



CORPORATE COMMITTEE

SUPPLEMENTARY PAPERS

Tuesday, 27th March, 2018

at 6.30 pm

Room 102, Hackney Town Hall, Mare Street,
London E8 1EA

Committee Membership

Cllr Barry Buitekant, Cllr Jessica Webb (Chair)
Cllr Susan Fajana-Thomas (Vice-Chair)
Cllr Katie Hanson
Cllr Christopher Kennedy, Cllr Michael Levy
Cllr Nick Sharman, Cllr Vincent Stops
Cllr Ian Sharer, Cllr Will Brett
Cllr Sally Mulready, Cllr Laura Bunt
Cllr Mete Coban, Cllr Clare Potter, Cllr M Can Ozsen

Tim Shields
Chief Executive

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The press and public are welcome to attend this meeting

AGENDA

Tuesday, 27th March, 2018

ORDER OF BUSINESS

Item No		Page No
5	Environmental Enforcement - Annual Assessment Of The Local Environmental Quality Enforcement Strategy And Annual Performance Report 2016/17 - Appendix 4 Update for the period April- December 2017	1 - 4
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Access and Information

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Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director of Legal
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Suki Binjal, Interim Director of Legal on 020 8356 6234 or email suki.binjal@hackney.gov.uk

APPENDIX 4

Detailed Quarterly Breakdown of External Service Requests received:

Q1 (April-June)	282
Fly Posting - Enforcement	3
Fly Tipping - Private Land	83
Fly Tipping - Public Land	46
Graffiti - Enforcement	16
Highway Obstruction	94
Litter on Private Land	4
Litter on Public Land	9
Overgrown Hedge	1
Dog Control Order	2
Animal Fouling	7
Residential Waste Duty of Care	10
Street Trading - Enforcement	4
Vehicle Sales on Highway	1
Vehicles for Repairs on Highway	2
Q2 (July-Sept)	239
Fly Posting - Enforcement	3
Fly Tipping - Private Land	46
Fly Tipping - Public Land	28
Graffiti - Enforcement	10
Highway Obstruction	117
Litter on Private Land	4
Litter on Public Land	10
Residential Waste Duty of Care	8
Vehicle over Highway	2
Vehicle for sale Highway	1
Fly Tipping Waste Operations	1
Street Trading - Enforcement	3
Animal Fouling	6
Q3 (Oct-Dec)	291
Fly Posting - Enforcement	8
Fly Tipping - Private Land	48
Fly Tipping - Public Land	49
Graffiti - Enforcement	9
Highway Obstruction	131
Litter on Private Land	0
Litter on Public Land	12
Residential Waste Duty of Care	8
Street Trading - Enforcement	7

Animal Fouling	13
Fly Tipping-Waste Operations	1
Vehicles for Repairs on Highway	2
Overgrown Hedge	1
Dog Control Order	2

Grand Total	812
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HCS PR 063 (Quarterly) – (Number of formal notices issued)

The current enforcement strategy is in line with the nationally accepted enforcement concordat. This requires a balanced graduated approach through education and advice to more formal legal action including prosecution. Generally such an approach is effective in tackling enviro-crime however the service is careful to ensure that the type of enforcement action is proportionate to the seriousness of the offence.

The number of “formal notices” (part of the formal enforcement process) including advisory notices, issued in line with the guidance on PR 063, but does not include the range of other actions undertaken to ensure compliance or intended outcomes are achieved, such as education, verbal warnings, advisory letters, etc. Effective enforcement relies upon sound selection of an appropriate level of enforcement proportionate to the offence and circumstances, with the aim of achieving compliance and resolution of problems.

The number of formal notices served in in the period April to December 2017 was 972 notices excluding notices served on mobile devices.

Formal notices issued April –December 2017 and excludes FPNs issued on mobile devices

Formal Notices issued	Hackney Borough				Homerton				North East				Shoreditch				Stoke Newington			
FY2017/18 Qtr1 to Qtr3	Q1	Q2	Q3	Total	Q1	Q2	Q3	Total	Q1	Q2	Q3	Total	Q1	Q2	Q3	Total	Q1	Q2	Q3	Total
Section 88 Urinating FPN	194	37	40	271	10	1	3	14	3	2		5	151	26	28	205	30	8	9	47
Highway Obstruction FPN	28	9	93	130	8	1	14	23	9	5	27	41	6	1	18	25	5	2	34	41
Highway Obstruction 7 Day Removal Notice	28	25	43	96	3	1	5	9	9	5	8	22	7	8	21	36	9	11	9	29
34(5) Notice	26	44	25	95	2	3	6	11	1	20	2	23	5	13	12	30	18	6	4	28
Invite To Interview (General)	27	38	9	74	1	9	2	12	3	14	2	19	1	13	5	19	22	1		23
Intention To Prosecute Letter	26	12	33	71	1	1	3	5	1	1	3	5	16	5	20	41	8	5	7	20
LBH Waste Contract Details / Section 47 Notice	27	20	8	55	2	4	2	8	2	6	3	11	5	5	1	11	17	5	2	24
Section 88 Litter FPN	21	14	10	45	1	5	5	11	4			4	6	5	2	13	8	2	3	13
Section 33za FPN (N2U)	12	14	18	44		1		1	2	5	6	13	2	7	10	19	8	1	2	11
34(6) FPN	9	6	9	24	1		1	2	2	4	1	7	3	1	4	8	3	1	2	6
Section 33za FPN (SRU)	3	6	3	12		1	3	4	2	2		4	1	3		4				
NON-LBH Waste Contract Details / Section 47 Notice	6	1	4	11	1			1					2	1		3	2		2	4
Community Protection Notice	3	2	4	9	2		2	4			1	1		2		2	1		1	2
Section 59 Dog Fouling FPN	7	1		8					3			3	4			4		1		1
47ZA FPN for Section 47 Notice	1	4		5					1			1		4		4				
Section 38 Illegal Street Trading FPN	1		4	5									1		3	4			1	1
Highway Obstruction 48 Hour Removal Notice	2	2		4	1	1		2		1		1					1			1
Unauthorised Marks on the Highway FPN	3	1		4						1		1	2			2				
Section 108 Notice	2	1	1	4	1		1	2	1	1		2								
Fly Posting FPN	1		2	3							2	2	1			1				
Fly Posting FPN (without advisory)			1	1															1	1
Dog Off Lead in General Public Area			1	1											1	1				
Grand Total	427	237	308	972	34	28	47	109	43	67	55	165	213	93	126	432	132	43	77	252

FPNs served in period April –December 2017 excluding mobile devices

Fixed Penalty Notices Issued	Borough		Homerton		North East		Shoreditch		Stoke N.	
	FPNs	paid	FPNs	paid	FPNs	paid	FPNs	paid	FPNs	paid
FY2017/18 Qtr1 to Qtr3										
Section 88 Urinating FPN	271	159	14	10	5	3	205	123	47	23
Highway Obstruction FPN	130	78	23	18	41	23	25	13	41	24
Section 88 Litter FPN	45	29	11	5	4	2	13	8	13	11
Section 33za FPN (N2U)	44	30	1	1	13	10	19	9	11	10
34(6) FPN	24	11	2	1	7	4	8	3	6	2
Section 33za FPN (SRU)	12	6	4	3	4	1	4	2		
Section 59 Dog Fouling FPN	8	6			3	3	4	2	1	1
47ZA FPN for Section 47 Notice	5	5			1	1	4	4		
Section 38 Illegal Street Trading FPN	5	0					4	0	1	0
Unauthorised Marks on the Highway FPN	4	1			1	0	2	1		
Fly Posting FPN	3	1			2	0	1	1		
Fly Posting FPN (without advisory)	1	1							1	1
Dog Off Lead in General Public Area	1	1					1	1		
Grand Total	553	328	55	38	81	47	290	167	121	72



London Borough of Hackney

Draft Environmental Protection Service Delivery Plan 2018/19

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March 2018

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DRAFT

INTRODUCTION

Hackney Council has a statutory obligation to investigate and take action on complaints of noise nuisance.

The definition of noise is 'unwanted sound'. The World Health Organisation (WHO) states on its website the following with regards to excessive noise exposure;

'Excessive noise seriously harms human health and interferes with people's daily activities at school, at work, at home and during leisure time. It can disturb sleep, can cause cardiovascular and psychophysiological effects, reduce performance and provoke annoyance responses and changes in social behaviour'. [<http://www.euro.who.int/en/health-topics/environment-and-health/noise>]

Annoyance from noise can have a variety of adverse effect on the health of people, however, the impact on sleep disturbance, interference with communication as well as an increase in the levels of stress hormones in the blood is viewed as the most common and immediate affect to health. Studies by the WHO has also found that long term exposure to noise can have detrimental effect on health and wellbeing and has now been linked to individuals developing cardiovascular disease and the impairment of cognitive performance amongst children.

Noise is an issue of concern for both Hackney residents and workers and it is agreed by all parties that a remedy to reduce its impact is sought and imposed. However, as the number of residents grow in the borough and business activity intensifies especially within the night time economy, demand for the service will also increase. Therefore, a sustainable long term approach must be found to investigate the increasing number of noise and nuisance complaints without being impeded by financial constraints, allocation of resource and directorate restructure/reorganisation.

This service plan aims to provide such an approach and demonstrate new strategies enacted by the service to overcome obstacles and other impediments faced by the department. However, it also identifies challenges that will need to be addressed for 2018-19 in order to maintain the current level of service being provided.

1. Introduction

1.1 Highlights from 2017-18

1.1.1 **Migration of Temporary Event Notice (TEN's) Applications from North Gate (M3) data base to Civica APP database.**

The process in place for administrating TEN applications for the service was causing a delay to the consultation process. This was primarily due to the fact that each application was received via email from the Licensing Department and was then required to be manually inputted on the M3 database by a Technical Support Officer (TSO). Unfortunately, the service did not have a permanent TSO for this task and therefore was reliant on an agency TSO for half a day, three days a week. Due to this and the number of applications increasing, a percentage of applications were missed or delayed being processed resulting in the applications not meeting the target 3 day response. Failure to provide a consultation response within the target 3 days of the application being received is an automatic grant of that application. It was agreed by the service that the application process was to be moved onto the Civica App database which was used by the Licensing Team. This removed the requirement for a TSO to monitor applications and to manually input them on the database as the Licensing Team had an automatic transfer of online applications onto the Civica database removing the need for manual inputting. The TEN's Officer would then run a report for the day of all the applications received and make comments directly on the database. Due to this change, the service has met the 3 day response target and removed the need for a TSO to manually input and monitor applications.

1.1.2 **Introduction of Local Authority Agreements for 'out of hours' road works for Statutory Undertakers.**

Statutory Undertakers such as Gas, Electric and Water companies are at times required to carry out emergency works on the roads of Hackney. However, as emergency works are always unexpected, unpredictable and on stretches of roads that are very busy during the day, the companies cannot wait 28 days for a Section 61 application to be granted for works outside of the permitted hours and therefore carry out works without informing the Council and disturbing nearby residents. To counter this problem and to remove the need for a standard Section 61 application process of 28 days, a 'Local Authority Agreement' was introduced as an expedited process of granting out of hours construction works. Undertakers are now requested to fill in a standard Section 61 Application form which addresses noise mitigation and provides other key information about the works, however, the process time is significantly reduced from the 28 days to 3 days (or sooner) and confirmation is granted as a 'Local Authority Agreement' via email. The most important aspect of the agreement is the notification of nearby residents within a certain proximity of the works and a contact number to be provided in the case of complaints.

1.1.3 **Proactive monitoring of Construction Work on Sundays**

A high number of noise complaints were received by the service for Sunday mornings with regards to noisy construction work. However, as the 'Out of Hours Noise Service' operates from 6:00pm on Sundays, the investigation and enforcement of such complaints was not available to residents. In order

to provide a solution to the problem, Environmental Protection Officers carried out planned proactive visits to known offending sites during the daytime on Sundays. Officers carried out observations and served Section 60 Control of Pollution Act 1974 Notices on companies that were carrying out noisy work. For the period of May 2017 to December 2017, a total number of 60 such notices were served on perpetrators in the borough. As result, the service has experienced a significant reduction in the number of complaints about Sunday noisy construction work.

1.1.4 Migration of Noise and Nuisance complaints onto Civica App Database

The current database used for logging all noise and nuisance complaints is the North Gate M3 database. The database does not take into account of repeat or multiple complaints as they assigned to the original request. This presents an issue when calculating the total number of requests received by the service. It also requires each complaint to be manually inputted onto the database. As a result a back log of complaints occurred in the Pollution Inbox causing long delays to complaints being addressed. The proposed migration onto the Civica APP database which is a premises based system will remove both issues presented by the North Gate M3 database. This will allow each complaint to be registered against a premises and recorded as an individual complaint, therefore, it will provided an accurate number of complaints received by the service for audit purposes. The database also has the ability to import email complaints via e-forms onto the system and create new service requests. The Environmental Protection Team will be replicating the process the Licensing Team have in place for their applications received online. It will also remove the requirement for manual inputting of all new complaints received via the online platform (e-form) and will be operational from April 2018.

1.1.5 New process for consulting on Planning Applications – Specialist Environmental Protection Officer

The number of Planning Applications received by the service was low due to the previous noise service providing late consultation comments or missing them completely. It was also established that officers under the new Environmental Protection Team were finding it difficult to meet the 21 days response time due to their high work load. In order to increase the number of applications received by the service, a meeting we held with the Planning Service where it was demonstrated to them that involvement of the Environmental Protection Team at the Planning stage is crucial to protect residents from noise, especially as it will be the Environmental Protection Team who will have to deal with the problem when it arises. It was proposed to the Planning Service that a dedicated Environmental Protection officer will consult on all future Planning Applications. This will create a single point of contact for planning officers and the officer will only consult on Planning Applications. This will remove some of the extra work load on the remaining Environmental Protection officers. The Specialist Environmental Protection officer responsible for Planning Applications was created in September 2017 and after the first month of consultation, the Planning service were very satisfied with this new process put in place and have subsequently increased the number of applications submitted for consultation by 100% (please refer to October - December 2017 data in fig 3).

1.2 Case studies 2017-18

1.2.1 Ash Grove Bus Garage – S80 Abatement Notice served on Arriva PLC and Hackney Community Transport Group.

Complaints had been received by the service over a number of years regarding noise associated with busses idling and being shunted Into Ash Grove Bus Garage via Sheep Lane. Complainants were advised to call the OOHNS to enable officers to witness the noise problem. On the 15/05/2017 at

approximately 1:30am officers responded on the OOHNS to a complainant's premises and witnessed the noise from idling buses on Sheep Lane and assessed the noise as a statutory nuisance under the EPA 1990.

After visits were made to Ash Grove Bus Garage and Clapton Bus Garage on Mare Street, managers of both sites were advised that the issue needed to be resolved as it has been on-going and that an Abatement Notice would be served. On the 23/05/2017 an Abatement Notices were served on Arriva PLC and Hackney Community Transport Group requiring them to abate the nuisance caused by idling buses whilst being shunted into Ash Grove Bus Garage. This is the first time a local authority has served a major national bus operators with an Abatement Notices under Section 80 of the Environmental Protection Act 1990. Complainants' have been advised to contact the OOHNS or whenever the noise arises to enable officers to witness any breach of the Notice. Proactive visits were carried out over a number of weekends and confirmed that the buses were no longer idling whilst waiting to enter the garages. The service has not received any further noise complaints regarding this matter. Further to the notices being served, the companies implemented mitigation measures which resulted in reduced noise levels and no further nuisance complaints being received by the service. On this basis there was an agreement reached with the lawyers representing the bus operators that the Abatement Notices would be withdrawn on condition that the Environmental Protection team were provided with a method statement and management plan of the night-time cleaning operation at the Bus Garage.

1.2.2 Urfa Ocakbasi Restaurant, 85 Stoke Newington Road, N16 8AA

Planning consent had been granted for the extension of the restaurant and as a result the kitchen extract system has caused nearby residents with a noise nuisance. Due to the low frequency properties of the noise experienced by the residents, officers were unable to witness a Statutory Noise Nuisance. However, after carrying out a number of planned pro-active visits, the Environmental Protection team assessed the nuisance and an Abatement Notice was served on the restaurant for a statutory nuisance arising from the kitchen extract system. The restaurant engaged engineers to carry out works which was confirmed to have complied with the notice. Further works were then carried out by the restaurants to upgrade the entire extract system so that the noise from the system did not cause a nuisance to any nearby residents.

1.2.3 Leziz, Unit A, Dunbar Tower, E8 3DT

This is a particularly important case for the Service as there has been involvement from councillors and local residents regarding the smell and smoke from the use of the restaurants kitchen as a result of poor structural design. The restaurant was required to clean their extract filters on a weekly basis which was monitored by officers, the restaurant commissioned an independent Environmental Health Consultant to inspect the system in place. The result of the consultation found that the system was adequate and that 'Best Practicable Means' has been met. Further to the consultation, the owners decided to sell the business to a Mediterranean style of cooking restaurant. This has resulted in a reduction in complaints from the residents as the previous Turkish barbecue style of cooking was no longer being carried out.

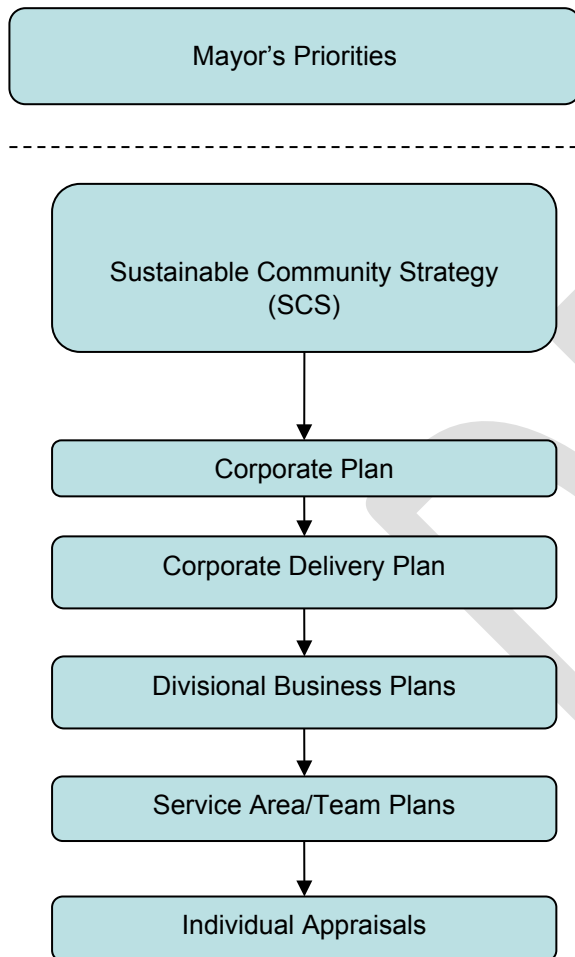
1.2.4 Kingsland Road Shopping Centre Car Park

A resident of Ridley Road made a complaint to their Councillor regarding noise from vehicles sounding their horns on entry and exit to the Kingsland Shopping Centre, car park. The Service has limited authority to deal with these types of noise issues as it is not likely to be classed as a statutory noise nuisance, so an informal arrangement was sought with the car park management. After liaising with the complainant and visiting the shopping centre car

park, an officer emailed the shopping centre manager and suggested measures that could be implemented to minimise/eliminate the need for vehicles to sound their horns. The officer has now received confirmation that the Landlord has agreed to implement the communications and signage recommended. The landlord also stated that following an internal review they are in the process of compiling the requirements for a new system/solution for both motorists and centre management/security.

1.3 How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone



Mayor's Priority 1: Making Hackney a place where everyone can succeed, through a first class education, investment and jobs, and providing support to those who need it most.

Mayor's Priority 2: Making Hackney a place that everyone can enjoy, with clean, safe streets, excellent parks and public services and a great quality of life for all who live here.

Mayor's Priority 3: Making Hackney a place where everyone can contribute, through listening to residents, and involving them in the decisions we make and things we do.

The **2008-2018 Sustainable Community Strategy** has six priorities:

1. Reduce poverty by supporting residents into sustainable employment, and promoting employment opportunities.
2. Help residents to become better qualified and raise educational aspirations.
3. Promote health and wellbeing for all, and support independent living.
4. Make the borough safer, and help people to feel safe in Hackney.
5. Promote mixed communities in well-designed neighbourhoods, where people can access high quality, affordable housing.
6. Be a sustainable community, where all citizens take pride in and take care of Hackney and its environment, for future generations.

1.3.2 The Environmental Protection Service contributes to the delivery of the following local policies and plans:

The Environmental Protection service undertakes both a reactive and pro-active approach to the control of noise and other nuisances which may have an adverse effect upon the health and wellbeing of local residents and commercial/business operators in the borough. The service investigates noise and other environmental nuisance complaints made by both residents and businesses emanating from commercial, licensed and industrial premises. It

aims to ensure that borough residents are able to sleep at night without disturbances, residents and business operators have protection from loss of amenity due to noise or vibration and have access to professional, qualified staff who are able to assess the existence of any nuisances. Nuisance is abated through the servicing and enforcement of Abatement Notices, the seizure of equipment associated with a nuisance, works in default and legal proceedings. The department acts as the Responsible Authority for commenting and consulting on Premises Licence applications and Temporary Events Notices. Consultation is also provided for Planning and Section 61 applications. **Mayor's Priority 2 – Sustainable Community Strategy Priority 3 & 4**

The Service aims to:

- **Respond and Investigate noise and nuisance complaints to ensure that residents and businesses in the borough are not disturbed by Statutory Nuisances.**
- **Work with commercial premises to abate and prevent the cause of nuisance. This will be in the form of general advice and guidance.**
- **Act as the Responsible Authority for Licensing Applications and Temporary Event Notices with regards to the 'Prevention of Public Nuisance' objective of the Licensing Act.**
- **Provide recommendations for Planning Applications with regards to noise**
- **Appraise and grant Section 61 Applications and Local Authority Agreements**

1.4 Environmental Protection Service Performance Indicators 2018-19

Short Name	Frequency of reporting	Directorate	2017/18 Target	2017/18 Actual
Percentage of First Response to new service requests met within target (10 days)	Quarterly	Neighbourhoods & Housing	100%	*
Percentage of compliance from service of EPA s80 Notice	Yearly	Neighbourhoods & Housing	80%	98.9%
Percentage of compliance from service of COPA s60 Notice	Yearly	Neighbourhoods & Housing	90%	100%
Percentage of Licensing Application comments made within target (28 days)	Quarterly	Neighbourhoods & Housing	100%	** 92%
Percentage of Temporary Event Notices met within target (3 days)	Quarterly	Neighbourhoods & Housing	100%	100%
Percentage of Section 61 Applications met within target (28 days) *	Quarterly	Neighbourhoods & Housing	100%	100%

* Due to the database currently being utilised by the service (M3 Northgate), this data is not reportable. This will change with the implementation of the new database (Civica APP) for the Service from April 2018.

** The Licensing application KPI was not met due to a number of factors, most prominently due to the way the applications were allocated via email. This process will be changing from April 2018 as the consultation process will require comments to be made directly on the Licensing Services database.

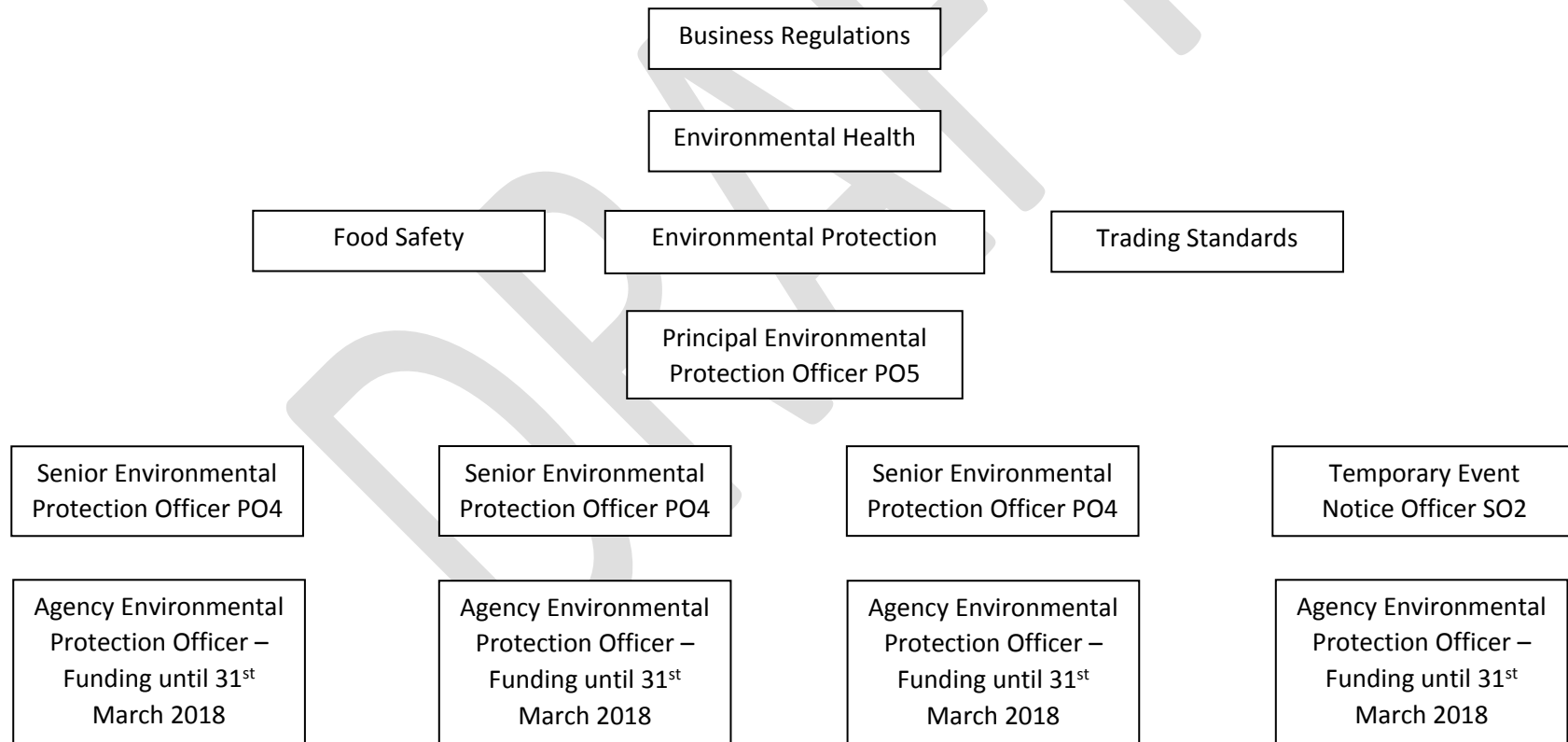
2 BACKGROUND

2.1 Profile of the Local Authority

A service review of the Community Protection Directorate resulted in the commercial noise and nuisance section of the service migrating over to the new Regulatory Services team under the title Environmental Protection department in May 2017.

This was part of the overall restructure of the directorates.

2.2 Organisational Structure



The Environmental Protection Department structure under the new restructure is as following:

- 1 x Principal Officer
- 3 x Senior Environmental Protection officer's
- 4 x Environmental Protection officers (funding until 31st March 2018)
- 1 x Temporary Event Notice's officer.

Funding was agreed for another 4 x Environmental Protection Officers in return for providing additional specialist support on the 'Out of Hours Noise Service'. This funding is due to end on the 31st of March 2018.

2.3 **Scope of the Service**

The Environmental Protection department primarily enforces the following legislation:

- Section 79 of The Environmental Protection Act (EPA 1990)
- Section 60 and 61 of The Control of Pollution Act 1974 and
- The Licensing Act 2003. The Environmental Protection Department acts as the responsible authority for licensing applications, are consulted for planning applications with regards to noise and also for Section 61 applications received under The Control of Pollution Act 1974.

The Environmental Protection department provides the following service:

- Respond to and Investigate commercial and industrial noise complaints
- Respond to and Investigate nuisance complaints listed under Section 79 of the Environmental Protection Act 1990, such as light pollution, dust, smoke and odour (smell)
- Respond to and Investigate complaints regarding noise from Construction Sites
- Assess and comment on Planning Applications with regards to Noise and Nuisance
- Comment and Act as Responsible Authority for Licensing Applications
- Comment and Act as Responsible Authority for Temporary Event Notices
- Assess and comment on Section 61 Applications
- Assess and grant Local Authority Agreements – This covers works that are required to be carried out within short notice such as Statutory Undertakings (road works, gas, water etc.). The agreement grants the applicant consent to carry out short period of works outside of the permitted hours for noisy construction works.
- Staff the 'Out of Hours Noise Service' (Until further notice)

- Working with commercial, industrial and licenced premises to help them comply with their legal and licensing responsibilities, by providing information, advice and guidance
- Instigate and review Premises Licences – Acting as Responsible Authority

2.4.1 Demands on the Environmental Protection Service

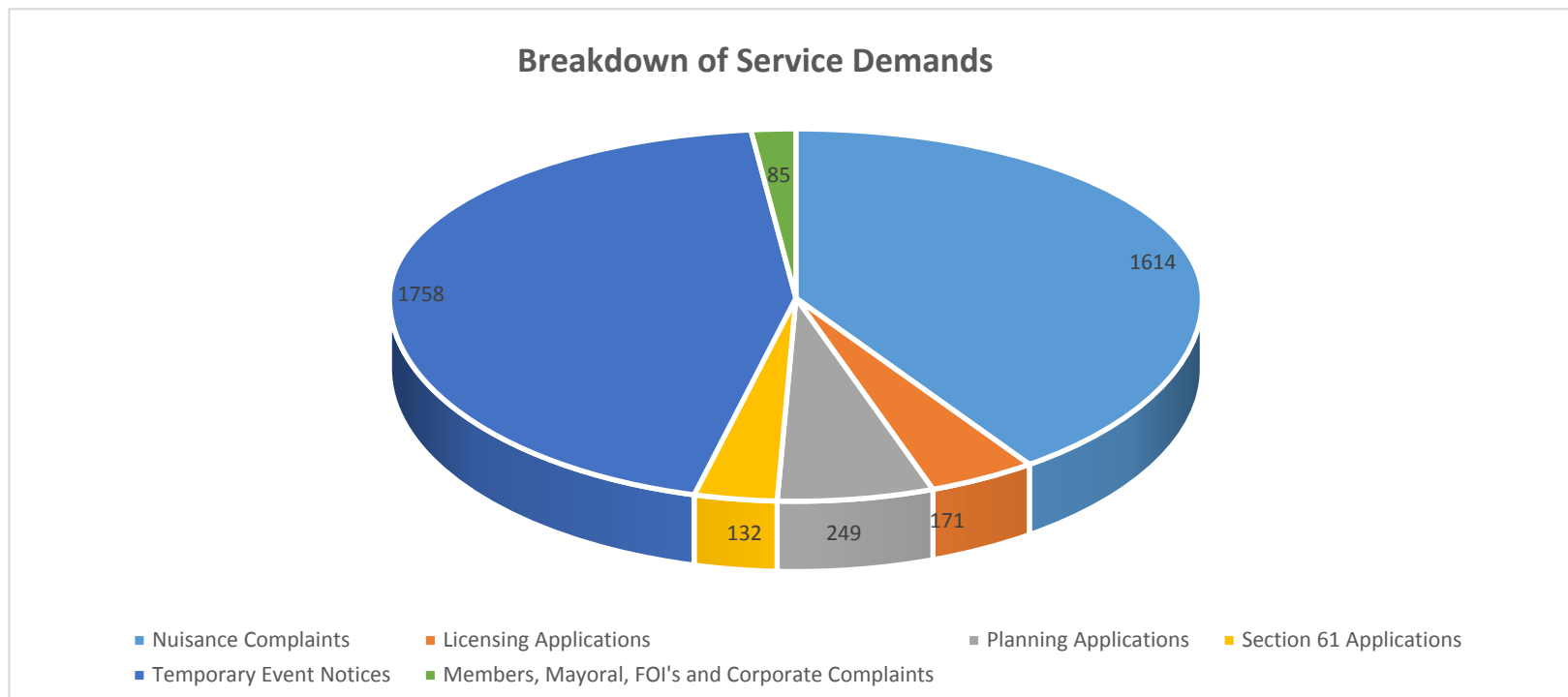


Fig 01

Please note that the above data only takes into 9 months from April 2017 – December 2017.

The data provided for 'Nuisance complaints' does not represent the full scale of service requests received buy the service, as the current database allocates repeated complaints into existing service requests. For example, if complainant A has complained about premises B more 6 times in the last financial year, the database will allocate the complaints onto the original service request created but for audit purposes will only state 1 complaint for premises B. Therefore, the above data does not take into account the full scale of service requests received by the service which will be significantly more. The migration onto the Civica App database will remove this problem as service requests are premises based, therefore, any new or existing complaints received by the service will be allocated to the premises and a new service requested created for each complaint. This will allow the service to obtain a full account of all service requests received.

2.4.2 Noise Nuisance complaints received April 2017 – December 2017

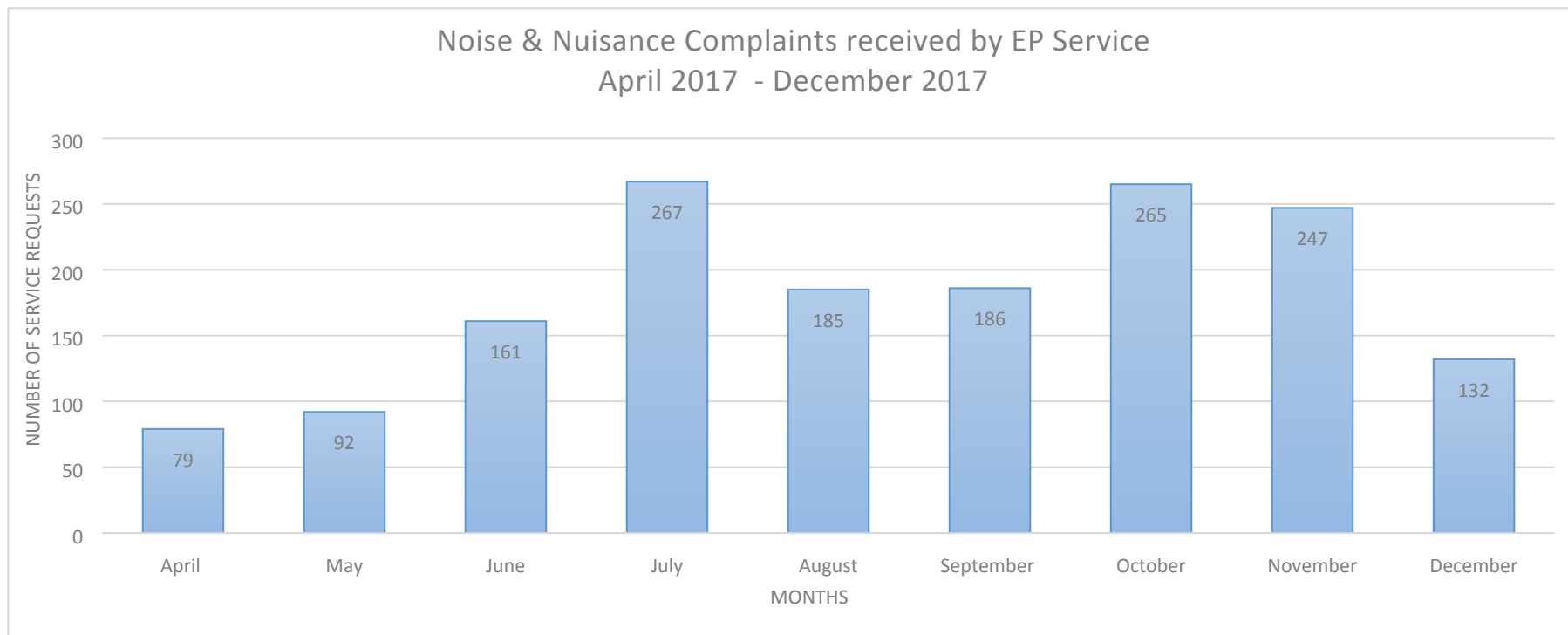


Fig 02

The above graph provides a break down of all noise and nuisance complaints received per month from the period of April 2017 to December 2017. Nuisance cases include light, odour and smoke complaints. Please note that due to the current database not taking into account of repeat complaints, the data provided is not accurate and will be significantly higher for each month if all complaints are accounted for.

2.4.3 Planning Applications received from April 2017 – December 2017

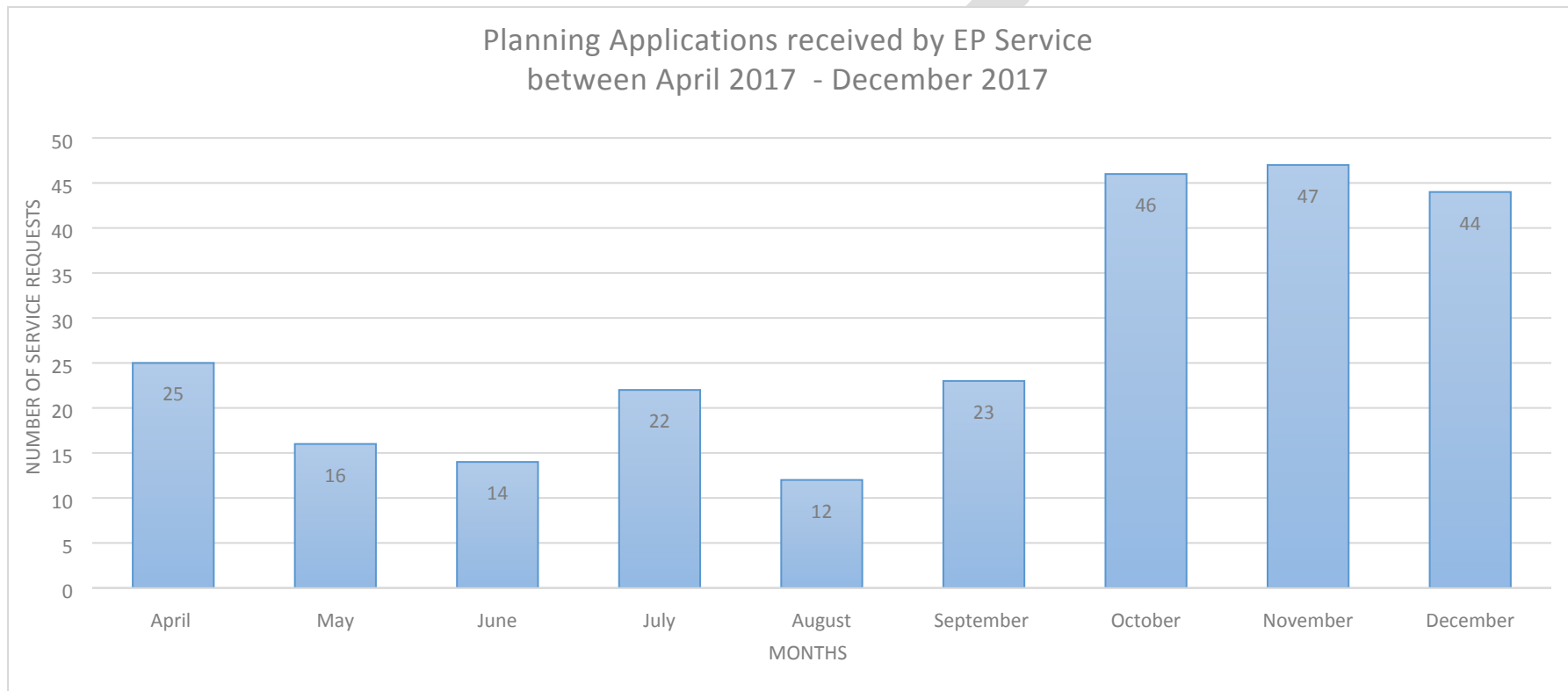


Fig 03

The above graph shows the number of Planning Applications received by the Environmental Protection Team from April 2017 to December 2017. The graph highlights the increase in applications received by the service from October 2017 onwards as result of the new Specialist Environmental Protection Officer introduced to consult on all Planning Applications.

2.4.4 Licensing Applications received from April 2017 – December 2017

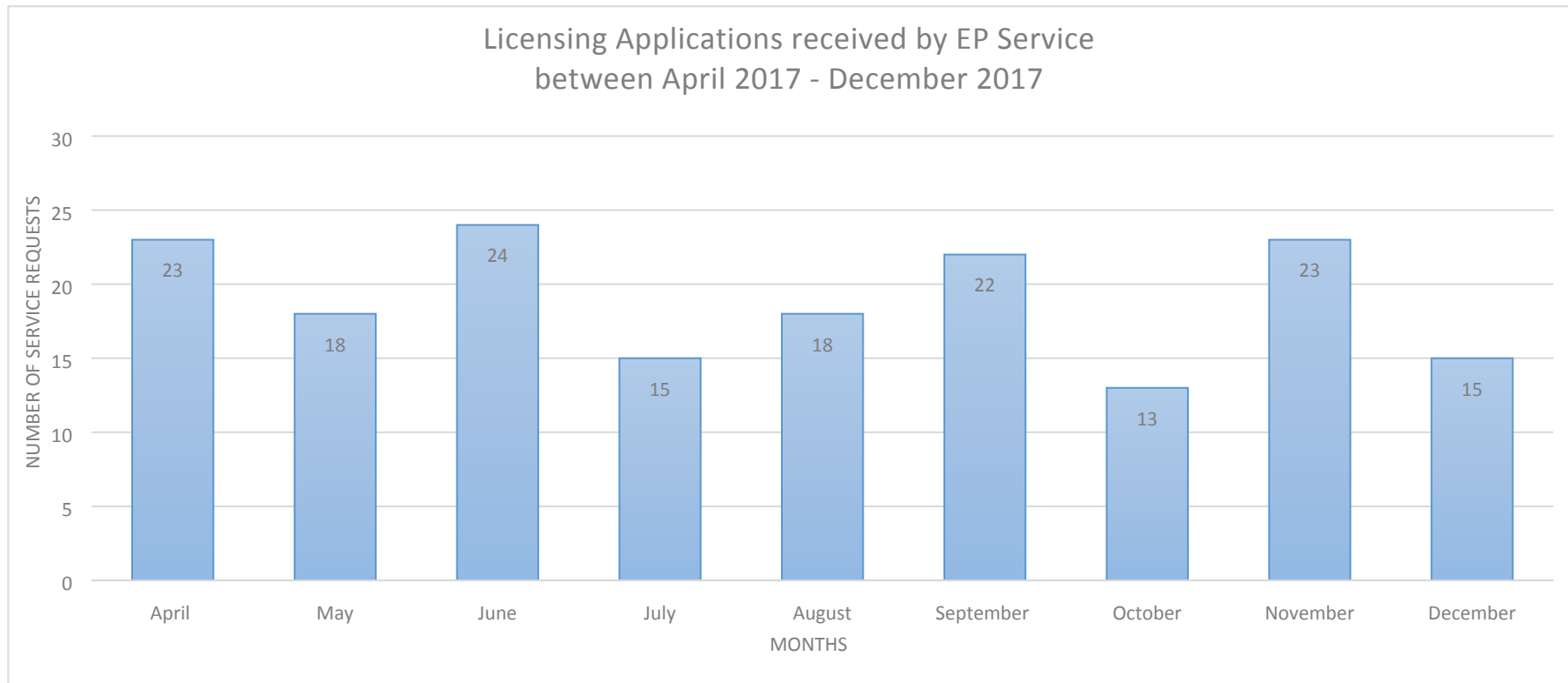


Fig 04

The above graph shows the number of Licensing Applications received by the Environmental Protection Service. The service only identified a peak in the number of applications before the summer period (please refer to April, May and June 2017 data). The process for consultation is currently based on a ward system. Each officer is allocated a number of wards and the applications are distributed based on this system.

2.4.5 Temporary Event Notices received from April 2017 – December 2017

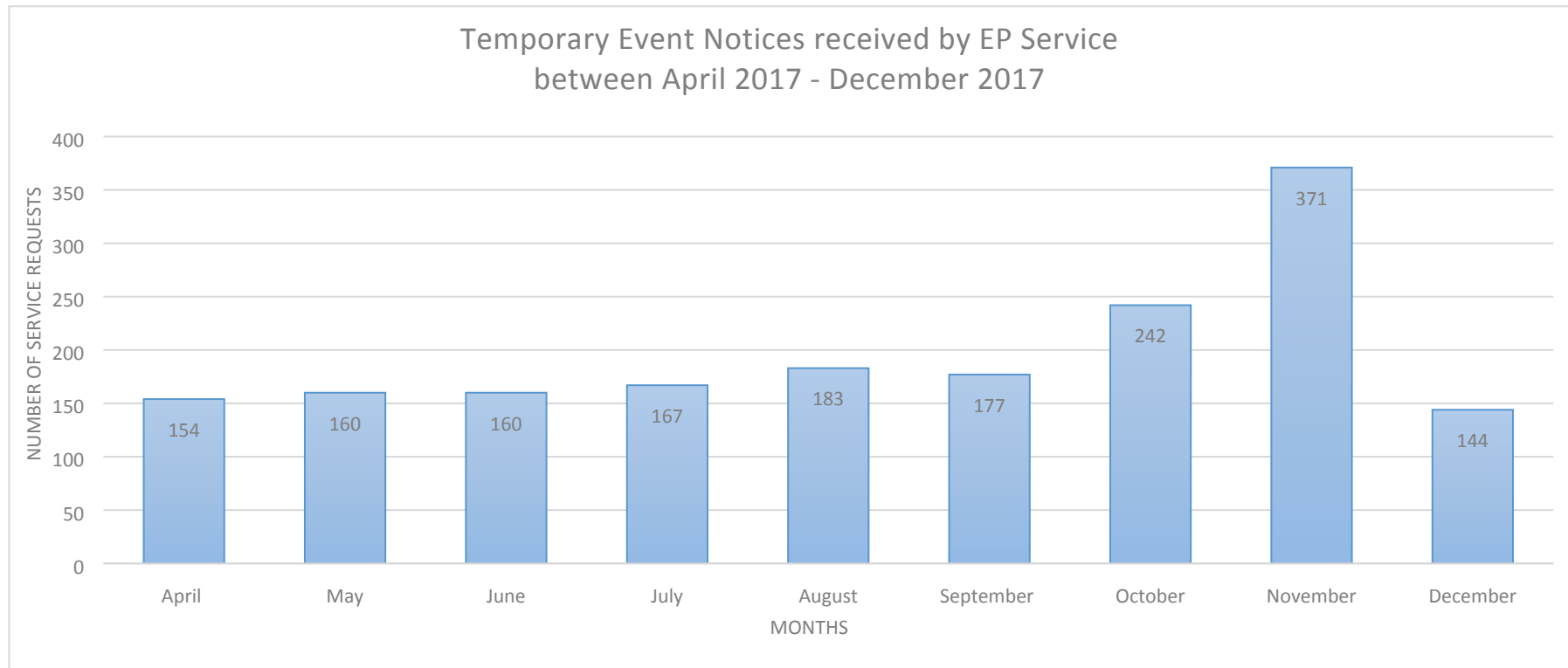


Fig 05

The Temporary Event Notice officer consults on all applications. This data is slightly skewed towards the end of the year due to an influx of applications in October and November 2017. These were identified as New Year's Eve celebration applications. The service receives on average 160 +/- 10 applications each month.

2.4.6 Section 61 Applications and Local Authority Agreements received from April 2017 – December 2017

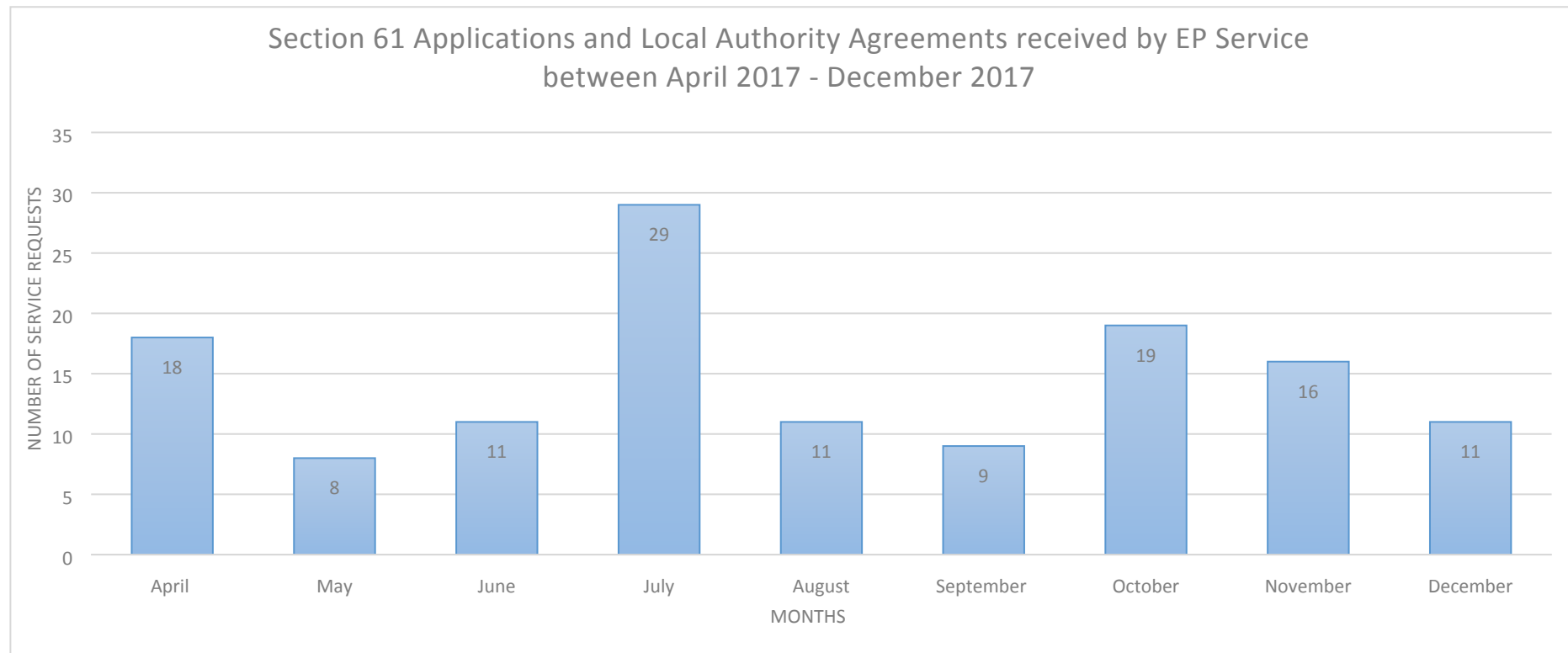


Fig 05

The above graph shows the number of Section 61 applications and Local Authority Agreements received from April 2017 to December 2017. These applications are random and there are now specific trend. Although there was a spike in the number of applications in July 2017, the cause is not known.

2.4 Enforcement Policy

2.4.1 The Environmental Protection Service recognises that whilst commercial and licensed premises look to maintain their reputation and wish to maximize profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative

burdens. Therefore, in considering enforcement action, the service will assist commercial and licenced premises to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution, license review or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

- 2.4.2 The Environmental Protection Service takes account of the principles of the Enforcement Concordat and has regard to Crown Prosecution Service guidelines and Equality Impact issues.
- 2.4.3 The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as works in default and legal costs).

3 SERVICE DELIVERY

Complaints and Service Requests

Residents and businesses can complain to the service through the online e-form platform. This has recently been updated and streamlined for each type of noise complaint, residential or commercial. Complaints can also be made via email directly to the Environmental Protection inbox or a call can be made to the service directly. It should be noted that a large number of complaints for commercial premises are received via the 'Out of Hours Noise Service'.

4 RESOURCES

4.1 Resources for 2018-2019

4.1.1 The staffing for Environmental Protection function for 2017-18 was:

0.3 FTE – Business Regulation Team Leader

1.0 FTE x Principal Officer (0.6 of Officer's time is directed to management of service and 0.4 to operational activities)

3.0 FTE x Senior Environmental Protection officer's

3.2 FTE x Environmental Protection officers (Agency funding until 31st March 2018)

1.0 FTE x Temporary Event Notice's officer.

0.4 FTE x Technical Business Support officer

Total staffing resources = 7.5 FTE

The staffing for Environmental Protection function for 2018-19 is as follows:

0.3 FTE – Business Regulation Team Leader

1.0 FTE x Principal Officer (0.6 of Officer's time is directed to management of service and 0.4 to operational activities)

3.0 FTE x Senior Environmental Protection officer's

1.0 FTE x Temporary Event Notice's officer.

0.4 FTE x Technical Business Support officer

Total staffing resources = 5.7 FTE

The staffing resource for the Environmental Protection service will see a reduction in resources for 2018-19. As part of restructure of the service Enforcement Officers provide the resource to respond to noise complaints out of hours and we do not currently have the full complement of staff in post. In order to mitigate this 2 FTE Agency Environmental Protection Officers will remain in post until 30th June 2018 as we still do not have the full complement of Enforcement Officers in post to provide the out of hour's noise service and for permanent staff who are on maternity leave and this will continue to be reviewed on an ongoing basis.

Resource allocation per activity

The table below is the estimation of a full time equivalent.

1 year	52 weeks (260 days)
Annual Leave / Bank holidays	7 weeks (35 days)
Training / briefings etc	2 weeks (10 days)
Sick leave / dependency / special leave etc.	1 week (5 days)
Number of working weeks	42
Number of working days	210 days
1 FTE	210 days (1512 hours)

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4.1.3 Noise and Nuisance complaints

It is not possible to accurately calculate how much time is spent on each nuisance complaint as it depends on the complexity of the case. For example some may only require a phone call and a letter sent out whilst others may require a multiple visits to the complainant and to the perpetrating premises. Therefore, a total of 5.0 hours is allocated to each service request to counter the different hours/time spent on each case. This can broke down further into the following, 1 hours initial call and letter preparation, 2.5 hours for visit (1.5 hours for journey and 1 hour for assessment and intervention), a further 1 hour for follow-up call and letter preparation, finally a further visit taking 2.5 hours for confirmation of compliance = 11298 hours

Noise and Nuisance investigation time = 11298 (7.47 FTE)

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

4.1.2 Licensing Application Consultation

Applications are assessed and then the impact of the proposed activities are evaluated against the 'Prevention of Public Nuisance' objective of the Licensing Act. Depending on the nature of the premises and the activities sought, the time spent on each application can vary significantly. For larger complex cases, multiple site visits and meetings take place, this includes letters, emails and telephone calls between applicants and other agencies

acting as Responsible Authorities such as the Police. Acoustic reports can also be submitted as part of the application, this can take a significant time to review by the officer. Therefore, each case is allocated 9 hours to counter the difference in time spent between each application = 1539 hours

Licensing Application Consultation time = 1539 hours (1.02 FTE)

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

4.1.3 Planning Application Consultation

The time spent on each application can vary depending on the size of the application. Some applications can take a number of weeks to assess. Whilst others may submit more than one acoustic report which takes a significant amount of time to assess and evaluate. Therefore, to counter the difference in time spent on each application, 9 hours is allocated for each consultation = 2241

Planning Application Consultation time = 2241 hours (1.48 FTE)

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

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4.1.5 Section 61 Applications

Applications can vary in complexity, for example some applications may require complex acoustic calculations to be carried out and continued monitoring, whereas others may be for short small projects. 4Four hours is allocated to each application = 528 hours

Section 61 Application Consultation time = 528 hours (0.35 FTE)

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

4.1.6 Temporary Event Notice Consultation

A total of 1.4 hours is allocated to each application as a thorough interrogation of the database is required for the premises history and administrative time is allocated to phone calls and emails = 2421 hours

Temporary Event Notice consultation time = 2421 hours (1.6 FTE)

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

4.1.7 Members, Mayoral enquiries, Freedom of Information requests and Corporate Complaints

A total of 4 hours is allocated to each type of request or enquiry. However, it must be noted that some take significantly longer, but to balance the numbers an average of 4 hours is allocated to each = 340 hours

Members, Mayoral enquiries, Freedom of Information requests and Corporate Complaints time = 340 hours (0.22 FTE)

4.1.8 Total for carrying out Environmental Protection Function: 18367 hours (12.15 FTE)

4.1.9 The current staffing resource for 2016/17 is for 7.5 FTE (this includes the additional of 3.2 FTE staffing fund provided as part of the agreement in return for officers supporting the ‘Out of Hours Noise Service’). An additional 4.65 FTE is required to meet the work of the Environmental Protection service (12.15 FTE required). However, as the resource was not available, officer work allocation was doubled to meet the service needs.

The Temporary Event Notice and Planning Application consultation can be removed from the total hours, as there are dedicated officers carrying out those roles. Therefore, the new total FTE available for 2017-18 is 5.9 FTE and the total hours for the service function will be reduced from 18367 to 13705 which is equivalent to 8.84 FTE. There is still a need for 3.34 FTE to fully cover all the functions of the Environmental Protection Service.

Activity	FTE
Noise and Nuisance Investigations	7.47
Licensing Application Consultation	1.02
Planning Application Consultation	1.48
Section 61 Applications	0.35
Temporary Event Notice Consultation	1.6
Members, Mayoral enquiries, Freedom of Information requests and Corporate Complaints	0.22
Approximate total resources required to fulfil the plan for 2018/19	12.15

4.2 Challenges to the service

Currently, external funding (fixed budget through the Chief Executive) has provided additional agency staff to support the service in responding to the high number of service and consultation requests received by the department. Funding for the additional staff will end on the 31st of March 2018. At the same time the number of commercial and licensed premises is increasing every year in the borough and therefore the reduction in the officers will severely affect the service. The table below demonstrates the number of applications received from the Licensing department with regards to Premises Licensing Applications and Temporary Event Notices per year which would require the Environmental Protection Department as the responsible authority to provide a response. It also demonstrates the increasing number of commercial and licensed premises in the borough which will potentially mean more nuisance complaints.

	Number of Premises License Applications received	Number of Temporary Event Notices received
2013/2014	142 +-3	1900+-10
2014/2015	157+-3	2200+-10
2015/2016	160+-3	2180+-10

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Therefore, the reduction of staffing numbers from the current 3 agency, 3 permanent officers, 1 TEN's officer and 1 Principal officer to 3 permanent officers 1 TENS's officer and 1 Principal officer to cover the work set out above will present significant challenges across the service whilst sustaining performance outcomes and community/Member and Mayoral service expectations.

With the addition of new residential developments being granted in very close proximity to existing highly saturated commercial areas, the cumulative impact from new and existing licensed and commercial premises will have a detrimental effect on residents and businesses if the problems are not addressed within a reasonable time and in a correct and efficient manner.

This needs to be in the developing context of the ability to task work to the Enforcement Officers, which will be an essential role in the delivery process of the service by removing the additional requirement for Officers to carry out visits for each and every complaint. However, the effectiveness and success of this will require continuous monitoring and review.

5 QUALITY ASSESSMENT

5.1 Internal Arrangements

Monthly 1 to 1 meetings will be carried with each officer to monitor case work load and management. A quarterly appraisal will be carried out to make sure that officers are meeting their targets and expectations. This will also provide the opportunity for officer's feedback on the service performance and case load allocations. Monthly team meeting is held with the Team Leader to discuss service performance and address other issues. A further 6 months review will be carried out for each officer to monitor performance against local targets.

6 REVIEW

6.1 Review against the Service Plan 2018/19

Monthly and quarterly briefings will be provided to the Corporate Director, Assistant Director, Enforcement and Business Regulation Service Management Team and lead Councillor on performance against P.I's, performance targets detailed in the service plan. Performance of the service is reviewed through a variety of mechanisms which include performance appraisals, monthly one-to-one meetings and monthly team meetings.

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Key Areas for Improvement/Development

Key areas for Improvement/Development for 2018-2019

What we will do	Purpose	When
Full integration of all service functions onto CIVICA APP database. This includes Licensing, Planning and Section 61 Application	<ul style="list-style-type: none">- Provide real time data on service request- Integration with BI Platform- Accurate data retrieval for performance and audit purposes- Ease of use	<ul style="list-style-type: none">- By end of Q1
Develop policy and procedure for the introduction of Fixed Penalty Notices for breaches of Abatement Notices	<ul style="list-style-type: none">- Businesses can have the opportunity to waive liability and have the time to mitigate and abate the nuisance, instead of legal proceedings or a licence review being instigated.	<ul style="list-style-type: none">- End of Q4

Develop a marketing plan for the rental of noise equipment	<ul style="list-style-type: none"> - Currently equipment held by the service is given out for free to Housing Associations. This includes an officer setting the system up, dismantling and reviewing the data. 	<ul style="list-style-type: none"> - End of Q3
Develop Street Entertainment Policy – Busking	<ul style="list-style-type: none"> - Benchmark/Review with other LA’s regarding their Street Entertainment Policy. - This will provide a consistent approach for buskers to freely carry out their activities in the borough in locations set by the service. 	<ul style="list-style-type: none"> - End of Q4
Explore Professional Consultation service	<ul style="list-style-type: none"> - Provide Acoustic consultation services to non-Hackney businesses - Income generation 	<ul style="list-style-type: none"> - End of Q2
Review Consultation Agreement between Environmental Protection and Planning	<ul style="list-style-type: none"> - Cost recovery, from Pre-apps and other types of special applications - Explore cost recovery from general applications as we are no longer Statutory Consultees and therefore provide consultation for free. 	<ul style="list-style-type: none"> - End of Q1
Develop new Hackney Code of Practice for Construction	<ul style="list-style-type: none"> - To provide guidance to construction companies - To have a standardised policy for construction 	<ul style="list-style-type: none"> - End of Q3

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