by the renovation works that were being carried out. The premises were closed on the spot.
  The owner has now entered into a legal agreement with the Council and they will be reopened until the kitchen has been totally renovated (at the time of writing this report they are still closed).

**Simple cautions (Previously Home Office Cautions)**

• **Suvai Aruvi 96 High Street Colliers Wood**
  A routine visit in November 2010 found poor standards of hygiene and cleanliness and poor food handling practices. However prompt remedial action was taken which
included a deep clean of the entire premises. Further revisits found that good standards were being maintained.
The owner was offered and accepted a Simple Caution in relation to the Offences.

- **The Great Wall, 24 Coombe Lane, Raynes Park**
  In March 2011 we received a customer complaint in relation to unsatisfactory food being served. The premises were visited and poor standards of hygiene were found along with unsatisfactory electrics.
  A thorough deep clean was carried out immediately and an electrician called in to rectify the electrical defects. Subsequent revisits confirmed a substantial improvement to the premises, which have been maintained.
  The owner was offered and accepted a Simple Caution in relation to the Offences.

**Accident Investigations**

- **Accident to Pest Control Technician**
  In January 2011, the Emergency Services were called to Morrison’s supermarket in the Broadway, Wimbledon, in order to attend to a badly injured pest control technician. It was discovered that he had fallen through the fragile floor of a void area whilst carrying out pigeon control treatments at the supermarket.
  A detailed investigation was then carried out by Environmental Health Officers into the circumstances of the accident.
  In March 2012 Morrison’s pleaded guilty in Richmond’s Magistrate’s Court to an Offence under Section 3 of the Health and Safety at Work etc Act1974 for failing to ensure the safety of the pest control technician, who was not in their employment.
  They were fined £7000 and ordered to pay the councils legal costs of £5152.

**Other interventions**

- Ongoing problem with food waste being dumped in Morden Park. Due to its infrequent nature it was not possible to identify the perpetrator. Environmental Health however worked closely with Parks and Waste Services to ensure that it is collected as soon as possible and did not escalate.

- A Ward Councillor and local residents expressed concerns that dust being created during the demolition of the old Manuplastics factory in Kingston Road, Raynes Park, may have contained asbestos which would create a serious health risk. Environmental Health Officers visited and were quickly able to establish that the asbestos had been removed prior to demolition and were able to put people’s minds to rest.
Environmental Health (Housing)

The Environmental Health (Housing) team aims to improve the condition of private rented accommodation throughout the borough using informal and formal means, including legal powers provided by the Housing Act 2004, Environmental Protection Act 1990, Building Act 1985 and the Prevention of Damage By Pests Act 1949, amongst others. Bringing empty properties back into use through grant assistance, loans or formal actions are also a priority for the team.

The team is also responsible for delivering the Disabled Facilities Grant program, the Small Repairs Grants program and improving the energy efficiency of domestic accommodation.

In the past 12 months, the team received over 1000 service requests of which over half were complaints regarding the housing condition of privately rented properties (excluding those owned or managed by Merton Priory Homes). 200 complaints related to refuse and rubbish, 125 were for pest-related complaints, 100 were for Houses in Multiple Occupation (HMOs) and 66 were for drainage problems.

Over the past 12 months, the team has carried out 838 house inspections regarding housing complaints and a further 148 for grant purposes.

The team served 150 notices during the year and carried out works in default in three cases where the landlords had not complied with the notices. In addition, one landlord was prosecuted for non-compliance with Housing Act notices. More specifically;

36 Bishopsford Road.
This terraced home has been left vacant by its owner for many years. Despite speaking with him and encouraging him to bring the property back into use through an Empty Property Grant, the owner refused to take any action. In the meantime, a ground floor front window had been broken, leaving the property vulnerable to further damage, arson or squatters. A notice was served under section 29 of the Local Government Miscellaneous Provisions Act 1982 which the owner ignored. An Empty Property Officer from the team arranged for the window to be boarded up and the owner invoiced for the costs plus Officer time.

239 Central Avenue, Morden.
This property was referred as a filthy and verminous property, where the occupier had accumulated a large quantity of rubbish within her home which was disturbing neighbours due to the smell and mess. A Technical Officer attempted to negotiate with the owner to remove the accumulations, but was forced to serve notice under section 83 of the Public Health Act 1936 in order to remove the materials and cleanse the property.

The Officer spent a great deal of time helping the occupier to get herself back on her feet, arranged for the works to be completed in default of the occupier and charge her for the works. At the same time, the Officer arranged for a Small Repairs Grant for the occupier to have the electrics to her flat rewired.

169-171A London Road, Mitcham.
A referral was received from the London Fire Brigade who had responded to a fire at one of these properties, which is an HMO above a commercial unit. On inspection with the Fire Officer, a Senior Environmental Health Officer discovered numerous issues with the property including poor management, structural defects and overcrowded and under-sized
rooms. In addition, part of the shop had been poorly partitioned and used as further accommodation. During the inspection, the neighbouring shop and HMO, also owned by the same landlord, were found to be in the same condition.

Housing Act 2004 Improvement Notices, Prohibition Orders and Management Notices were served on the landlord, who failed to comply. In December 2011, he was found guilty of 30 charges and fined over £13,000 including the Council’s legal expenses. The landlord has still not complied with the various notices and Orders and works in default are anticipated to bring the properties up to the minimum standards required of a House in Multiple Occupation.

**Environmental Health (Pollution & licensing) Team**

**Pollution**

Officers dealt with over 2700 service requests this year of which 2000 of these were related to Statutory Noise nuisance complaints from residential, commercial and industrial premises. We also received over 600 pollution related complaints from residents and businesses.

76 Enforcement Notices have been issued for this year.

Set out below is some examples of cases where the Environmental Health Pollution team has taken action to resolve statutory nuisances affecting local residents:

**Jimmy Spices. The Broadway.**
Noise from kitchen extract system affecting local residents. Noise Abatement Notice and Fixed Penalty Notice served on company.

**Cricketers Public House London Road Mitcham.**
Noise from a rave in squatted pub. Joint working with the Police and the service of a noise abatement notice during the out of noise service.

**Burn Bullock, London Road Morden.**
Noise complaints from local residents. A Noise Abatement Notice and a fixed penalty notice was served on company.
The Pollution team made an application to Review the premises licence for this public house due to on going noise problems from the premises. The licensing sub committee on this occasion did not make any changes to the licence.
Noise complaints have continued to be received from residents and there is currently a prosecution pending for the Burn Bullock for breaches of a noise abatement notice.

**Maguires Skips Wandle Way Mitcham.**
Complaints from local residents concerning noise from operations on site. Noise Abatement Notice served.

**Flat 78, Fountain House. 3 Sadlers Close. Mitcham**
Complaints from residents concerning fumes from paint spraying. Abatement Notice served on occupier to stop nuisance.

**Flat 1 38 Arterberry Road, Wimbledon**
Complaint received concerning smoke entering a resident’s flat from the burning of coal/wood in a fireplace in an adjoining flat. Officers witnessed nuisance and an abatement notice was served immediately on the owner to cease the use of the fireplace.
2 Deer Park Road  Wimbledon.

Complaints received of loud music from regular parties held at property. Noise abatement notice served and a fixed penalty notice served for breach of notice.

Environmental Permitting

Officers have carried out inspections to check compliance with Permits and emissions standards for over 60 industrial processes operating in Merton, which include two crematoriums, cement batch works, car sprayers, biomass boilers, petrol stations, dry cleaners and waste oil burners. There is a legal requirement that these processes are regulated to ensure that the environment and public health are protected. A number of these processes are in close proximity to residential properties and we do receive complaints from members of the public who are concerned or affected by the operation of these processes, which subsequently have to be investigated.

A recent application permit for the unloading and storage of cement in silo on an industrial unit in Alpha Place, Garth Road, which caused a large number of objections & complaints from residents regarding the premises. This case generated a significant amount of work for officers to investigate and process the permit application. The permit was granted with a number of conditions.

The Pollution team through the planning consultation process determines the environmental impact of new developments, recommending conditions to minimize the adverse impacts of noise, air pollution and the remediation of contaminated land. This information from the Pollution team on planning applications will help to assist in the determinations.

The team carries out regular air pollution monitoring across the Borough and have recently been able to install a Particulate monitoring station in South Wimbledon to monitor PM10’s. We are also in the process of implementing low emissions strategies in the borough to improve air quality such as promoting an anti-idling scheme outside schools, funded by a grant from the Department of the Environment and Rural Affairs.

Licensing Team

The licensing team are responsible for over 600 licensed premises. There are 571 Premises Licences for Pubs, “Off licences” and Clubs.

There are 80 Special Treatment Premises, 5 Pet Shops, 4 Riding Establishments, 2 Animal Boarding Establishments and 35 Bookmakers.

In addition to the functions under the Licensing Act 2003 and Gambling Act 2005, the team continues to undertake all the traditional licensing public controls such as Special treatments, Poisons, Animal Boarding Establishments, Pet Shop licences, Lotteries, Scrap Metal Dealers and Motor Salvage Operators, etc.

There have been 11 Reviews of premises licences for pubs, off licences which have been called in by local residents and statutory responsible authorities, some of which are listed below::

Bar Sia, The Broadway
Beverley Public House. Lower Morden Lane, Morden
Morden Park Premises Licence
Sainsbury’s Worple Road, SW19
Spiceway Supermarket, Kingston Rd
The Licensing team since the reorganisation 1st April 2011 has been joint working with the Licensing Sergeant at Wimbledon Police Station. A number of joint visits have been carried out to Licensed Premises that include:

**Burn Bullock. London Road Mitcham.**
Officers from the Licensing and the Police visited the premises on Friday the 8th April 2011 and it was discovered that the Designated Premises Supervisor (DPS) at the premises had no personal licence, meaning that she could not legally be the DPS and that any sale of alcohol would therefore constitute an offence. The practical effect of the action taken was to close the premises until a new DPS is appointed.

**Korean Food Store, New Malden.**
Officers enforced the Sunday trading laws and ensured that the shop did not trade on Easter Sunday, which would have been against the law.

**Fish & Chip Shop, Raynes Park.**
Officers visited the premises and found that there was an illegal gambling machine at the premises. Enforcement action was taken and the machine was removed from the premises.

**The Slug Public House, Hartfield Road.**
A joint visit with the police was made regarding information received that the premises had traded beyond permitted hours. Given the nature of the information and the provisions of the council’s enforcement policy, a formal warning was given.

**18 Commonsde East.**
An on-going investigation into an allegation of unlicensed activities.

**Club Premises, Hartfield Road.**
Licensing Officers attended regarding a noise complaint. Whereas no specific breach of conditions was apparent, issues of how to prevent public nuisance were discussed and general advice given.

**Watershed, The Broadway**
Complaints from local residents. Matter investigated. No issues relate directly to the premises and no breach of licence conditions were apparent. Advice given regarding alternative solutions. Liaised with police, who are now negotiating with the management of the premises direct and setting up meetings with all parties.

**Alexandra. Wimbledon Hill Road.**
Complaints from local residents. No breach of licence conditions apparent. Liaised with police, who are now negotiating with the management of the premises direct. Also advice given regarding alternative solutions.

**Wibbas Down Inn**
Information re possible use of gaming machines by underage. Observations kept no offences disclosed at this stage. Further enquiries in hand and investigations are still on going.

**Environmental Protection - Enforcement**
We receive a number of complaints with regard to litter and fly tipping offences. We have seen a rise in fly tips throughout the borough and the make up of the waste is normally materials that we are unable to identify the culprit, however when we have found evidence of the responsible person we have take measures to convict them of this crime. There was a short period late summer 2011 where we were seeing more asbestos being dumped than previous year's, we have worked with City of London to dispose of this type of waste. We have carried out a number of joint ANPR exercises with our partners the Metropolitan
Police and internal partners in trading standards. Our main aim was to check potential waste carriers to see if they had a waste carriers licence.

From April 2011 to March 2012 we have issued 255 Fixed Penalty Notices, this has been a mix of Section 87 Litter, Section 34, Waste Transfer notices and section 33, for fly tipping. We are aiming to roll out a street cleansing /enforcement strategy (public realm) very shortly addressing the issue of litter within the borough, a combination of enforcement, communication, resources and partnership approach which includes street champions made up of local residents and other groups.

**Successes**

We were successful in taking Topps Tiles to court for fly posting advertising signs mainly around the Morden area. Topps Tiles plc was convicted at Wimbledon Magistrates' Court of two offences of unlawfully displaying advertisements. The company was fined £1,000.00 per offence, ordered to pay the full prosecution costs of £666.00 and the offender surcharge of £15.00. The total sum payable within 14 days is £2,681.00. This is a good result - if the company is convicted a 3rd time the London Local Authorities Act 2007 imposes a minimum penalty of £2,500.00 per offence (and a maximum penalty of £20,000).

Another incident of fly tipping where an offender was fined £800 and ordered to pay costs of £400 plus the victim's surcharge of £15, making a total of £1,215. This was handed down as he had changed his plea to guilty, part way through the trial which was listed as a result of his previous not guilty plea. In his mitigation, the offender re-iterated much of what he had said during the interview under caution, i.e. he did not flytipp because he had collected the tyres on Ellis Road and just took the rims off before putting the tyres back there.

In sentencing, the Magistrates' made it clear that they viewed the matter as a serious one and they made reference to the difficulty which the Council faces when it comes to disposing of tyres as well as the cost to taxpayers in doing so. As a separate matter, the offender was fined £25 for a bail act offence after he turned up to court nearly an hour late having been bailed to attend for 9.30am. The Magistrates' did not accept that his explanation for being late (based on childcare problems) was a reasonable one in the circumstances.
Table of recent convictions

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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14/07/11</td>
<td>London Road</td>
<td>Merton Park</td>
<td>87</td>
<td>Guilty</td>
<td>£100</td>
<td>£370</td>
<td></td>
</tr>
<tr>
<td>19/07/11</td>
<td>Christchurch Road</td>
<td>Colliers Wood</td>
<td>87</td>
<td>Guilty</td>
<td>£175</td>
<td>£370</td>
<td></td>
</tr>
<tr>
<td>26/07/11</td>
<td>London Road</td>
<td>Merton Park</td>
<td>87</td>
<td>On going</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05/07/11</td>
<td>Christchurch Road</td>
<td>Colliers Wood</td>
<td>87</td>
<td>In absence</td>
<td>£200</td>
<td>£370</td>
<td></td>
</tr>
<tr>
<td>09/06/11</td>
<td>Willow Lane</td>
<td>Cricket Green</td>
<td>33/34</td>
<td>on going</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25/01/11</td>
<td>St Helier Av.</td>
<td>St Helier</td>
<td>33</td>
<td>On going</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Road shows/ Communications and Enforcement

The team have carried out a number of litter enforcement and communication road shows, all five town centres were visited where the team handed out cigarette stubbi pouches to local residents /commuters, the stubbi’s act as a portable ashsray. The main aim was to bring awareness about the cigarette litter along with other litter issues. The road shows will continue again starting from the 6th March 2012 were we have a campaign running for a week about chewing gum, working in partnership with the Keep Britain Tidy Group.

Abandoned Vehicles

The team received 827 requests regarding nuisance vehicles, 496 were investigated, and 41 were passed to contractor for removal. 331 were classed as untaxed of these 41 were removed. We received 10 request from residents to surrender there vehicle in which we removed free of charge.

Stray Dogs

170 stray/lost dogs were reported to us an increase by 30 this year as to last year.93 Dogs were returned to there owner, 20 dogs were put to sleep and this is often the result of the dog not being able to be re-homed due to its bread (Pitt ball x Staff) or being aggressive. We held 57 dogs in kennels for 7 days or less. There was an increase of 18 dogs being put to sleep as compared to last year. A decrease of the amount we hold in kennels, this may be due to the amount of education that we are doing along with our micro chipping programme of dogs to residents of Merton. The return to owners has improved an increase of 42, again this may be to do with the dogs that we are micro chipping, and able to return the dog back very quickly by checking on the micro chipping data base from Pet ID.
**Highways**

The Highway Safety Inspection team responds to nearly 10,000 customer requests a year for assistance relating to anything from damaged street furniture, damaged or dangerous footways to potholes and other road associated issues.

The team is currently responding to 99.48% within 5 working days. We have achieved over 80% of any repairs or action required being completed within 28 days.

We have inspected over 1600 skip licence requests with 95% approval rate with inspectors input to ensure safe placing and over 100 scaffold and hoarding licence requests. With 100% being inspected and approved within 5 working days.

**Trading Standards Service**

We receive a large number of enquiries every year from residents and businesses. This information is analysed and used to plan our work and target our resources more efficiently.

We do this by identifying the issues that are affecting the most people and/or causing the most amount of harm. Using this method, our priorities this year include doorstep crime, Intellectual property, safety and underage sales.

We look at other areas if intelligence shows that they are causing significant harm to consumers or businesses. However, this does not mean that individual cases may not be pursued.

Our policy is in accordance with the guidelines contained in our enforcement policy. This ensures that we implement legislation in a consistent and open manner and means everyone is treated fairly.

**Areas of Responsibility**

**Doorstep Crime**

We deal with complaints from residents who have been targeted by unscrupulous traders offering to do work on their properties. The team investigates instances where
- residents are pressurised in to having work done on their home.
- traders start work without agreement.
- traders demand payments in cash and offer to take residents to the bank or building society to pick it up.
- the price of the job escalates without a genuine reason.
- where written notice of a 7 day cancellation period has not been provided where the agreement was made at home with the trader present.

A breakdown of our work is provided below.

**Age Restricted Products**

We make sure that that age restricted products are only sold to persons of a certain age. This helps to prevent anti social behaviour and minimises risks to health improving community safety We work to stop the illegal sale of knives, alcohol, tobacco, solvents,
fireworks, DVDs and computer games to young people. Advice and support is provided to Merton’s businesses to help them comply with the law. A breakdown of our work is provided below.

**Fair Trading**

We ensure that businesses trade fairly so that consumers can be confident when buying goods and services. For example we may verify estate agents descriptions, inspect used cars, investigate overcharging complaints and check internet retailers.

**Counterfeit Goods**

We visit shops and markets to ensure that counterfeit goods are not being sold. Complaints about fake goods are investigated and we monitor the market place to prevent this type of crime.

**Product Safety**

We check the items that consumers buy to ensure they are safe such as electrical items, toys and furniture.

**Weights and Measures**

We verify that weighing and measuring equipment are dispensing products accurately and fairly by checking equipment such as weighing scales, petrol pumps, pub measures and weighbridges.

**Environmental Issues**

We enforce a number of laws to help protect the environment including excessive packaging, CO2 emissions and energy efficiency labelling.

**Markets and Street Trading**

We licence the sale of goods on or near the public highway. This includes market stalls, food vans, shop forecourt and tables and chairs.

**Business Advice**

We provide guidance, advice and support to Merton businesses to help them to understand and comply with all Trading Standards legislation and to understand their rights and obligations when dealing with consumers.
### Sale of Age Restricted Products

Table of test purchases carried out by Trading Standards service using volunteers under the age of 16 years of age.  
**1st January 2011 – 29th February 2012.**

<table>
<thead>
<tr>
<th>Ward</th>
<th>Product Test Purchased</th>
<th>Sale</th>
<th>Prosecution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbey</td>
<td>14 x Alcohol</td>
<td>2 x Alcohol</td>
<td>Licensing Act 2003</td>
</tr>
<tr>
<td></td>
<td>14 x Cigarettes</td>
<td>2 x Cigarettes</td>
<td>Children and young persons Act 1933</td>
</tr>
<tr>
<td></td>
<td>1 Firework</td>
<td>1 x Knife</td>
<td><strong>Trader A</strong>  &lt;br&gt; Report in progress</td>
</tr>
<tr>
<td></td>
<td>3 x Knives</td>
<td></td>
<td><strong>Trader B</strong>  &lt;br&gt; Report in progress</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x Knife</td>
<td><strong>Criminal Justice Act as amended by the offensive Weapons Act 1996</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Trader C</strong>  &lt;br&gt; Letter of advice given to Trader as the bladed tool did not meet the legal definition of a knife</td>
</tr>
<tr>
<td>Cricket Green</td>
<td>5 x Alcohol</td>
<td>1 x Knife</td>
<td><strong>Bismillah</strong>  &lt;br&gt; 1 x £200 fine  &lt;br&gt; 1 x £800 costs  &lt;br&gt; £15 surcharge</td>
</tr>
<tr>
<td></td>
<td>3 x Cigarettes</td>
<td></td>
<td><strong>Seller – received a caution</strong></td>
</tr>
<tr>
<td></td>
<td>1 x Knife</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannon Hill</td>
<td>4 x Alcohol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Items</td>
<td>Acts/Reports</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------</td>
<td>-------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Colliers Wood</td>
<td>7 x Cigarettes, 3 x Knives</td>
<td>5 x Alcohol, 6 x Cigarettes, 2 x Knives, Licensing Act 2003 Trader D Report in progress</td>
<td></td>
</tr>
<tr>
<td>Dundonald</td>
<td>2 x Alcohol, 6 x Knives, 3 x Cigarettes, 5 x Videos</td>
<td>1 x Alcohol, Criminal Justice Act as amended by the offensive Weapons Act 1996 Trader E – Letter of warning sent Trader F - Caution sent</td>
<td></td>
</tr>
<tr>
<td>Figges Marsh</td>
<td>3 x Alcohol, 1 x Firework, 4 x Cigarettes, 2 x Videos, 1 x Knife</td>
<td>2 x Knives, Criminal Justice Act as amended by the offensive Weapons Act 1996 Trader G - Caution sent</td>
<td></td>
</tr>
<tr>
<td>Graveney</td>
<td>5 x Alcohol, 2 Cigarettes, 1 x Cigarettes, 1 x Knife, 1x Video</td>
<td>1 x Alcohol, Licensing Act 2003 Children and young persons Act 1933 Trader H Report in progress</td>
<td></td>
</tr>
<tr>
<td>Hillside</td>
<td>2 x Knives, 1 x Knife, 1 x Video</td>
<td>Criminal Justice Act as amended by the offensive Weapons Act 1996 Video Recordings Act 1984 &amp; 1993 Trader I Report in progress</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Alcohol</td>
<td>Cigarettes</td>
<td>Fireworks</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Lavender Field</td>
<td>1</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Alcohol</td>
<td>Cigarettes</td>
<td>Fireworks</td>
</tr>
<tr>
<td>Lower Morden</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Alcohol</td>
<td>Fireworks</td>
<td>Knives</td>
</tr>
<tr>
<td>Longthornton</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Alcohol</td>
<td>Cigarettes</td>
<td>Alcohol</td>
</tr>
<tr>
<td></td>
<td>Licensing Act</td>
<td>2003</td>
<td>Children and young persons Act 1933</td>
</tr>
<tr>
<td></td>
<td>Trader K – Report in progress</td>
<td></td>
<td>Trader L - Report in progress</td>
</tr>
<tr>
<td>Merton Park</td>
<td>8</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Alcohol</td>
<td>Cigarettes</td>
<td>Knife</td>
</tr>
<tr>
<td>Pollards Hill</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Ravensbury</td>
<td>6</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Raynes Park</td>
<td>6</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Alcohol</td>
<td>Cigarettes</td>
<td>Video</td>
</tr>
<tr>
<td></td>
<td>Criminal Justice Act as amended by the offensive Weapons Act 1996</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Items Purchased</td>
<td>Items Sold</td>
<td>Notes</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>St Helier</td>
<td>3 x Alcohol, 6 x Cigarettes</td>
<td></td>
<td>Report in progress</td>
</tr>
<tr>
<td>Trinity</td>
<td>3 x Alcohol, 1 x Cigarettes, 2 x Knife, 3 x Videos</td>
<td>1 x Video</td>
<td>Video Recordings Act 1984 &amp; 1993</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trader O</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Caution Seller Warning letter</td>
</tr>
<tr>
<td>Village</td>
<td>4 x Alcohol, 4 x Cigarettes, 1 x Fireworks</td>
<td>1 x Alcohol</td>
<td>Licensing Act 2003</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trader P</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Report in progress</td>
</tr>
<tr>
<td>West Barnes</td>
<td>2 x Cigarettes, 1 x Fireworks, 2 x Knives</td>
<td>1 x Cigarettes, 1 x Knife</td>
<td>Children and young persons Act 1933</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trader Q</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Report in process</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Criminal Justice Act as amended by the offensive Weapons Act 1996</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trader R</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Seller - warning letter</td>
</tr>
<tr>
<td>Wimbledon Park</td>
<td>7 x Alcohol, 2 x Fireworks, 6 x Cigarettes, 2 x Knives</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>214 Test Purchases</strong></td>
<td>83 Alcohol, 78 Cigarettes, 29 Knives, 11 Videos, 13 Fireworks</td>
<td>7 Alcohol, 6 Cigarettes, 9 Knives, 2 Videos</td>
<td>24 Sales</td>
</tr>
</tbody>
</table>
Doorstep Crime – Complaints from vulnerable residents that have had work carried out by rogue builders and tradesmen.

Table of Doorstep Crime work that the service has dealt with from 1st Jan January 2011 - 29th February 2012.

<table>
<thead>
<tr>
<th>Wards</th>
<th>Doorstep Crime Complaints</th>
<th>Money lost By the resident</th>
<th>Money Saved by Trading Standards on behalf of the resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbey</td>
<td>2</td>
<td>£16,800</td>
<td>£200</td>
</tr>
<tr>
<td>Cannon Hill</td>
<td>10</td>
<td>£1,000</td>
<td></td>
</tr>
<tr>
<td>Colliers Wood</td>
<td>1</td>
<td>£1,000</td>
<td></td>
</tr>
<tr>
<td>Cricket Green</td>
<td>3</td>
<td>£9,275</td>
<td>£11,000</td>
</tr>
<tr>
<td>Dundonald</td>
<td>2</td>
<td>£7,600</td>
<td>£500</td>
</tr>
<tr>
<td>Graveney</td>
<td>4</td>
<td>£20,120</td>
<td>£10,000</td>
</tr>
<tr>
<td>Longthornton</td>
<td>1</td>
<td>£9,500</td>
<td></td>
</tr>
<tr>
<td>Lower Morden</td>
<td>7</td>
<td>£3,600</td>
<td>£4,300</td>
</tr>
<tr>
<td>Merton Park</td>
<td>4</td>
<td>£5,000</td>
<td>£150</td>
</tr>
<tr>
<td>Pollards Hill</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ravensbury</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raynes Park</td>
<td>8</td>
<td>£10,688</td>
<td>£29,000</td>
</tr>
<tr>
<td>St Helier</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trinity</td>
<td>2</td>
<td>£10,500</td>
<td></td>
</tr>
<tr>
<td>West Barnes</td>
<td>5</td>
<td>£6,180</td>
<td>£6,000</td>
</tr>
<tr>
<td>Wimbledon Park</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>54</td>
<td>£100,263</td>
<td>£61,150</td>
</tr>
</tbody>
</table>

We have two ongoing prosecutions in relation to doorstep crime.

Operation Elsie - Partnership working with the Police and Safer Neighbourhood Teams. We have continued to work with these agencies over the last year.

We participated in the London wide Operation Liberal on Wednesday 19th October 2011. This involved all Trading Standards Services in London and the Police. Our Service provided two teams, the first covered Merton Park, Cannon Hill and Lower Morden. The second team covered West Barnes, Raynes Park and Dundonald. The aim was to identify Traders that were working on properties and to establish that they had a valid contract with the resident. We assessed whether or not there was a valid contract and, where a contract existed, that this complied with legislation and in particular if they have been given a statutory 7 day cancellation notice in which to cancel the contract with the trader if they had changed their mind. A Trader who fails to do so commits an offence and the contract is unenforceable. We then gave formal written guidance to the traders in particular Merton Traders of their legal obligations.
Operation Elsie’s have been carried out in the following wards this year. These wards were selected using intelligence gained from residents, businesses and the Police that indicated the need for doorstep crime enforcement work.

<table>
<thead>
<tr>
<th>Wards</th>
<th>Operation Elsie</th>
<th>Advice Letters given to Traders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbey</td>
<td>1</td>
<td>1 letter</td>
</tr>
<tr>
<td>Cricket Green</td>
<td>2</td>
<td>2 letters</td>
</tr>
<tr>
<td>Graveney</td>
<td>1</td>
<td>1 letter</td>
</tr>
<tr>
<td>Raynes Park</td>
<td>7</td>
<td>4 letters</td>
</tr>
<tr>
<td>West Barnes</td>
<td>5</td>
<td>2 letters</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wards</th>
<th>Operation Liberal</th>
<th>Advice Letters given to Traders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannon Hill</td>
<td>3</td>
<td>3 letters</td>
</tr>
<tr>
<td>Raynes Park</td>
<td>4</td>
<td>6 letters</td>
</tr>
<tr>
<td>St Helier</td>
<td>1</td>
<td>1 letter</td>
</tr>
</tbody>
</table>

The Service also carries out education talks to Voluntary Organisations and residents groups, and additionally takes part in the Junior Citizens event twice a year. We work closely with Merton Priory Homes in delivering the Junior Warden scheme too. The aim of these talks is to offer advice, to educate and empower the community.

The following table shows the education talks we have carried out this year.

1st January 2011 – 29th February 2012

<table>
<thead>
<tr>
<th>Junior Warden</th>
<th>8 Education Talks to Merton Schools (25 -30 children per session)</th>
<th>Covering the work of Trading Standards (Counterfeit Goods, Underage Sales, Safety of goods) Pricing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junior Citizens Event</td>
<td>4 days (1300 children)</td>
<td>Covering the work of Trading Standards (Counterfeit Goods, Underage Sales, Safety of goods) Pricing and car clocking fraud</td>
</tr>
<tr>
<td>Wimbledon Guild</td>
<td>2</td>
<td>Education talks on the work of Trading Standards. The top 5 scams and how to protect yourself. How to protect yourself against Doorstep Crime</td>
</tr>
<tr>
<td>Mencap</td>
<td>1</td>
<td>Education Talk. Protecting your self against rogue traders and doorstep crime. Counterfeit Goods. Safety</td>
</tr>
<tr>
<td>Residential Housing</td>
<td>1</td>
<td>The Police asked us to do this talk as they have been affected by rogue traders. Prevention against Doorstep Crime, scams and counterfeit goods.</td>
</tr>
<tr>
<td>Safeguarding Awareness Day</td>
<td>1</td>
<td>Staffed Information stand providing advice on the work of the service in particular scams and Doorstep Crime.</td>
</tr>
<tr>
<td>Neighbourhood Watch AGM</td>
<td>1</td>
<td>Presentation about prevention of Doorstep Crime and scams, Underage Sales, counterfeit goods and Toy Safety.</td>
</tr>
<tr>
<td>Location</td>
<td>Presentation Details</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Merton Sutton Primary Trust</td>
<td>Joint presentation with the Police on prevention of Doorstep Crime, the top 5 scams and counterfeit goods.</td>
<td></td>
</tr>
<tr>
<td>Queens Road Church</td>
<td>Presentation on prevention of Doorstep Crime, the top 5 scams, underage sales and counterfeit goods.</td>
<td></td>
</tr>
<tr>
<td>Church of St Peter and St Paul</td>
<td>Presentation on the work of Trading Standards. The top 5 scams, underage sales and how to protect yourself against Doorstep Crime</td>
<td></td>
</tr>
<tr>
<td>Mitcham Police Cadets</td>
<td>Presentation about the role of Trading Standards and educate the police cadets in the work that they do.</td>
<td></td>
</tr>
<tr>
<td>Morden Library</td>
<td>Presentation on the work of Trading Standards, underage sales top 5 scams and how to protect yourself. How to protect yourself against Doorstep Crime</td>
<td></td>
</tr>
<tr>
<td>Snuff Mill</td>
<td>Presentation on the work of Trading Standards. The top 5 scams and how to protect yourself. How to protect yourself against Doorstep Crime</td>
<td></td>
</tr>
</tbody>
</table>

**Safety**

The Service has been involved with product recall under GPSR (General Product Safety Regulation) of 14,000 giant lighters that contain twice the amount of the permitted amount of lighter fluid at 20 grams. The giant lighters can explode into a fireball without warning due to the flame not extinguishing correctly causing injury to consumers. The lighters were removed from businesses and safely transported back to the main importers located in Nottingham.

**Counterfeit Goods**

Officers carried out a raid at a local market assisted by the Police. Counterfeit Goods were identified and seized a number of vehicles and properties were subsequently searched and more counterfeit goods seized. Intelligence led the Officers to a Storage Unit which they searched and they seized a vast quantity of counterfeit good consisting of clothing, watches and handbags. Overall Officers seized in excess of 2,000 items. Investigations are ongoing under the Trade Marks Act 1994.

**Olympics**

Preparations are underway in the lead up to the Olympics. Training courses for all Officers have been scheduled and these will be rolled out next month. We will be leading on the enforcement of the Advertising and Street Trading Regulations under contract with the Olympic Delivery Authority within the Games event zone. We are also enforcing Olympic Symbols Protection legislation to prevent counterfeit merchandise etc. This is a considerable piece of partnership working with all agencies.

**Fraud**

Following on from the successful conviction in June 2010 of two fraudsters who were each sent to prison for 7 years and an associate for 21 months for obtaining up to £5 million from unsuspecting investors over a four year period, we are now conducting a joint investigation with Sussex Police CID Economic Crime Unit into the fraudulent activities of a number of associated individuals.
Building control

The Building Control section enforces the Building Regulations which are national standards to control building work. The regulations are set by the Secretary of State for the following purposes:

- To secure the health, safety, welfare and convenience of persons in or about buildings, and others who may be affected by buildings or matters connected with buildings.
- For furthering the conservation of fuel and power.
- To prevent waste, undue consumption, misuse or contamination of water.

In 2011 the Building Control team dealt with the following:

147 reports of unauthorised works
66 dangerous structures (the joint out of hours service is still being provided for the London Borough of Sutton)
710 full plans applications (+ 162 resubmissions following rejection)
691 building notices
41 applications for regularisation of building works.
7512 inspections of work in progress to determine compliance with the Building Regulations.

PLANNING ENFORCEMENT

Effective enforcement action underpins and guarantees the integrity of the whole planning process.

A key principle of planning is that it regulates development in the public interest, not merely considering the interests of the landowner or developer. The tension between private rights and the public interest is precisely why planners should manage development in accordance with the development plan and there should be an enforcement service to ensure compliance in all areas. Good planning prevents a free-for-all where anyone can build what they like, where they like and when they like. Therefore enforcement is an essential feature of the development management process.

The primary role of an enforcement officer is a negotiator. The most successful investigations are those whereby the officer is able to satisfactorily negotiate a remedy of the breach with the offender without the need for formal enforcement proceedings.

In 2011, the four officers in the team successfully negotiated a satisfactory remedy to 498 breaches of planning control. Between 2008 and September 2011 the planning
enforcement team investigated 2437 new cases of alleged breaches of planning control and in the same period 2304 of these have been resolved and closed.

Unfortunately it is not always possible to negotiate to achieve remedial action and where the breach is considered to cause harm to acknowledged interests of amenity, enforcement action is taken.

A total of 176 enforcement actions have been taken from 2008. These have included issuing various enforcement notices and 16 prosecutions. In 2011 there were two successful prosecutions and 26 enforcement notices were issued.

In the first quarter of 2012 we have received 39 new complaints and closed 134 cases. We have also served 14 new enforcement notices.

Examples of some of the recent enforcement actions.

Monarch Parade, Mitcham.
The problems of Monarch Parade have been ongoing for some years now and the planning team have recently made a number of visits in 2012 with both the Police and Environmental Health. The condition of the flats has been surveyed and the activities of the workshop behind the flats investigated. Monarch Parade consists of two, four storey blocks of flats. Due to a dispute between the landlord/managing agent and the leaseholders no maintenance work is being carried out and they have fallen into state of some considerable disrepair. A matter was reported in the local newspapers in February. In March 2012, Section 215 Notices have been served on the owners requiring them to clean up the grounds, remove rubbish and weeds, repair/replace broken windows, repair crumbling concrete, repair/remove and/or cover exposed electrical wiring and paint the building. The effect of this Notice will be a general improvement of the buildings and site.

2/4 Quentin Avenue, SW20
An enforcement notice has been served on the 14 March 2012 in relation to the unlawful erection of seven dwellings was carried out without planning permission. The Notice comes into effect on the 28 April 2012 and requires the demolition of the buildings within six months.

27 Manor Gardens Wimbledon, SW20
An enforcement notice was issued on 1 March 2012 against the occupier who ignored the advice of Planning Officers and went ahead and replaced the existing windows with UVPVC windows. This is not permitted as the property is in a designated special area. The Notice comes into effect on the 1 April 2012 and requires compliance within three months.

84 Rowan Road, SW16
An enforcement notice was issued on 8 March 2012 relating to the unlawful conversion of a single dwelling into two flats without planning permission. The Notice comes into effect on 19 April 2012 and requires the property to be restored to a single dwelling within six months.

1A Leopold Terrace, Dora Road SW19 –
An enforcement notice was issued on 12/8/11 against an unauthorised erection of a block of flats containing 4 self-contained flats with a requirement to demolish the unauthorised
building. The appeal was dismissed and the notice upheld on 22nd February 2012 as the Council’s action was supported and the owner has 6 months to comply with the notice.

64 Glamorgan Close, Mitcham.
Enforcement notice issued against an unauthorised first floor rear extension. The notice was not appealed against and became effective thus making the structure illegal and this was eventually removed following threats of prosecution against the owner.

Brown & Roots Tower, 125 High Street Colliers Wood
A section 215 ‘Untidy Land’ Notice was served to require the owners to secure the multi-storey car park site to the south with close boarded fencing, which also surrounds the Tower Building, ensure all rubble and all materials to be recycled are screened and not visible from the public realm, paint boarded wooden parts on the ground and first floors and restore the white paintwork at the top of the Tower. This was complied with and the objective of securing the site was achieved.

Former BP Service Station, 374 Grand Drive (Beverley Roundabout)
An enforcement notice against an unauthorised change of use from a filling station to a hand carwash. Enforcement Notice was issued on 5/10/10 and a subsequent appeal by the occupier was dismissed. The occupier is now being prosecuted for non-compliance with the requirement of the notice by failing to stop the unauthorised use.

Former Prince of Wales PH, 336 Western Road
An enforcement notice was issued on 3/3/11 against an unauthorised self-contained flat conversion. The notice came into effect on 4/4/11 and required the owners to cease the use of the land as self-contained flats within 6 months. The company that own the property are now in receivership and the property is being auctioned in order to recover the debts.

98 Whatley Avenue, Wimbledon Chase SW20
A section 215 untidy land notice was issued on 22/2/11 to require the owner to clear rubbish from the front and rear gardens as well as repair any broken fence. The notice came into effect on 24/2/11 the requirements of the notice were complied with. A second notice had to be issued as the state of the property deteriorated again. The council issued a second untidy land notice in January 2012 to require the landlord to clear weeds and trim the overgrown bushes to the front and rear gardens, repair broken fences and gates, remove rubbish and repair, repaint and make good external doors, window frames, guttering and loose roof tiles. The notice came into effect on 14th February and the landlord is expected to carry out the required works within 56 days.

As the relevant works have not been carried out by the compliance date, the Council has the option to either prosecute or carry out the works in default and put a charge on the property.

315 Durnsford Road SW19
An enforcement notice was issued on 24/2/11 against an unauthorised ground floor rear extension to require its demolition. The notice came into effect on 4/4/11 as there was no appeal before that date. The owners have demolished the extension in compliance with the requirements of the notice and no further action was required.
207 Streatham Road, Mitcham
A section 215 untidy land notice was issued on 17/6/11 to require the owner to repair, clean and repaint the boarded up shop. This was complied with and no further action was necessary.

20 Westcoombe Avenue SW20
An enforcement notice issued on 3/8/11 against an unauthorised side and rear roof extension. The notice will come into effect on 14th September 2011 and an appeal was lodged by the occupants. The Notice was upheld and the now need to remedy the breach and demolish the rear and side extensions.

234 Merton Road SW19
An enforcement notice issued on 4/8/11 against a restaurant for opening to the public outside the established hours – before 09.00 am and after 3.00 pm on Sundays and bank Holidays. There was no appeal but notice was complied with and no further action was needed. However, the compliance does not discharge the notice. This is to ensure that the offence does not re-occur.

2A and 2B Robinson Road, Tooting SW17
An enforcement notice was issued on 9/9/11 against the erection of part three/part four, storey (plus basement) mixed-use building comprising 12 self-contained flats, two commercial units on the ground floor with ancillary storage and gymnasium in the basement and the main requirement was for the building to be demolished within 9 months. The Council’s Planning Applications committee has granted planning permission for the development subject to the owner signing a planning obligation but has failed to do so. The timely enforcement forced the owner to re-submit a fresh application for the retention of the development and had to meet an additional obligation which was of more benefit to the local residents.

79A Russell Road SW19
An enforcement notice was issued against the unauthorised change of use from Class B1 use to a single family dwelling. The notice was issued on 29/9/11 but there is an on-going appeal by the owner by a public inquiry which will be held on 20/03/12.

Lessons learnt:
The enforcement review group is ideally placed to respond to many of the challenges that future changes may bring. Looking ahead we have identified a number of issues that will need to be considered;

Future Issues

1. Through the monitoring of internal incident reporting forms, we have noted that there has been a disturbing increase in violent or abusive behaviour by members of the public against enforcement officers, particularly those in parking control. The group have addressed these issues by use of press releases and offering conflict resolution and tackling aggression training courses to frontline staff. We are also working with our partners in the police who have been very supportive and have pressed charges against individuals who have assaulted council staff. In addition
the Police are offering further training on dealing with aggressive situations. Also as part of their ‘total war on crime’ work theme, they have offered to support council officers whilst undertaking high risk enforcement work, such as the blue badge investigations and late night visits to licensed premises.

2. As staff resources decline, enforcement officers will become more reactive and we will need to rely more and more on members of the public and elected members to bring matters of concern to our attention and act as our ‘eyes and ears’. This intelligence led approach requires us to make better use of our complaint systems so that we can better prioritise our work to the needs of the community. One of the tasks that the group will be looking at over the next year will be how we can better engage with various local community groups and residents so that we can better understand and respond to local issues and areas of concern.

3. At the time of writing this report, Red Quadrant (Consultants) are investigating potential options to share regulatory services between three/four partner organisations. Whilst these are only proposals at this stage and there has been no definite commitment from other partners, if such a proposal was realised, there would be considerable number of issues to be addressed that will affect the delivery of the enforcement functions. There would need to be standardisation of the outputs of Information Technology systems, analysis of policy differences and standardisation where policy, agreements on recharging and an understanding of how such a shared service would respond to local issues and report to elected members. This is work that the group would ideally suited to comment and assist with.

4. All the Officers who constitute the ERTG are very committed to the work that they do and should rightly feel proud of many of the enforcement outcomes. The group is truly unique amongst London boroughs in the way that it applies a multidisciplinary approach across the regulatory disciplines in order to achieve a satisfactory outcome. This helps to break down the ‘silo mentality’ that is so often criticised by organisations such as the Local Government Ombudsman. In recognition of this unique work, a submission was made on behalf the group as part of the 2012 Municipal Journal Awards, within the ‘delivering better outcomes’ category.

5. Monarch Parade in Mitcham, was a useful learning experience for the group. This has been an ongoing problem for some years and is predominantly an issue between a private landlord/managing agents and the long leaseholders. What has been effective was the taking of a multidisciplinary approach to the inspections which included joint visits with the police and safer neighbourhood team. We also found it very useful, as group to draw up a status report which highlighted the issues and the enforcement powers that were available and more importantly the limitations that the enforcement teams have. This information has been shared with ward councillors and the MP and some the problems have still not been resolved, there is at least a now better understanding and a more realistic expectation of the extent council’s involvement in this issue.

6. The member training that was run in June 2011 was very well received by those that attended and it was agreed that the exercise should be repeated should time and circumstances permit. The ERTG would be pleased to repeat such an exercise as it felt that is very beneficial for members to understand not only what merton enforcement officers can do but importantly what they cannot do. One of the tasks
for next year will be to explore with members what form that this training should take. One of the learning outcomes from this training session was that members would like to be better informed of any impending legal actions. Environmental Health Commercial as matter of course now email the ward councillors of any significant actions such as closures of food premises and successful prosecutions. To date this approach has been very well received.