

Overview & Scrutiny

Budget Scrutiny Task Group - Enforcement

All Members of the Enforcement Budget Scrutiny Task and Finish Group are requested to attend the meeting of the Task Group to be held as follows

Monday, 2nd November, 2015

7.00 pm

Hackney Town Hall

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Corporate Director of Legal, Human Resources and Regulatory Services

Members: Cllr Richard Lufkin, Cllr James Peters, Cllr Caroline Selman and Cllr Peter Snell

Agenda

ALL MEETINGS ARE OPEN TO THE PUBLIC

- 1 Apologies for Absence
- 2 Urgent Items/Order of Business
- 3 Declarations of Interest
- 4 Proposals for 2016-2017 (Pages 1 - 48)
- 5 Minutes of the Previous Meeting (Pages 49 - 58)
- 6 Any Other Business

Access and Information

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<http://www.hackney.gov.uk/individual-scrutiny-commissions-living-in-hackney.htm>



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Enforcement Budget Scrutiny Task Group 2nd November 2015 Item 4: Proposals for 2016-2017	Item No 4
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Outline

The item provides the proposed savings and income generation for Enforcement services for 2016-2017 for the following areas:

- Private Sector Housing
- Environmental Enforcement
- Cross Cutting Enforcement

Action

The Task Group is asked to consider proposals and question responsible officers

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Private Sector Housing

Purpose of the paper: to provide sufficient information to enforcement budget scrutiny group members to make decisions and recommendations in relation to the enforcement project proposals for 2016/17

1. Summary:

- The Private Sector Housing (PSH) service aims to ensure minimum standards of health, safety and welfare in the private rented sector. It achieves this through advice, informal action and, where necessary, enforcement under a wide range of legislation. It operates a mandatory licensing scheme for houses in multiple occupation (HMOs), works with owners of long-term empty properties to bring them back into housing use, and administers a capital grants programme, subject to conditions. It also maintains cyclical inspections of temporary accommodation for homeless persons that is let at a nightly rate.
- There has been a substantial growth in the private rented sector over last decade, with one in three homes in the borough now privately rented.
- Maintaining acceptable housing conditions in the sector has a positive impact on public health and helps prevent homelessness.

2. Glossary:

- *PSH*: Private Sector Housing
- *Houses in Multiple Occupation (HMO)*: houses occupied by more than two unrelated individuals who share basic amenities: as defined in section 254 of the Housing Act 2004.
- *Mandatory licensing scheme*: All Local Authorities in England are required to operate a Mandatory Licensing Scheme for HMOs meeting the following criteria:
 - Houses of three or more storeys,
 - occupied by five or more unrelated individuals,
 - who share one or more basic amenity
- *Housing, Health and Safety Rating System (HHSRS)*: a method prescribed under the Housing Act 2004 for assessing housing conditions. It employs a risk assessment approach to enable risks from hazards to health and safety in dwellings to be assessed and scored. Higher scoring hazards (Category 1) carry a statutory duty for Local Authorities to take action against landlords to resolve them. A range of enforcement actions are prescribed in the Act and the Local Authority must assess which is the most appropriate to each individual case and apply it.
- *DFG/Disabled Facilities Grants*: Grants provided to disabled residents for adaptations to their homes enabling them to remain independent. The grants are mandatory and the Council must provide the service. They are funded through the Better Care Fund and the Housing Capital Programme.

3. Factual context:

For each service area (i.e. Building Control, Planning Enforcement, Trading Standards, Licensing, Environmental Health, Environmental Enforcement, Parking Enforcement, Parks, Markets, Hygiene Services, Street scene Enforcement, Shop Front Trading, Community Safety, including the Wardens Service, and **Private Sector Housing**):

(a) What activities fall within that service;

- Keep housing conditions in the Borough under review and identify action to be taken (section 3, Housing Act 2004)*
- Regulation and enforcement of housing conditions in the private rented sector and registered provider dwellings*
- Abatement of statutory nuisances in private sector housing*
- Enforcement of Public Health Act provisions in respect of Filthy and Verminous dwellings (all tenures) *
- Enforcement of provisions relating to inadequate/defective drainage in private sector housing*
- Mandatory Licensing of Houses in Multiple Occupation (HMOs) *
- Enforcement of Prevention of Damage by Pests Act 1949 in private sector housing*
- Enforcement of the Smoke Alarms and Carbon Monoxide Alarms Regulations 2015 (Private Rented Sector dwellings) *
- Annual planned cyclical inspections of nightly-rate temporary accommodation for homeless persons placements.
- Enforcement of the Housing (Management of Houses in Multiple Occupation) Regulations 2006
- Return of long term empty homes to residential use.
- Enforcement of provisions relating to stopped-up drainage in private sector housing.

(b) Why do we provide these activities (i.e. is it statutory, does it serve a greater public good through prevention, etc.)?

Services marked with an asterisk are statutory. The remainder feed into wider Council strategies such as the Housing Strategy, Homelessness Strategy, public health outcomes, etc.

(c) How is the service currently provided? (e.g. staff structures, partnership arrangements, in-house or third party contracts) and how has it been provided previously (i.e. what should we not forget and what can we best learn from past experience)?

In house permanent staff reporting to a Head of Service.

(d) What are the current levels of performance and the equalities impact of the service and how are these measured?

Performance during 2014/15

- Service requests dealt with (complaints of poor housing conditions) = 873
- Total HMOs licensed = 179
- Empty Properties returned to residential use = 38
- Enforcement notices served on landlords = 75

- London Landlord Accreditation Scheme; no. of accredited landlords = 574
- Landlord prosecutions taken = 1

Agreed performance measures 2015/16

PI Short Name (Description)	Frequency of reporting	2015/16 Target
Number of private sector dwellings improved by PSH intervention (i.e. significant hazards removed).	Quarterly	250
* Number of residents benefiting from improved health as a result of PSH intervention.	Quarterly	No target: demand-led.
* Notional cost saving to NHS from improved health as a result of PSH intervention.	Quarterly	No target: demand-led.
* Notional cost saving to wider society from improved health as a result of PSH intervention.	Quarterly	No target: demand-led.
Total number of Houses in Multiple Occupation licensed.	Quarterly	No target: demand-led.
Number of disabled private sector residents benefitting from major adaptations through completion of a Disabled Facilities Grant.	Quarterly	No target: demand led.
Number of vulnerable private sector households benefitting from minor adaptations through completion of a Minor Adaptions grant.	Quarterly	No target: demand led
Number of vulnerable households benefitting from completion of repairs, home security and warm homes grants.	Quarterly	No target: demand-led.
Number of long term empty homes returned to residential use.	Quarterly	10
* Percentage of full, complete disabled facilities grant applications approved within 90 days.	Quarterly	80%
* Average number of working days for approval of disabled facilities grants (from date of full, complete application).	Quarterly	No target: report only
* Percentage of service requests from private sector tenants receiving a first response within 10 working days.	Quarterly	80%

PI Short Name (Description)	Frequency of reporting	2015/16 Target
* Percentage of service requests from private sector tenants resolved or referred for enforcement action within 90 days.	Quarterly	80%
* Percentage of full, complete HMO licence applications determined (Notice of Proposal) within 28 days.	Quarterly	80%
* Percentage of HMO licence applications issued (Notice of Decision) within 21 days of Notice of Proposal.		80%

- (e) a breakdown of what the service currently costs to provide + future projections (based on e.g. future demand etc)

PSH Enforcement expenditure = £901,740*¹

[*¹ Total expenditure for Private Sector Housing = £1,181,393. However, of the 20.7 FTE posts 15.8 FTEs have been identified as undertaking enforcement related work (the remaining 4.9 FTEs deliver grants, adaptations, and other housing-related work).]

For the reasons outlined in 3(f)(iii) below it is not possible to provide future cost projections at this time.

- (f) a breakdown of where any income generated is coming from - and any restrictions on what can be done with it (e.g. parking)
- i. Fees from mandatory HMO licensing scheme: projected at £25,000 in 2015/16: statutorily ring fenced to HMO licensing work
 - ii. Empty properties control account: salary of one FTE empty property officer at SC6-PO3; £36,186: contractually ring fenced for empty property work.
 - iii. Owing to the high level of uncertainty around the regulatory framework for licensing in future years and the absence of reliable data on the housing stock profile and condition, it is not possible at this time to forecast potential licensing fee income (or associated costs) for future years or to provide a definitive assessment on the potential viability of additional or selective licensing schemes. Officers are currently procuring a housing predictive modelling exercise which will address this issue and give a profile of the Private Rented Sector in Hackney, including the number of HMOs in each licensing category. This will then be used to update the service plan for the Private Sector Housing service for 2016 onwards. Until this data is available it is not possible to predict potential fee income from further licensing schemes (or their viability) for private sector housing in Hackney for 2016/17 or subsequent years. See income generation template for more details.
- (g) What savings have previously been implemented? How and why were they identified? How much did they save? Have we monitored how successful they've been?

- Savings of £243,801 were achieved for 2014/15 and 2015/16 in response to a corporate savings target, which was exceeded.
- In broad terms the service has seen year-on-year cuts and a reduction in posts for a considerable period of time despite the size of sector in which it operates expanding rapidly and demand increasing.

(h) What future potential savings have already been identified? How and why were they identified? How much did they save

- None – it has been proposed corporately that any future savings will be achieved through the Cross-Cutting Enforcement Review.
- Please also refer to paras 3(f)(iii) and 3(g) above.

(i) What other services are closely related to this service area?

- Private Sector Housing services feed into wider strategies and services such as homelessness prevention, public health outcomes, housing supply, planning etc. but there are no directly related services as such. PSH is a specialist function involving a detailed knowledge of housing and public health legislation and practice, administered by qualified Officers, and is increasingly being based on intelligence data and proactive interventions.

(j) Any other factual background or context that you think would be useful to help make a fully informed decision.

Please refer to the income generation template for further contextual information.

4. Proposal:

For each savings proposal:

- The reasons this is being proposed, including:
 - a. What savings this would achieved
 - b. How this has been calculated
 - c. What other benefits it might bring and why
- Drawbacks / implications e.g. knock on impacts on other services

N/A – please see para 3(h) above.

5. Other options:

Please set out any alternatives considered and rejected, with reasons.

No other alternatives are being considered at present in the context of the points made above and those made on the income generation template.

6. Conclusion:

- No separate savings are being proposed for PSH services for the reasons set out in para 3(h) above.

- Savings of £243,801 (19.8% of total revenue budget) has already been delivered for 2015/16 and subsequent years, in excess of the corporate savings target without affecting or having to make cuts to frontline services.
- PSH will be re-aligning its services in light of any legislative changes expected for 2016/17 and upon receipt of accurate stock profile data expected in March 2016.

Annex

Income Generation Measures Relevant to Enforcement Service Areas

Private Sector Housing

Purpose of the paper: to provide members with information on relevant income generation measures relevant to enforcement services. Information to include:

- *Building Control – increase in development fee income*
- *Licensing – licence / application fee income*
- *Parking – bearing in mind restrictions around this.*
- **Private Sector Housing**

1. Measures already identified

Licensing fee income from Private Sector Housing licensing schemes.

(a) All Councils are required to operate a Mandatory Licensing Scheme for certain Houses in Multiple Occupation (HMOs). The type of HMOs covered are prescribed by *The Licensing of Houses in Multiple Occupation and Other Houses (Prescribed Descriptions) (England) Order 2006 SI 371* as follows:

- Houses of three or more storeys,
- occupied by five or more unrelated individuals,
- who share one or more basic amenity.

1.1. The Council is empowered to charge a fee for processing licensing applications (Section 63, Housing Act 2004). When fixing fees under this section, they can take into account all costs incurred in carrying out their licensing functions and their functions under Chapter 1 of Part 4 in relation to HMOs. The fee may be set to cover these costs but may not be set higher so as to generate a surplus.

1.2. In addition to operating the mandatory licensing scheme councils can designate all or part of their area as an Additional Licensing area and thereby specify a wider category of HMO required to be licensed than the mandatory criteria outlined above. Doing so would significantly increase the numbers of HMOs requiring licensing with a corresponding increase in fee income. The Council is currently investigating the feasibility of additional licensing on both a Ward by Ward and borough-wide basis as part of a separate work stream.

1.3. Thirdly, subject to certain criteria laid down in regulations, councils can introduce “selective licensing schemes” for all or part of their area (although depending on the size of the proposals these may require Secretary of State consent). Selective licensing schemes apply to all private rented dwellings in the designated area that are not covered by the mandatory or additional schemes. Again, the Council is currently investigating the feasibility of additional licensing on both a Ward by Ward and borough-wide basis as part of a separate work stream.

1.4. Hackney has not, to date, designated any of its area as subject to additional or selective licensing schemes and only the mandatory scheme is in operation. However, as noted above, the viability of various options for additional and selective licensing schemes is currently being assessed.

In view of the above there is potential to generate fee income to fund further licensing schemes. However, it is not possible at this time to predict the level of fee income that could be generated; for the following reasons:

- The Council does not have data on the numbers of HMOs of each category that exist in the borough or on private rented properties generally or their condition. This data is essential to ascertain the numbers of potentially licensable properties and to design any viable further licensing business model. Officers are currently procuring a housing predictive modelling exercise which will address this issue and give a profile of the Private Rented Sector in Hackney, including the number of HMOs in each licensing category. This will then be used to update the service plan for the Private Sector Housing service for 2016 onwards. Until this data is available it is not possible to predict potential fee income from further licensing schemes (or their viability) for private sector housing in Hackney for 2016/17 or subsequent years. The outcome of the procurement exercise and the predictive modelling data and report is expected in March 2016.
- Income forecasting has been made more difficult still in that the Government is about to issue a consultation paper on proposals for the future of Mandatory Licensing Schemes for HMOs. The content of the consultation is not yet certain but it is thought to include proposals for a wider category of HMO to be included in the mandatory licensing scheme. These proposals could significantly increase the number of HMOs that the council would be required to licence along with the fee income received and associated costs incurred. The actual numbers will of course be dependent upon how far the criteria are broadened and this is currently unknown.
- Wider criteria for mandatory licensing may obviate or alter the need for any additional HMO licensing scheme (and potentially any selective licensing scheme) and this impact cannot be assessed until the consultation is completed and the new criteria are prescribed by the Secretary of State. Alternatively, the criteria may remain unchanged in which case decisions on any additional or discretionary licensing schemes will then need to be made under the existing framework in line with the work that is already in train on this issue.

2. Summary

2.1. Owing to the high level of uncertainty around the regulatory framework for licensing in future years and the absence of reliable data on the housing stock profile and condition, it is not possible at this time to forecast potential licensing fee income (or associated costs) for future years or to provide a definitive assessment on the potential viability of additional or selective licensing schemes.

(b) The reasons this is being proposed, including:

- a. How much income this would generate

For the reasons detailed above it is not possible at this time to forecast licensing fee income (or associated costs) for future years.

- b. How this has been calculated

N/A

c. and d. Other benefits and drawbacks/implications

It is not possible to predict the benefits or drawbacks/Implications at the present time for the reasons detailed above. Private Sector Housing will be re-aligning its services in the light of current legislative changes, the outcome of other work on the service offer that is currently in train, and upon receipt of accurate stock profile data expected in March 2016.

3. Other options:

Please set out any alternatives considered and rejected, with reasons.

3.1. No other alternatives are being considered at present in the context of the points made above.

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2nd November 2015 Budget Scrutiny Meeting – Enforcement

1. BRIEFING PAPER - ENVIRONMENTAL ENFORCEMENT SAVING PROPOSAL 2016/17

1.1 **Summary: A saving of £65k arising from a revised arrangement in delivering environmental enforcement activities for highways related work in association with Parking.**

1.2 The Environmental Enforcement service has put forward a reduction of two posts to make the proposed saving and will look to minimise the impact of this reduction through changing the process for dealing with skips and highways related enforcement. The move to a PCN process with an increased ability to monitor offences is also extremely likely to increase income, however better compliance would be anticipated in the longer term. This may partly offset the need for reduced staffing levels.

1.3 The Public Realm Division aims to provide an accessible, clean and safe environment and to undertake a sustainable approach to transport and waste to minimise the impact on the local environment.

1.2 The Division comprises 4 main service areas:

- Streetscene
- Parking and Markets
- Environmental Operations
- Environment and Waste Strategy

2. 2015/16 BUDGET

Table A - Public Realm 2015/16 Budget before recharges

	Streetscene £000	Environmental Operations £000	Environment & Waste Strategy £000	Parking £000	Markets £000	Total 15/16 Budget £000
Employees	4,085	13,653	1,587	3,342	401	23,068
Premises	483	120	22	79	25	729
Transport	37	2,408	50	99	9	2,603
Supplies and Services	1,343	1,072	279	744	8	3,446
Third Party Payments	2,974	1,974	207	5,181	541	10,877
Capital Charges	6,747	194	69	44	-	7,054
TOTAL EXPENDITURE	15,669	19,421	2,214	9,489	984	47,777
External Income	(1,195)	(6,949)	(49)	(15,770)	(975)	(24,938)
Internal Income	(2,294)	-	-	-	-	(2,294)
Total Income	(3,489)	(6,949)	(49)	(15,770)	(975)	(27,232)
Net Expenditure	12,180	12,472	2,165	(6,281)	9	20,545
FTEs	99.11	353.94	33	77.50	9.62	573.17

Note: Parking is projecting an additional £2.2m income above its budget of £15.77m in 2015/16. This will in effect mean that the net expenditure from the Service is £8.481m and the net expenditure for Public Realm is £18.345m.

3. SAVINGS SINCE 2010, APPROACH AND IMPACT

3.1 In summary, the base budget for the Division in 2010/11 was £20,786,000. Since that time, including the current 2015/16 financial year, a total of £8,122,000 of savings has been delivered. This equates to a saving of 39% from the 2010/11 base line budget. The savings total over the period 2010/11 to 2015/16 is shown below

PUBLIC REALM BUDGET SAVINGS 2010/11 - 2015/16

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Environment & Waste Strategy		525	30	550	12	
Streetscene	40	398	383	50	13	308
Environmental Operations	670	525	250	80	411	312
Markets		450		80	190	
Parking	280		1,069	607	11	805
Public Realm Non staff based budget reviews						73
Total Annual Savings	990	1,898	1,732	1,367	637	1,498

3.2 The above savings and changes to services have been successfully delivered against a backdrop of increasing resident and visitor numbers and ongoing regeneration and development within the borough. To put this into context, the population has increased by 40,000 over the past 10 years with a further estimated increase of 12,000 by 2031 and an additional 2,000 properties were created in 2013/14. No additional increase to the base budget of services has been received to reflect these changes. This will need to be considered so as to ensure that services are able to maintain pace with these external pressures and statutory duties can continue to be delivered effectively.

4. THE ENVIRONMENT AND WASTE STRATEGY SERVICE

4.1 The service is responsible for tackling a range of activities that impact on the quality of the local environment and the development and implementation of waste, recycling and cleansing strategy and policy:

- Local environment enforcement: graffiti and fly posting, litter, dog fouling and dog control, fly tipping, waste containment, highway obstructions and licenses, illegal street trading and trading licenses
- Contract management and monitoring of waste and recycling
- Strategic management of local environmental quality, waste prevention and recycling
- Ensuring the appropriate waste treatment, recycling and disposal of Hackney's municipal waste
- Lead for the Borough's responsibilities as a member of the North London Waste Authority

4.2 In doing so, it has enabled operational savings through the integrated waste programme and acquired over £2m of external funding through successful applications to Government and funding bodies. The service provides a lead technical role in the management of waste collection and treatment, recycling and delivering improvements to local environmental quality. Performance and data analysis is captured for statutory reporting and also to inform service development in collaboration with the North London Waste Authority. The service takes a fully integrated approach at a strategic level in developing and implementing 'waste' and 'Local Environmental Quality' (LEQ) policy, making the links between service design, behaviour change and environmental enforcement, alongside practical delivery within Hackney's streetscene working with service partners (eg. Hackney Homes and registered providers) and public realm and other Council colleagues (eg. Community Safety and Parks). This particularly helps support the operational arm of Environmental Operations ensuring that Hackney's various collection services are designed and continually mapped against a growing number of households by housing type. This delivers excellent customer care and operational efficiencies.

Gross budget - £2.214m – 33 FTEs	
May 2015/16 Forecast	Breakeven
Cost drivers	<ul style="list-style-type: none"> • Environmental Enforcement (£689k, 14 FTE), responsible for around 2,700 Environmental Enforcement actions including targeted street patrols and visits to business and residents to tackle persistent issues and take appropriate action against those who cause or benefit from all aspects of environmental anti-social behaviour such as litter, waste dumping, graffiti, flyposting, and illegal street trading. The work split is 60% on waste/recycling specialist related and 40% on other enforcement areas eg. Highways and A Boards. • Local Environment and Waste Strategy (£682k, 8 FTE) responsible for long term waste management strategy for borough, management of the North London Waste Authority, "clienting" Environmental Operations, working on strategy and development of local environmental quality, management of the Ward Improvement Programme, Business and Technical analysis and development for the service and Environmental Operations. • Recycling Team (£794k, 11 FTE) responsible for development and communication of recycling strategy and service across Hackney covering all properties in the borough, across residential (including housing estates) and commercial premises, external bidding and communications/behaviour change.
Other savings options	<p>Savings options linked to:</p> <ul style="list-style-type: none"> • Environmental Operations around cleansing, bulky waste, flytipping etc across all teams of this service • Hackney Homes – Estate Recycling – increasing recycling on estates and further integration. On street recycling averages at around 36% whilst recycling average on estates is much lower at 10%. • 2020 Recycling - Alongside many other authorities, especially within inner London, Hackney faces a considerable challenge in increasing recycling rates further. The service already provides a comprehensive recycling collection for multiple waste-streams and continues to be at the forefront of seeking a solution, especially for

	<p>estates recycling, however, we can still learn from other authorities who have been more successful in driving down waste growth. In many cases the local circumstances in other authorities have been more amenable to waste restriction policies, but there is undoubtedly a correlation between waste restriction and increased recycling. Hackney's inner London setting and housing profile make waste restriction difficult to implement, but it does bring an opportunity to deliver savings or more correctly 'avoided cost of disposal'. The service is currently looking at options for future household waste and recycling collections including residual waste restriction and/or revised frequency of collection. Waste composition and participation data has already been captured and external consultants are currently undertaking performance and carbon impact modelling of waste collection scenarios. This is on top of the work already in hand with Hackney Homes looking at increasing recycling performance on estates. The combined analysis of potential recycling and collection solutions across estates and street based households will determine the best approach to build on the current service provision and achieve improved recycling performance. It is unlikely, given Hackney's housing property profile that the Council will achieve 50% recycling by 2020, but a reduction in overall waste growth and increased recycling will have a positive impact in reducing the more expensive residual waste tonnage under menu pricing, thereby reducing the NLWA household levy from what it might have been.</p>
Income considerations	<ul style="list-style-type: none"> • Impact on corporate levy, for disposal, as well as operational savings with Environmental Operations. • Looking forward major implications around levy with NLWA menu pricing and procurement. • 2020 Recycling to look at disposal and collection costs and efficiencies, via an end to end approach • Potential impact of cross cutting review of Enforcement on income and performance.
Budget comments	Covered above

4.3 Further service developments will be necessary to continue efficiency improvements and, in an 'invest to save' approach, to reduce waste costs. The NLWA household waste disposal and treatment levy remains a considerable financial cost to the Council (£5.87m in 2015/16). It is predicted to increase by 14% next year to £6.69m and without doubt it will increase significantly over the next 10 years as new treatment and disposal facilities are developed.

Environmental Enforcement

4.4 In a similar approach to the end to end process in Parking, a review was undertaken in 2012, of the Environmental Enforcement function when it joined the Environment and Waste Strategy service. Previously the function worked independently and worked solely towards meeting set performance indicators rather than the impact that their work did and undertaking a prioritised work programme. A major piece of work was undertaken over the next 18 months to look at how enforcement impacted and worked with other key services and how a more modern, intelligence led service should operate.

- 4.5 Since this has been implemented, there has been a major change and impact on how the service is delivered.
- 4.6 Throughout 2012 the service regularly reported to Regulatory Committee and in March 2013 Cabinet agreed a new Local Environmental Quality Enforcement Strategy. The implementation and effect of the LEQ Enforcement Strategy continues to be positive, driving improved levels of compliance across the borough and performance of the team. This has been most evident in the reduction of unregulated waste, management of A-boards, fly tipping enforcement and increased performance outputs and evidenced outcomes achieved.
- 4.7 The service is leading the continued delivery of a shared and co-ordinated approach to environmental enforcement with increasingly collaborative working across a range of services. Great strides have been made in how the team works with Environmental Operations and this has been integral to successes for both teams. The service also now works closely with Community Wardens who have been given delegated powers for some of the service functions including illegal street sales. The service is also working closely with Hackney Homes and Parks.
- 4.8 One of the key areas for the team is around the issue of waste and recycling. The placement of this element of the team alongside Waste Strategy has developed this role and made it much more effective. At present approximately 60% of the staffing resource is focussed on activities to reduce flytipping, supporting the commercial offer and regulating production, as well as work around litter, graffiti and flyposting and, as will be mentioned increasing recycling, all of which aids limiting the impact of our disposal levy with the North London Waste Authority (MLWA). This includes having staff embedded with Environmental Operations and working 24/7 service to reflect the changing demands and characteristics of the borough. This work is critical in how we reduce the volumes of residual tonnage being disposed of and a major element in the plans being developed on how we reduce or avert significant costs in our disposal levy with the North London Waste Authority. This major piece of work is currently underway and will, be the end of this year, set out a strategy for Recycling and Waste over the next 5 years as 2020 Recycling. With potential options around restriction and the effective management of waste, this enforcement role, alongside a strong communications and behaviour change role, is key to our successfully delivering the necessary changes.

Objectives for 2015/16:

- Tackling Unregulated Waste, which based on current levels, is thought to cost in the region of £1.3m for collection and disposal.
- Behaviour change and associated cost avoidance including, but not limited to tackling volume crime such as litter, responsible dog ownership, increasing recycling take up.

- Improved levels of compliance, cost avoidance and sustained improvements in Local Environmental Quality particularly in NTWE and contribution to Area Regeneration.
- A full review of current time bands.

Priorities for 2015/16:

- Ensure compliance improvements delivered in 2014/15 are sustained.
 - Ensure processes are in place to monitor the implementation in new developments of waste related planning conditions and, where this isn't the case, utilise legislation to stipulate requirements.
 - Work with Hackney Homes to ensure processes are in place to tackle estate based fly tipping and dog control aligned to on street processes.
 - Campaign to tackle litter and stainage via a voluntary agreement with NTWE premises, deploying litter control legislation in the worst cases.
 - Continue to review and propose licence conditions on NTWE premises to improve levels of prevention of environmental impacts such as through waste training of staff etc.
 - Prioritise tackling the worst fly-tipping cases and deliver further tonnage reductions of unregulated waste through the Unregulated Waste Project.
 - Improve standards of cleanliness on RSL land through the Ward Improvement Programme processes and applying appropriate legislative controls.
 - Minimise the spread of Street Art Graffiti containing any new art to an appropriately defined area.
 - Tackling local issues/problems through locally defined and targeted, enforcement and communications' campaigns.
- 4.8 Appendix A is the recent report to October 2015 Corporate Committee detailing performance of the area over 2014/15.
- 4.9 The Ward Improvement Programme continues to sustain high standards of local environmental quality measured using former national indicators for litter, detritus, graffiti and flyposting. The service has retained the NI methodology established by Keep Britain Tidy in targeting wards on a systematic rolling programme highlighting issues for various services to act upon.
- 4.10 The programme brings together stakeholders with a combined responsibility to manage specific elements of the public realm, including housing land, parks and the general highway and public space. This approach has emphasised the role each department plays in designing and managing Hackney's public realm to ensure that cleanliness levels are maintained as efficiently as possible. It is particularly valuable to Environmental Operations and Environmental Enforcement who deal with the majority of matters arising.

2014/15 ex NI195 out-turn:

Litter	3.07%
Detritus	4.53%

Flyposting	0.36%
Graffiti	1.77%

- 4.11 The above represents the level of inspections failing to meet a satisfactory level of cleanliness in 2014/15.

5. PROPOSED SAVING 2016/17 ENVIRONMENTAL ENFORCEMENT

- 5.1 The savings proposal looks to build upon the successful pilot scheme for Ambassadorial working undertaken by Parking in 2011. As Civil Enforcement Officers undertake their beats, it has been estimated that either a low level of 'spotting' or other enforcement could be undertaken without impacting on their primary role of parking enforcement nor impact on service level or income. This would be subject to new software being introduced within Parking allowing for this change in role with no administrative burden, unlike the pilot which relied on manual reporting and administration. Abandoned vehicles have previously been incorporated into the CEO role and is operating successfully.

The 2010 Ambassadorial Pilot

- 5.2 The Cabinet Procurement Committee, at its meeting in January 2010, requested that preparatory work for the new Parking Enforcement Contract was not only to examine the Councils experience over the previous seven years but to also investigate how additional reporting and enforcement elements, collectively described as 'ambassadorial', could be incorporated within the contract to help the Council deliver a wider range of services more seamlessly in the public realm.
- 5.3 Officers progressed the view that, under the then current PEC, there were approximately 44 CEOs deployed daily during core hours who could act as additional eyes and ears of the Council. It was believed that these officers may be able to deliver ambassadorial functions in the gaps between issuing tickets.
- 5.4 Whilst a certain amount of reporting already took place (e.g. abandoned vehicles, missing street signs to Streetscene), a number of other potential areas for observation were considered. As part of the Pilot, CEOs looked at the following items:
- Street Furniture
 - Highway Maintenance
 - Local Environmental Issues
 - Building Works
 - Anti-Social Behaviour
 - Markets
 - Issuing FPNs

Results of the Pilot

5.5 The data collection by CEOs was carried out between 10th of August to the 30th of November 2010. 33 CEOs were involved in this pilot at the time.

Department	Observations
Environmental Enforcement	34 7%
Highways	151 32%
Licensing	172 36%
Parking	83 17%
Street Furniture	27 6%
Other	9 2%
Grand Total	476

Key Findings

5.6 The scheme showed that a large amount of observations in Licensing, Highways and Parking could be used to help deliver services more seamlessly in the public realm by providing faster responses to daily issues on street with a minimal or no increase in resource.

- Observing and reporting this data had low impact on CEOs day-to-day output and CEOs took up the duties with minimal training. No trends were identified showing a reduction in PCNs issue rate or increased cancellations as a result of the CEOs taking part in this pilot.
- Observations of interest reported to Licencing were of the best use and greatest in number. From this it was assessed that 51% of skips observed appeared to be unlicensed and, as a result revenues equating to £21.9k were being lost each year.
- Only 7% of observations relate to Environmental Enforcement & Pollution Control. If the scope is to look at FPN potential, this evidence may suggest that it is low.
- 17%% of the observations were parking enforcement related. The programme did not originally intend to look for these observations so their

inclusion was a welcome bonus and subsequently built on to aid the recent improvements within the service.

New Proposal

- 5.7 In support of the proposal and as a first start, it is now likely that Hackney will be able to decriminalise existing offences relating to builders skips. There are provisions under the London Local Authorities and Transport for London Act 2013 and the London Councils Transport and Environment Committee (TEC) recently approved penalty charge levels for a decriminalised system. TEC are currently in the process of seeking Secretary of State approval for the levels to come into force in London. Subject to this approval, adopting the new powers in the 2013 Act is entirely a voluntary decision for highways authorities. The management of existing offences relating to skips under a penalty charge process would bring it more into line with the existing approach to parking enforcement. This also includes the appeals process, however the formal appeals arrangements for skips offences has yet to be established.
- 5.8 Hackney supported both the provision for decriminalising existing offences relating to builders' skips and the proposed penalty charges that were consulted on by London Councils. Hackney's response to the consultation appeared to be generally in line with the majority of views.
- 5.9 The environmental enforcement team enforces breaches on the public highway which include unauthorised skips on the highway and also where skips are breaching the terms and conditions of their license in line with existing provisions detailed in the report. Our records indicate that a high proportion of the highways offences recorded by the service are related to builders skips. The current levels of the fines are set at £100 and early payment of £50.00. With the proposed charges we believe it will act as a deterrent as the cost for placing a skip on the highway for up to a month is £65.00 while the fine for placing a skip for a day or more on the highways will be set at £200.00 and £100.00 if paid early. Current trends indicate that skip companies are willing to take the chance as if caught would only result in a small fine of £50.00 if paid early.
- 5.10 Through a decriminalised system, it is anticipated that the Parking Service, through the contractor, would be able to enforce offences relating to builders' skips in a manner that would be more efficient and cost effective than current arrangements given their extended hours of operation (with late night CPZs) and the numbers of staff on street. This would be a first step towards achieving the savings within environmental enforcement as income from skips related offences may increase, but more importantly resource currently used to supplement established posts could be released. The proposal also ties in with current work on streamlining the current process for highways licensing.
- 5.11 In addition the appeals process will also need to be established. We understand that the letter to the SoS will probably be sent by the 23rd October 2015 and that London Councils have given the SoS until 23rd November to

respond. Although they are happy to assist to some extent, London Councils expect individual boroughs to take the lead on organising the appeals process with London Tribunals. The cost of setting up the appeals system will require, if only a small number of boroughs participate, being undertaken on a manual basis. A high level of participation and number of appeals would require an addition to the existing IT system and related development costs. Whatever route is taken will impact on timelines for delivery.

- 5.12 An additional piece of work currently underway, which supports this, is the review of Highway Licensing in the Council. At present licensing for all skips, hoardings and scaffolding is undertaken in Regulatory Services whilst the overall management of the highway, including utilities, is undertaken within Streetscene and the enforcement function is undertaken in Environment and Waste Strategy. This approach has led to a number of issues for the public from having to make multiple applications, allowing unauthorised and overstaying obstructions on the highway and severe issues in areas of high development. Agreement has been obtained to relocate the licensing element from Regulatory Services to Streetscene to strengthen overall management and co-ordination and work between Streetscene and Parking and Markets to integrate this into the a similar approach that is undertaken for suspensions and allow the public one point of contact and the Council one point of management.
- 5.13 Timescales: The savings proposal is subject to London Councils seeking Secretary of State approval for the penalty levels under the new scheme. Officers will be able to finalise a timetable for implementation in Hackney when this approval has been sought. The appeals process will also need to be established. It is likely that although it was originally thought that this may be implemented in 2016/17, a more pragmatic approach would be that savings will be delivered in 2017/18.
- 5.14 A detailed project plan and business case is being drawn up to set out the following:
- Parking software (EStreet and Workforce IQ) enabled and fully configured
 - Preparation work to move the enforcement of skips, hoardings and scaffolding to CEOs and this will range from database cleansing and processes to training for staff, including the HSC.
 - Linking to new Highway Licensing process
 - A full implementation plan
 - Running concurrent will be evaluation of potential from other areas to participate in the CEO role, with priority given to impact on public and finances and anticipated success of delivery. It must be noted that the capacity of the CEOs is limited.
 - Reviewing the current ambassadorial role between Environmental Enforcement and the Councils Wardens.



ENVIRONMENTAL ENFORCEMENT – ANNUAL ASSESSMENT OF THE LOCAL ENVIRONMENTAL QUALITY ENFORCEMENT STRATEGY AND ANNUAL PERFORMANCE REPORT 2014/15

CORPORATE COMMITTEE

8 October 2015

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CORPORATE DIRECTOR

Kim Wright, Corporate Director of Health and Community Services

1. INTRODUCTION

This report sets out the annual performance report across the environmental enforcement remit for the 2014/15 financial year and an annual strategic assessment of the Local Environmental Quality Enforcement Strategy.

2. RECOMMENDATION

The Corporate Committee is recommended to:

- 2.1 Note the annual report for the service and the annual assessment of the Local Environmental Quality Enforcement Strategy.

3. REASONS FOR DECISION

- 3.1 This report which is for noting, adheres to the requirement previously agreed by Regulatory Committee to report annually on the Environmental Enforcement service.

4. BACKGROUND

- 4.1 The Council's Local Environmental Quality (LEQ) Enforcement strategy was agreed by Cabinet in March 2013 and sets out the approach of the service in delivering the Council's LEQ priorities and commitments. The strategy was presented to Regulatory Committee in December 2012 prior to being formally adopted at Cabinet in March 2013.

- 4.3 The implementation and effect of the LEQ Enforcement Strategy continues to be positive, driving improved levels of compliance across the borough and performance of the team. This has been most evident in the reduction of unregulated waste, management of A-boards, fly tipping enforcement and increased performance outputs and evidenced outcomes achieved.

- 4.4 The service is leading the continued delivery of a shared and co-ordinated approach to environmental enforcement with increasingly collaborative working across a range of services. Great strides have been made in how the team works with Environmental Operations and this has been integral to successes for both teams. The service also now works closely with Community Wardens who have been given delegated powers for some of the service functions including illegal street sales. The service is also working closely with Hackney Homes and Parks.

4.5 **Summary of Performance in 2014/15**

- 4.5.1 Appendix 1 details Key Performance and Appendix 2 an overview of fixed penalty and other statutory notices issued in 2014/15. A large proportion (69%) of enforcement actions concern waste and litter issues; this includes commercial and residential waste enforcement and the tackling of unregulated waste and fly-tipping, volume crime offences such as street litter and urination. Highways enforcement such as skips, A-boards and

hoardings is the second most active area for formal action taking up 14% of our outturn. Other areas of our remit such as dog control, illegal street trading, graffiti and flyposting make up the remaining actions. These actions are reflected in our priority work and achievements throughout 2014-15 concerning unregulated waste, flyposting and A-board policy changes and enforcement.

4.5.2 Overall the service has performed well against all set performance indicators with outturns achieved or exceeded.

4.5.3 The following sections provide narrative on work undertaken:

4.5.4 The A-board policy which was implemented in 13/14 is continuously being enforced by the environmental enforcement team. The service has seen a reduction in the number of A-boards seen on the public highway in Hackney and a low rate of repeat offending after the first warning and guidance leaflet have been issued to businesses. While we have been very proactive in tackling the network which falls under Hackney's responsibility there is still a substantial amount of A-boards that can be seen on the TfL network. To tackle this, the environmental enforcement team have worked in partnership with TfL to promote a similar approach to Hackney in tackling A-boards on the TfL network in Hackney.

4.5.5 TfL ran a pilot in Hackney along two sections on the A10 between January 2014 and September 2014. After consultation with Hackney, TfL took the same approach as Hackney's process in terms of offering Fixed Penalty Notices to discharge liability as opposed to the immediate removal of A-boards and prosecution. TfL deemed the approach a success and subsequently rolled this out as part of their day to day activity and also extended this approach to the TfL network in Shoreditch. Hackney officers have formal contact details for TfL officers where cases can be referred for action. TfL are expanding their staff resource with 80 new operatives who will also have responsibility of covering highway obstructions across the TfL network. They have also advised that their enforcement will extend to weekends.

4.5.6 Hackney's approach in managing A-boards has also been presented at a seminar organised by London Travel Watch. Officers were invited to the event promoting good working practices on A-board policy and enforcement and prepared information packs for the attendees from various local authorities and other interest bodies. Packs included copies of our guidance leaflet, FPNs, sample warning letters and an updated shop front trading licence which now clearly stipulates that A-boards are not allowed in the licensed area for tables and chairs.

4.5.7 The service has managed a large number of formal cases during the year achieving significant results, including:

- A café on Mare Street was first reported by colleagues within Environmental Operations for constantly placing black bags on the highway without having any arrangements in place for them to be

collected. Officers gathered enough evidence to prepare a prosecution case with 30 charges of fly-tipping and breach of duty of care and one charge of failure to provide waste transfer notes for offences between May 2013 and October 2013. This case was adjourned 3 times and went on for well over a year. The Judge ruled that according to the sentencing guidelines in force he should fine £1280 for every offence, however the Judge fined £100 per offence for 16 offences. A victim's surcharge of £20 per offence was also payable. When sentencing was handed out the considerable amount of work put into the prosecution was recognised and the Council was awarded full costs of £2862.50. The café was ordered to pay a total of £4782.50.

- A bar on Kingsland Road with a history of ignoring correspondence from environmental enforcement was investigated and found to be placing black bags on the highway without any proper arrangements in place for their collection and disposal. The subsequent correspondence was ignored, but a licence application put forward for the property next door sparked movement on the case. The environmental enforcement team made objections to the licence being granted which then resulted in the applicant engaging with environmental enforcement officers which led them to confirming he was still responsible for the adjoining bar. He then sent through fictitious Waste Transfer Notes in the hope that this would rectify the issue and not jeopardise his application for a new license. Officers prepared a prosecution case against the business for not having proper arrangements in place for waste disposal as well as fly tipping. On sentencing the Judge stated that at the beginning of the case he had considerable sympathy for the defendant, however as the defendant had been operating for over 7 years and had deliberately fabricated his evidence, attended court and lied about it, he could not give the defendant any credit whatsoever for the offences committed. Including a victim surcharge of £125 and costs of £1410, the defendant was ordered to pay a total of £6035. Five months later the same defendant was ordered to pay £4005 in a separate action and uncontested action taken by environmental enforcement officers.
- In July 2014 it was reported in the media that Councils and the Police were powerless to stop people from selling and taking nitrous oxide on the streets. The Council issued a press release which showed that Hackney's environmental enforcement team was taking the lead in cracking down on nitrous oxide by using its powers to prevent illegal street trading. The press release was covered over 30 times in national, regional and local press and followed up with media interviews on BBC London radio, BBC London TV and London Live. Subsequent hauls of seized canisters were publicised on social media, which attracted further media and press interest. The service has seized over 10,000 nitrous oxide canisters with a street value of around £65,000. Information regarding offenders are recorded in the Council approved data base and such details are shared with the local Police as required.

4.5.8 To enhance the work that is currently being done, the enforcement team have provided training to the Community Wardens who are now competent in dealing with the offence. They are now fully aware of both the legal and practical elements in dealing with illegal street trading, but they however still require police support in order to be more effective.

4.5.9 Damage to Trees

4.5.9.1 Damage to trees is generally identified long after the offence has been committed with no evidence or witness to who damaged the trees. However, the environmental enforcement team will pursue cases where evidence is apparent. As a result of recent joint work, the enforcement team has managed to recover costs on two occasions for damage incurred in February and March 2015. In February damages of £1550 were calculated and recovered via vehicle insurance for costs incurred to replace a similar tree of same age, size and quality. In March officers identified damage to a tree caused by long recovery vehicles repeatedly parking and hitting the tree outside a garage in Stamford Road N16. The service and the garage owner agreed damages of £387.

4.5.10 Unregulated Waste Programme

4.5.10.1 The main objective of this programme was to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with waste management processes. This principle was embedded in each operational objective delivered within the programme in relation to environmental enforcement to identify non-compliant residents and businesses, take appropriate action and change behaviours. Specific streams of the project targeted the main roads which had amongst the highest volume of unregulated waste, namely the A10 (Kingsland Road through to Stamford Hill), Broadway Market and Chatsworth Road. The programme has produced a reduction in unregulated waste through direct enforcement; changes to contracts (both private and Hackney), new contracts where none were in place previously, positive behaviour change around placing out of waste in the right locations and during the correct time for collection (timebands in place). Positive changes have also been progressed through wider findings and changes to operational resources ie a dedicated principal enforcement officer with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

4.5.11 Hackney Homes

4.5.11.1 In further exploring joined up working with Hackney Homes, the environmental enforcement team have coordinated a series of training programmes for Hackney Homes staff who are fundamental in gathering intelligence to address a number of joint priorities on estates such the management of dog control, fly tipping and littering. We have delivered against our plan to train Hackney Homes ASB Officers and Environment staff to act as professional witnesses for environmental offences on

estates and to carryout primary dog control enforcement up to and including issuing of Notice of Intended Fixed Penalty. An established working group is enabling the effective implementation of joint protocols, a service level agreements, training and operational tools. Full implementation of the new joint arrangement is scheduled to should be embedded by Q4 15/16.

4.5.11.2 **Annual Assessment of the Local Environmental Quality Enforcement Strategy**

4.5.11.3 The LEQ Enforcement Strategy continues to provide a sound approach for managing Hackney's local environment in partnership with Environmental Operations and other corporate stakeholders. It is recognised as a good example of published policy and the setting of standards and the service's strategic framework of Prevention, Protection and Sustainability is an effective one and supported within the ongoing cross cutting review of enforcement services. The strategy drives integration of enforcement related support within partners' services and develops improved back-office functions to ensure efficiency of delivery and a consistent approach. The integrated relationship formed between Environmental Enforcement and Environmental Operations has enabled the Environmental Operations team to be trained as professional witnesses enabling a greater contribution to the enforcement process. The Ward Improvement Programme also supports this process providing evidence of standards failure and intelligence. These examples have been referenced in the cross cutting enforcement review with the suggestion that they be harnessed and maximised across the services.

4.5.11.4 The objectives of the strategy remain the same; they are:

- Ensure that improvements, both proposed and implemented, are sustainable and incorporated into systems and procedures, to ensure standards are maintained and not short lived.
- Improve local environmental quality in neighbourhoods.
- Be persistent and determined to tackle the potential extent of non-compliance, particularly where offenders seek to gain financially from their behaviour at the Council's expense.
- Reduce overall costs of non-compliance.
- Improve public satisfaction with their local environment.

4.6 **Policy Context**

4.6.1 A review of the key policies contained within the LEQ strategy has been undertaken and the policies are deemed to continue to be fit for purpose at this current time.

4.6.2 **Legislative Considerations:**

4.6.2.1 The Regulators Code - aims to improve the way regulation is delivered at the front line. It sets out a clear framework for transparent and accountable

regulatory delivery and establishes clear principles for how local authorities should interact with those they are regulating. The Code is underpinned by the statutory principles of good regulation, which provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

- 4.6.2.2 All Councils were written to by the Government Department BIS in March 2014 drawing attention to the complaints process detailed in the code. In response to this the service undertook a review of its provisions in the LEQ Enforcement Strategy and processes.
- 4.6.2.3 The service found that the LEQ Enforcement Strategy and processes contained within were fully complying with the provisions of the code. One key area of the review related to the transparency of the complaints process in relation to Fixed Penalty Notices (FPN) and proportionality of use. The service's FPN process is transparent in relation to allowing complaints to be made, describing how they can be made and in terms of spelling out the resolution process and the FPN process itself. The service further allows representations to be made in relation to the specific case where an FPN has been used.
- 4.6.2.4 The LEQ Enforcement strategy also clearly defines how the service applies penalties and in what circumstances, ensuring these are appropriate to the offence committed and the individual circumstances.
- 4.6.2.5 Where necessary the service has reviewed operations and formal processes taking account of the Anti-Social Behaviour, Crime and Policing Act 2014. Litter Control Notices (Section 92 and 93 of the Environmental Protection Act 1990) have been replaced with Community Protection Orders/Notices. It is also now possible to capture a range of LEQ issues eg: waste, graffiti and litter under one Community Protection Notice (CPN). Dog Control Orders (DCOs) have been replaced with Community Protection Orders (CPOs), but Hackney's existing DCOs remain in place pending a review in 2016/17.

4.7 Equality Impact Assessment

- 4.7.1 The current EIA for the LEQ Enforcement Strategy remains appropriate for the service. An EIA will be undertaken for any new policy changes, procedure changes etc in line with legislative responsibilities.

4.8 Sustainability

- 4.8.1 The objectives and delivery of the LEQ Enforcement Strategy as covered in this report support improving the sustainability of Hackney's public realm and environmental operations.

4.9 Consultations

- 4.9.1 There are no consultations to report.

4.10 Risk Assessment

- 4.10.1 Rate of growth – Business and household growth in the borough has been significant and will continue. Keeping up with this rate of growth is a particular challenge for the service within its current resource provision especially relating to waste management and sustaining local environmental quality. This includes controlling the environmental impacts from businesses such as litter and staining throughout their operating hours and managing appropriate commercial and household waste enforcement. Officers and partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, minimising highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.
- 4.10.2 Administering the enforcement process – Sustaining current levels of performance and presence is a challenge with current back office resources. Back office resource is critical to ensuring officers can address non-compliance on site effectively. Mobile ICT working solutions and new technology would assist in ensuring efficiency and effectiveness of the service and corporate mobile working and business intelligence projects is have commenced.
- 4.10.3 Resource deployment - Pressure to provide a visible presence on street impacts upon resource available for high priority case progression/investigation, sustainable problem solving and behaviour change initiatives. Getting the balance right between these is critical for the Council moving forward and the joint working approach currently being developed supports this. Communications both Borough-wide and locally needs to be further utilised alongside physical resources so that together they are directed in a way that maximises the feel of “Presence” whilst ensuring a keen focus on cost and effectiveness. Environmental Enforcement communications benefit from a dedicated support within the environment and waste strategy service.
- 4.10.4 The cross cutting enforcement programme is picking up on measures to ensure coordinated and accountable processes for cross departmental problem solving. This will support a cross departmental approach to managing problems in localities and neighbourhoods to bring about solutions that are not within the gift of a sole service to resolve. This approach would help address problems associated with NTWE, Neighbourhood Management and Environmental Crime. Partnership Tasking delivers this in part in relation to the crime and anti-social behaviour agenda; however it is not designed to take a holistic approach to problem solving relating to all the matters highlighted.

5. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

5.1 This report is an annual performance report across the Environmental Enforcement remit for financial year 2014/15. The Environmental Enforcement service had a net budget of £896k, the primary cost of which is the 14 FTE posts within the function. The outturn position for 2014/15 was to budget.

5.2 There are no direct financial implications emanating from this update and any initiatives arising from this will need to be reviewed separately.

6. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

6.1 Legal have achieved significant results in Prosecution cases during the year as outlined in the Report. Keeping up with the volume of Prosecution cases received is a particular challenge for Legal services due to current resources. Legal will however, endeavour to ensure Prosecutions are progressed, whilst also continuing to consider that all cases submitted are proportionate, transparent and consistent in its approach. Legal will also provide ongoing advice on legislative changes as and when required.

7. FORWARD PLANNING

7.1 Objectives, Priorities and Key Performance Indicators for 2015/16

7.1.1 The objectives for 2015/16 are as follows:

- Tackling Unregulated Waste, which based on current levels, is thought to cost in the region of £1.3m for collection and disposal.
- Behaviour change and associated cost avoidance including, but not limited to tackling volume crime such as litter, responsible dog ownership, increasing recycling take up.
- Improved levels of compliance, cost avoidance and sustained improvements in Local Environmental Quality particularly in NTWE and contribution to Area Regeneration.
- A full review of current time bands.

7.1.2 The priorities for 2015/16 are as follows:

- Ensure compliance improvements delivered in 2014/15 are sustained.
- Ensure processes are in place to monitor the implementation in new developments of waste related planning conditions and, where this isn't the case, utilise legislation to stipulate requirements.
- Work with Hackney Homes to ensure processes are in place to tackle estate based fly tipping and dog control aligned to on street processes.
- Campaign to tackle litter and stainage via a voluntary agreement with NTWE premises, deploying litter control legislation in the worst cases.

- Continue to review and propose licence conditions on NTWE premises to improve levels of prevention of environmental impacts such as through waste training of staff etc.
- Prioritise tackling the worst fly-tipping cases and deliver further tonnage reductions of unregulated waste through the Unregulated Waste Project.
- Improve standards of cleanliness on RSL land through the Ward Improvement Programme processes and applying appropriate legislative controls.
- Minimise the spread of Street Art Graffiti containing any new art to an appropriately defined area.
- Tackling local issues/problems through locally defined and targeted, enforcement and communications campaigns.

7.1.3 In addition the following KPI's have been reported in 2014/15 and targets set for 2015/16:

KPI Code and Description	Out-turn 2014/15	Set Targets 2015/16
HCS PR 057 Businesses with Trade Waste Agreements in place	6307	Unchanged 6000 PA
HCS PR 058 Unregulated Waste Tonnage	5458t	Reduction to 5250t
HCS PR 059 Patrols - Targeted operations	660	Increase to 260 pa (65 PQ)
HCS PR 060 Response to customer within 2 days -	98%	Unchanged 98% PQ / PA
HCS PR 063 Formal Notices Issued (cumulative)	3474	Unchanged 2500 pa (625 PQ)

7.1.4 LEQ Enforcement Strategy Action Planning:

- Ensure compliance improvements delivered in 2014/15 are sustained:
 - Review case evaluation processes and standard operating procedures to identify opportunities for prevention of repeat offending.
 - Review Borough Wide and Neighbourhood Deployment
 - Ensure sustainability features in all actions.
- Ensure new developments have implemented the waste related planning conditions and where this isn't the case utilise legislation to stipulate requirements.
 - Monitor the implementation of waste provisions that have featured as conditions through the planning process and seek to address any non-compliance.
- Work with Hackney Homes to ensure processes are in place to tackle estate based fly tipping aligned to on street processes:

- Work with Hackney Homes to capture estate based flytipping and Dog Control non-compliance and propose actions to resolve worst examples.
- Support the estates based recycling project particularly in relation to the location and handling of bulky waste on estates. (Approved bulky waste deposit locations on estates are often confused as fly tip sites).
- Campaign to tackle litter and stainage via a voluntary agreement with NTWE premises, deploying litter control legislation in the worst cases:
 - Seek agreement to the frequent cleansing of the vicinity of businesses.
 - Deploy litter control legislation where businesses are obstructive.
- Continue to review and propose licence conditions on NTWE premises to improve levels of prevention of environmental impacts such as through waste training of staff. In 2014/15 the Enforcement Team placed conditions on 53 licensed businesses. These conditions have proved effective in ensuring businesses are aware of their responsibilities concerning duty of care and the behaviour of clients.
 - Continue to review license applications to ensure environmental considerations are made.
 - Review compliance with approved license conditions and take necessary follow up action such as education, monitoring, warning and review.
- Prioritise tackling the worst fly-tipping cases and deliver further tonnage reductions of unregulated waste.
 - Analysis of night time unregulated waste and implement actions for solution.
 - Tackle breaches on time banded streets.
- Improve standards of cleanliness on RSL land through Ward Improvement Programme processes and applying appropriate legislative controls:
 - Liaison with RSL's advising them on expected standards particularly relating to Highway adjacent land.
- Minimise the spread of Street Art Graffiti containing any new art to Shoreditch unless authorised by the Council:
 - Clearly define the geographical area of control.
 - Audit all sites outside of this area and where appropriate take action to bring about the clearance of graffiti from those sites.
 - Liaise with Council Departments and the Communications Team to ensure initiatives/communications activity do not promote graffiti.

- Tackling local issues/problems through locally defined targeted enforcement and communications campaigns:
 - Identify local problem locations, map these and develop an action plan for improvement.
 - Undertake local targeted problem solving campaigns supported by communications and engagement campaigns.

APPENDIX

Appendix 1: Environmental Enforcement – Annual Report 2013/14

Appendix 2: Fixed Penalties and statutory notices (excluding advisory notices).

EXEMPT

Not Applicable

BACKGROUND PAPERS

None

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Comments of the Corporate Director of Legal, HR and Regulatory Services	Pauline Campbell, 020 8356 2775 Pauline.Campbell@Hackney.gov.uk

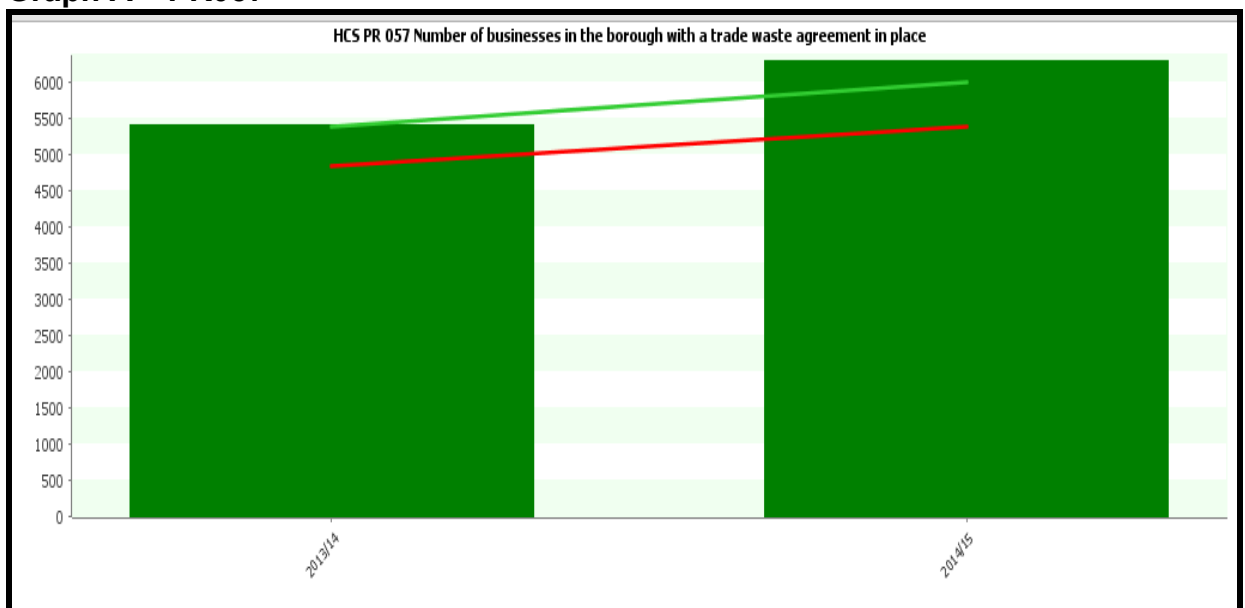
APPENDIX 1

ENVIRONMENTAL ENFORCEMENT – ANNUAL REPORT 2014/15

1. SERVICE PERFORMANCE - CORPORATE KEY PERFORMANCE INDICATORS

- 1.1 The service monitors performance against a set of 5 performance indicators (PIs). The performance information provided in this appendix provides the annual out-turns with commentary.
- 1.2 **HCS PR 057 (Quarterly)** – (Number of businesses in the borough with a trade waste agreement in place).
- 1.3 A business that produces waste is required to have a Trade Waste Agreement (TWA) which confirms that arrangements are in place for the disposal of waste produced by that business. There are approximately 12,000 businesses within Hackney according to a study undertaken in relation to the Hospitality agenda (2014) however an unknown proportion of these businesses are operated from home and are low risks in terms of breaches of waste legislation. An overall definitive figure for non-domestic rate premises that are likely to produce waste isn't available at present, however the Environmental Enforcement team have been driving a process to develop a business case for the creation of a "Business Index" working with ICT, Business Rates and other key stakeholder across the Council. A corporate project is now underway to compile the business case for the index which will give a clearer and more effective way to report on this PI and manage a standard of business intelligence within the service remit.
- 1.4 Graph A combines the number of live Private Provider Trade Waste Agreements identified by Environmental Enforcement coupled with Live Trade Waste Agreements issued by Waste Operations.

Graph A – PR057



- 1.6 The red and green trend lines within the Graph depict the acceptable performance thresholds with Red depicting the minimum standard and Green the target level of performance.
- 1.7 The number of businesses known to have a TWA in place shows an overall increase of 897 from 2013-14 (5410) to 2014-15 (6307). Whilst these are known to have a TWA in place this does not indicate whether those businesses are compliant with the terms of those agreements however the work to improve levels of compliance are available in later sections of this report.

HCS PR 058 (Bi Annual) – (Tonnage of Unregulated Waste).

This indicator is reported on a bi annual basis and captures the estimated amount of unregulated waste within the borough

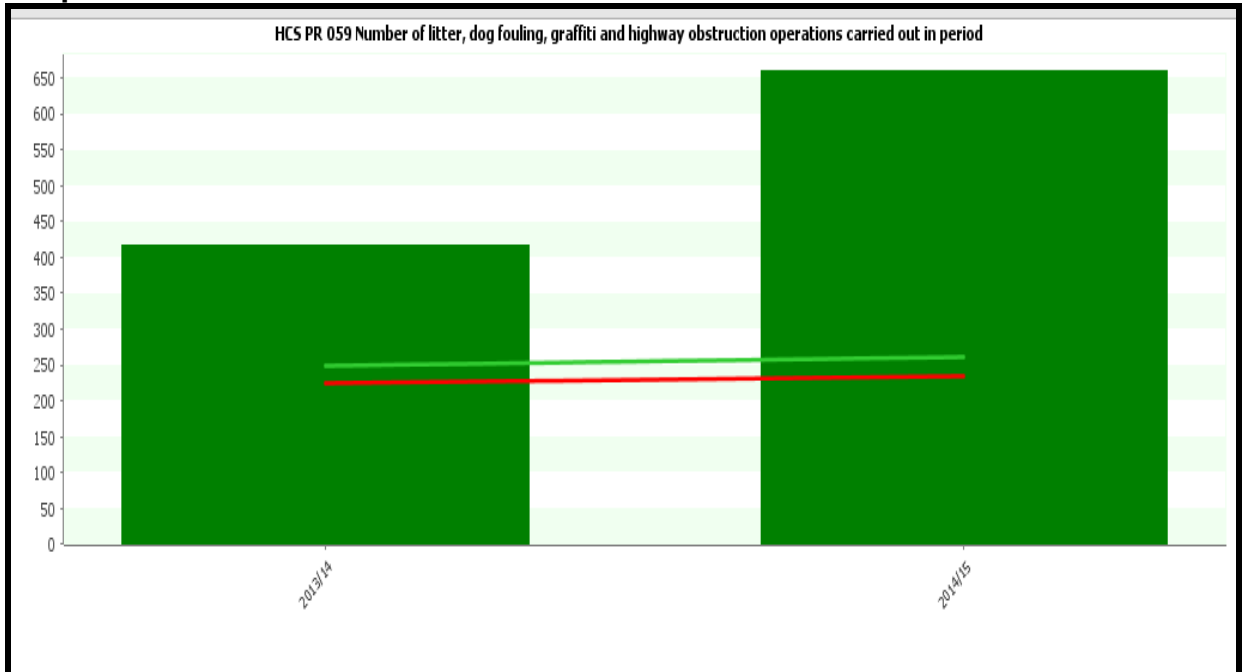
We have seen a reduction in unregulated waste of 482 tonnes from 5940 in 2013-14 down to 5458 in 2014-15.

The reduction is a result of proactive work within enforcement tackling non-compliance of waste management in the biggest impact commercial business areas, as well as wider work in investigations and prosecutions of large scale fly-tipping within the borough and education and advice concerning duty of care of both businesses and residents i.e. bulky waste collections and a close working relations with our Recycling Team and its remit.

- 1.8 **HCS PR 059 (Quarterly) – (Number of litter, dog control/fouling, graffiti and highway obstruction and other patrols).**
- 1.9 The graph below represents the planned, structured operations undertaken by the environmental enforcement team. These are driven by intelligence generated from service requests, corporate complaints, Ward Improvement Programme (WIP), Partnership Tasking and the enforcement officers' awareness and knowledge of their own areas.
- 1.10 In 2014-15, 660 targeted patrols/operations were delivered, an increase of 244 from 2013-14's out-turn of 416 and against an annual target of 260.

1.11 Graph B below provides the service performance against target for PR 059:

Graph B – PR059

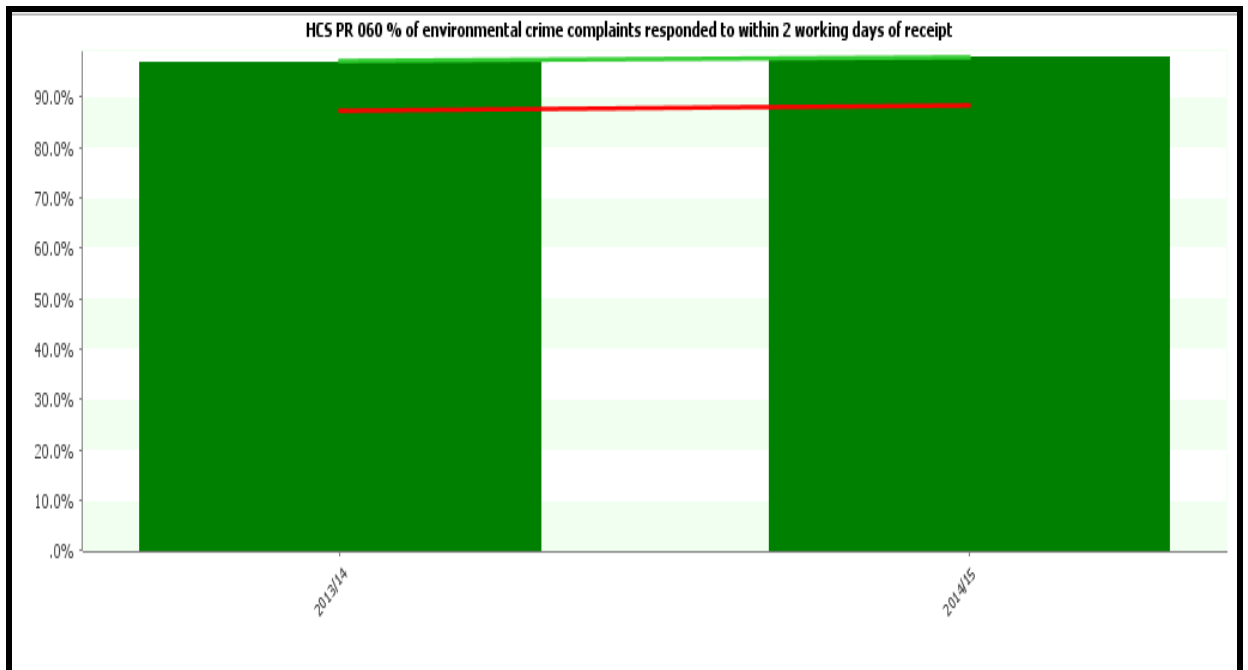


1.12 **HCS PR 060 (Monthly)** – (% of environmental crime service requests responded to within 2 working days of receipt)

1.13 When the Team receives a request, Officers contact the person highlighting the issue (if this is possible) and tell them what action the officer proposes to take. This invariably involves a visit to the site, an assessment of the issue and determination of the action to be taken. Subsequent to this the person may be contacted again for further information and/or updated.

1.14 The graph below provides the service performance against target for PR 060 and shows the successful achievement of 98% as set against all external service requests for initial contact with the customer/complainant.

Graph C – PR060



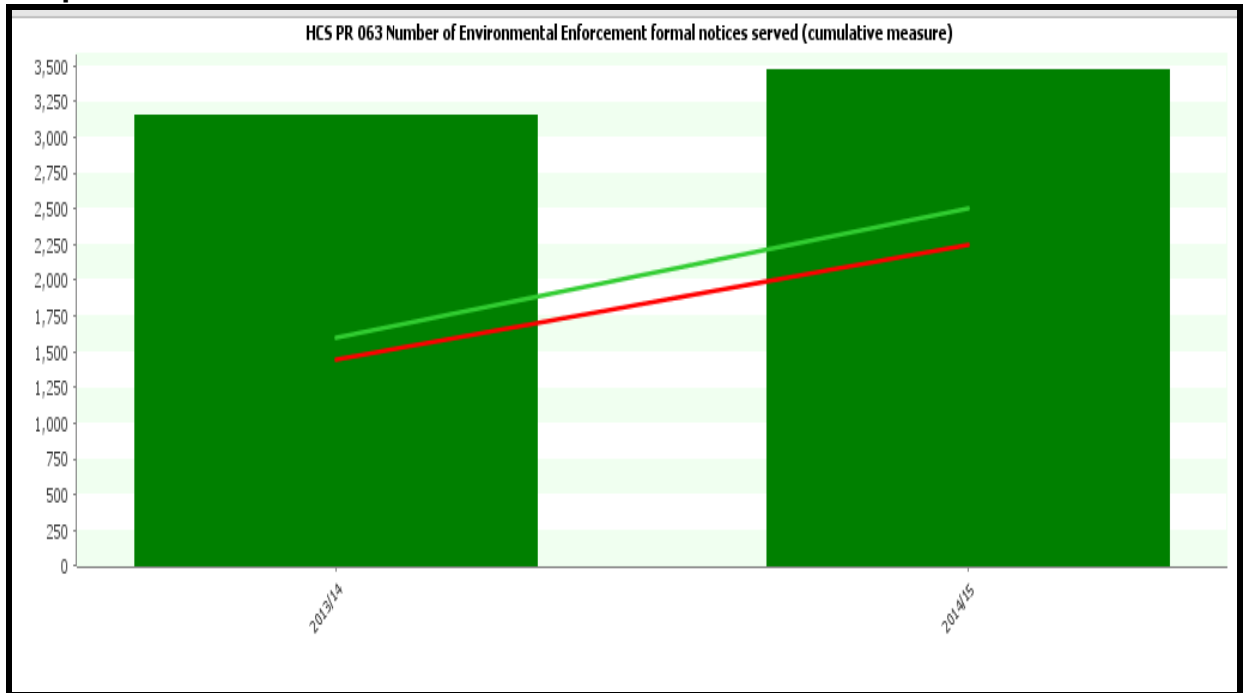
1.15 HCS PR 063 (Quarterly) – (Number of formal notices issued)

1.16 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.

1.17 The tables below demonstrates 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.

1.18 Graph D below provides the service performance against target for PR 063:

Graph D – PR063



- 1.19 The above figure represents a significant increase in the number of formal notices issued due primarily to improvements to the deployment and tasking of officers, focussed delivery of our LEQ priorities in effective delivery. We set a target of 2500 formal notices to be issued for 2014-15 and increase of 900 from 2013-14. This was achieved with an increase of 317 notices issued; an increase from 3157 (2013-14) to 3474 (2014-15).
- 1.20 For Financial Year 2014/15 the payment receipts for FPN's was £50,109.06.
- 1.21 The service has received a total of 174 corporate complaints and member enquiries during the year with 99% being responded to within corporate timescales. This represents a decrease from 2014-15 of 19 from 193 corporate complaints.

2. LEGAL CASEWORK AND PROSECUTION ACTIONS

- 2.1 A number of cases are with the legal service/courts and are currently pending and these relate to offences including: Waste Duty of Care, Fly tipping, Street Urination, Illegal Street Trading, Highway Obstructions and Fly posting.

2.2 Table 1 below provides a snapshot of overall prosecution case management.

Table 1 – Prosecution case management

FINAL OUTCOME	Total
Case withdrawn	7
file closed	1
FPN Paid	2
Successful	11
warrant issued	3
Pending	4
Simple Caution	28
Grand Total	56

2.3 Table 2 below highlights prosecution cases by offence type.

Table 2 – Prosecution cases by offence type

Types of Offences	Total
Failure to Produce WTN	25
Fly tipping	18
Highway Obstruction	3
Illegal street Trading	1
Littering	3
Dog fouling	1
Fly Posting	3
theft	1
Failure to Provide Info	1
Grand Total	56

3. 2014/15 PRIORITIES

3.1 The priorities for the service in 2014/15 as defined in the LEQ Enforcement Strategy document were:

- To minimise the environmental impact of the growing Night Time and Weekend Economy:
 - Work with Town Centre Managers and the Police to better engage with licensed businesses to encourage improved environmental management around premises.
 - Develop the current process that enables Environmental Enforcement to make representations in relation to new licence applications and applications to vary licences.
 - Undertake NTWE enforcement operations
- To reduce Graffiti and control the level of Street Art within the borough:
 - Shoreditch: Understand Graffiti/Street Art dynamics in the area
 - Works in default budget to be created to enable recharge for removal where appropriate

- To reduce Fly posting:
 - Develop a new streamlined process for Fly posting enforcement enabling simultaneous Fly posting removal and enforcement
 - Tackle beneficiaries of Fly posting and identify worst offenders for higher fines
 - Secure removal of unauthorised sites

- To reduce unregulated waste:
 - Implement a working group tasked with addressing unregulated waste in a consistent and concerted manner
 - Implement daily enforcement patrol priorities
 - Identify and address businesses that do not have Waste Trade Agreements in place

- To reduce Illegal highway obstructions:
 - Implement revised A Board Policy
 - Improve partner working with Highways Licensing to enable enforcement campaign

- To reduce non-compliance costs
 - Undertake detailed analysis of the costs of all enforcement and non-compliance

- To reduce Dog Fouling and Improve Dog Controls:
 - To maximise resource to ensure robust enforcement action on dog owners against dog fouling, dogs not on leads and dogs that are out of control in public places
 - Enforce Dog Control Orders

- To change behaviours:
 - Take robust action against illegal street traders
 - Deliver communications plan which will support the delivery of this action plan and develop behaviour change campaigns
 - Work in partnership with our community and the business sector to facilitate participation in achieving and improved local environment to the benefit of those who live, work, visit and play within the borough.

3.2 Detailed in the summary below are a range of examples of the services work against service priorities carried out during the last financial year 2014/15:

- To minimise the environmental impact of the growing Night Time and Weekend Economy.

3.3 Work with Town Centre Managers and the Police to better engage with licensed businesses to encourage improved environmental management around premises:

- The team have worked with the Dalston Town Centre Manager to improve locations around Dalston such as Millers Terrace, a privately managed area that is a hot spot due to poor lighting, the poor condition of the road surface and waste related issues caused from both residential properties and businesses. The service ascertained ownership and met with stakeholders and facilitated the renewal of the carriageway surface to improve and make safe access for refuse crews to collect waste.

3.4 Develop the current process that enables Environmental Enforcement to make representations in relation to new licence applications and applications to vary licences:

- Since late 2012 the service have engaged with the licensing team to establish the service as a representative authority on new licence applications with the aim of preventing offences and minimising the impact of businesses. To date the service has considered over 150 licence applications and in the process applying over 400 licence conditions. Officers have appeared at Licensing sub-committee where licence conditions were challenged and on each occasion the committee has supported the intended actions and authorised the conditions.

3.5 Undertake NTWE enforcement operations:

- Throughout the financial year the selling of nitrous-oxide was actively tackled by the environmental enforcement team. The issue was raised by businesses in the Shoreditch community in late 13/14. As the scale of the issue was new to the borough we innovatively tackled the issue through our illegal street trading powers. Not only was the selling of the canister illegal on the public highway, the empty balloons and nitrous oxide canister also create littering which can be both unsightly and a health hazard to members of the public. This has proved to be frustrating to residents, local businesses and visitors to the borough.
- To date over 60 fixed penalty notice for £150 have been issued. Over 10,000 nitrous oxide canisters with a street value of around £65,000 have been seized.
- To reduce Graffiti and control the level of Street Art within the borough.

3.6 Shoreditch: Understand Graffiti/Street Art dynamics in the area:

- The service has audited the area to record “Street Art” and enforcement officers are maintaining a record of all new street art in the area and ensuring through inspection and liaison that property owners are not being adversely affected by unauthorised graffiti art. In addition joint working with

Environmental Operations has been reviewed and communication links have been improved which is enabling a more coordinated approach to managing new and historic graffiti cases.

3.7 Works in default budget to be created to enable recharge for removal where appropriate:

- To date enforcement action has been effective in achieving graffiti removal for example three notable above head height graffiti sites in Shoreditch resolved, however a need for this budget still exists in order to tackle remaining above head height graffiti sites in the borough.
- To reduce Fly posting

3.8 Sustain a new streamlined process for Fly posting enforcement enabling simultaneous Fly posting removal and enforcement:

- A streamlined integrated service delivery process has been developed with Environmental Operations to enable swift enforcement and swift removal of Fly posting. Essentially Environmental Operations identify beneficiaries of fly posting, take photos and provide evidence to enforcement to enable further action to be taken. Environmental Operations will then take immediate action to remove the Fly posting.

3.9 Tackle beneficiaries of Fly posting and identify worst offenders for higher fines:

- This action is still ongoing, however to date it has not been necessary to take any specific beneficiaries through to prosecution action as they have paid FPN's or resolved the matter.

3.10 Secure removal of unauthorised sites:

- The service secured the removal of two major sites for fly posting on Great Eastern Street. These sites were being sold by a company as legitimate sites and through taking enforcement action the service secured the removal of these sites. Many other sites have been removed through enforcement action and through action to clear the site rapidly through liaison with Environmental Operations.
- To reduce unregulated waste

3.11 Implement a working group tasked with addressing unregulated waste in a consistent and concerted manner:

- The Unregulated Waste project formed part of the Delivering Integrated Waste Programme reducing the financial and environmental burden of unpaid or overproduced waste from businesses. The service has formed close professional links with Environmental operations to fully analyse the

problem, improve data and evidence capture with the aim of increased compliance and reducing costs.

- Unregulated Waste Phase 1 delivered in excess of 1100t pa reduction in unregulated waste. Phase 2 has now been completed seeing a further reduction of 482t. Despite this reduction, dumped or overproduced commercial waste on Hackney's main streets is estimated to total 5458t. Commercial waste disposal charges for this tonnage amounts to £573k.

3.12 Implement daily enforcement patrol priorities:

- Unregulated Waste features in all officers daily actions.

3.13 Identify and address businesses that do not have Waste Trade Agreements in place:

- To date the service has been unable to establish clear data on the number of businesses in the borough. A study by the Programmes and Projects team has established that there are approximately 12,000 businesses operating within the borough; however it's suspected that there are a significant number of home based businesses in the figures and these do not contribute in any significant way to the borough's unregulated waste quantities. Previous reports to Committee have highlighted the work of the team in trying to establish a business index that would help the service to better analyse the number of businesses with no Trade Waste Agreements. A corporate project has now commenced to compile a business case for the index.
- Detailed below are a few case examples:
 - To reduce Illegal highway obstructions.

3.14 Implement revised A Board Policy:

- For A Boards, 163 Advisory letters and 60 FPNs have been issued.

3.15 Improve partner working with Highways Licensing to enable enforcement campaign:

- The service has improved liaison with Highways Licensing and this resulted in an increase in the number of enforcement actions undertaken.
- To reduce non-compliance costs

3.16 Undertake detailed analysis of the costs of all enforcement and non-compliance:

- The service has reviewed all of the costs it applies to legal cases and has a full view on the costs of Unregulated Waste.

- To reduce Dog Fouling and Improve Dog Controls.
- 3.17 To maximise resource to ensure robust enforcement action on dog owners against dog fouling, dogs not on leads and dogs that are out of control in public places:
- A meeting took place in early January 2014 between the Enforcement team and Hackney Homes ASB team to try to progress Dog Control Enforcement by Hackney Homes ASB team and to explore the potential for further joined up enforcement working between Environmental Enforcement service and the wider Hackney Homes family of services that have an interest including Estate Management and Environmental Management teams.
 - The meeting was very useful as a new starting point for exploring options for joint working to address a number of joint priorities such as Complaint Management, Dog Control, Fly Tipping and Littering on Estates. This will build upon the Community Wardens enforcement of Dog Control on estates that they currently do on Hackney Homes and Environmental Enforcement's behalf.
 - Whilst we carried out training with HH officers in 2012/13 to enable them to enforce the new Dog Control Orders on estates, it was recognised that the time was not ideal to enable the ASB team and wider HH teams to get involved in the process given the structural changes being made at the time. It is positive that we can now move forward with this initiative.
 - A timeline has been developed for the various work streams of this initiative:
 - Train and Warrant HH ASB Officers to carryout primary Dog Control Enforcement up to and including issuing Fixed Penalty Notices (Q2 2014/15)
 - Capture and Map Issues (Dogs/Waste) and improve liaison between EE and HH Estate Managers and Estate Environmental Operatives (Q1 2014/15)
 - Train and develop reporting processes to enable Estate Managers and Estate Environmental Managers to act as professional witnesses for Environmental offences on estates (Q3 2014/15)
 - Train and Warrant Estate Managers to carryout primary Dog Control Enforcement up to and including issuing Fixed Penalty Notices (Q2 2015/16)
 - To date we have successfully delivered the Ambassadorial approach through current service budgets and our joint working with the Council's Community Safety Wardens has been recognised.
 - To change behaviours.
- 3.20 Take robust action against illegal street traders:

- The service has carried out operations with Environmental Operatives, Local Police Teams, Safer Neighbourhood Teams and British Transport Police to address illegal selling at Boxpark and in the Shoreditch and Dalston areas at night. These actions have resulted in numerous seizures and have helped deliver a reduction of Illegal street trading in the borough over the year.

3.21 Deliver communications plan which will support the delivery of this action plan and develop behaviour change campaigns:

- The service communication plan remains under constant revision and supports every aspect of the actions undertaken by the service. Key actions are detailed above relating to A Boards Policy implementation, Dog Fouling Campaign and the Unregulated Waste project.

3.22 Work in partnership with our community and the business sector to facilitate participation in achieving and improved local environment to the benefit of those who live, work, visit and play within the borough:

- The service implemented Neighbourhood deployment and problem solving to help facilitate the building of local partnerships.

APPENDIX 2

ENVIRONMENTAL ENFORCEMENT – ANNUAL REPORT 2014/15

SERVICE PERFORMANCE – Fixed Penalty and other Statutory Notices

Concerning our delivery of formal enforcement notices (including fixed penalty and statutory notices), please see the below table which outlines our outturns of these formal notices by the offence (environmental crime action) type and total 2339.

As you can see a large proportion 44% of enforcement actions have concerned waste issues; this includes commercial and residential waste enforcement and the tackling of unregulated waste and fly-tipping. Litter volume crime offences such as street litter, urination etc make up 24.5%. Highways enforcement such as skips, A-boards, hoarding is our second most active area for formal action taking up 13.7% of our outturn. Other areas of our remit such as Dog control 1%, Illegal Street trading 1.1%, graffiti and flyposting; which is a volume crime 14.8%, account for the remaining actions. These action are reflective in our priority work and achievements throughout 2014-15 concerning unregulated waste, flyposting and A- board (Highways Act Enforcement) policy changes and enforcement.

Enforcement Type	Notice type	Count of Enforcement Type	Percentage of overall Output
☐ Dog Control Enforcement	Dog Off Lead in General Public Area	8	
	Dogs on Leads by Direction	1	
	Section 59 Dog Fouling FPN	11	
Dog Control Enforcement Total		20	0.9
☐ Highways Act Enforcement	Highway Obstruction 48 Hour Removal Notice	3	
	Highway Obstruction 5 Day Removal Notice	5	
	Highway Obstruction 7 Day Removal Notice	111	
	Highway Obstruction FPN	198	
	Section 154 Overgrown Tree etc Notice	4	
Highways Act Enforcement Total		321	13.7
☐ Illegal Trading	Illegal Shop Front Trading FPN	5	
	Section 38 Illegal Street Trading FPN	21	
Illegal Trading Total		26	1.1
☐ Poster/Advertsing Volumn Crime	Fly Posting FPN	334	
Poster/Advertsing Volumn Crime Total		334	14.3
☐ Request for information during investigation process	Section 108 Notice	23	
Request for information during investigation process Total		23	1.0
☐ Volumn Crime Litter/Urination	Section 88 Litter FPN	300	
	Section 88 Urinating FPN	272	
Volumn Crime Litter/Urination Total		572	24.5
☐ Waste Enforcement	47ZA FPN for Section 46 Notice	1	
	47ZA FPN for Section 47 Notice	69	
	Community Protection Notice (warning to owner to remove)	4	
	LBH Waste Contract Details / Section 47 Notice	276	
	NON-LBH Waste Contract Details / Section 47 Notice	73	
	Section 94 FPN (for 92a notice)	3	
	34(5) Notice (Commercial waste request for details of arrangement)	250	
	34(6) FPN (fine for non adherence to 34/5)	77	
	Section 46 Notice (for non compliance of domestic waste)	264	
	Section 93 Notice (Street Litter clearing)	5	
	Section 92a Notice (litter/waste control on private land)	9	
Waste Enforcement Total		1031	44.1
☐ Graffiti Enforcement2	Community Protection Notice (warning to owner to remove)	1	
	Unauthorised Marks on the Highway FPN	11	
Graffiti Enforcement2 Total		12	0.5
Grand Total		2339	

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<p>Enforcement Budget Scrutiny Task Group 2nd November 2015 Item 5: Minutes of the Previous Meeting</p>	<p>Item No 5</p>
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Outline

Attached is a draft set of minutes from the meeting of the 9th September 2015, and further details relating to matters arising.

Action

Requests for further information were made at the previous meeting. Responses available are outlined below.

Matters Arising

Item 6:

Action: Clarification requested regarding what is in scope.

Response: Additional reports have been attached at the end of the minutes.

Action: Officers to provide information outlining the context and proposals with costings and potential income generation, together with associated savings.

Response: Reports on agenda

Action: Items in agenda Programme Board to circulate reports

Response: Circulated to Members

Action: meeting with Chair and Members

Response: Meeting taken place

Action: mapping of customer insight information

Response: part of phase 2 of the cross-cutting review programme.

Action: officers to provide information on the 2 projects

Response: details sent to Members

The Commission is asked to:

- Agree the accuracy of the minutes
- Note the Matters Arising

London Borough of Hackney
Budget Scrutiny Task Group - Enforcement
Municipal Year 2015/16
Date of Meeting Wednesday, 9th September, 2015

Minutes of the proceedings of the
Budget Scrutiny Task Group –
Enforcement held at
Hackney Town Hall, Mare Street,
London E8 1EA

Chair

Councillors in Attendance

**Cllr Richard Lufkin, Cllr James Peters,
Cllr Caroline Selman and Cllr Peter Snell**

Apologies:

Kim Wright, Corporate Director Health and Community Services for late attendance

Co-optees



Officers In Attendance

John Allen (Assistant Director Planning and Regulatory Services), Sanna Johansson, Tom McCourt (Assistant Director - Public Realm), Jackie Moylan (Assistant Director of Finance CYPS and LHRR), Wayne Stephenson, Kevin Thompson and Kim Wright (Corporate Director Health and Community Services)

Other People in Attendance

Members of the Public Public In Attendance

Officer Contact:

Natalie Kokayi
 0208 356 3029
 Natalie.Kokayi@hackney.gov.uk

Cllr Selman in the Chair following Election

1 Election of the Chair

1.1. The Scrutiny officer opened the meeting and invited nominations for the election of the Chair. Nomination of Cllr Caroline Selman was made by Cllr Peter Snell and seconded by Cllr James Peters. Cllr Selman was elected as Chair.

1.2. The Chair welcomed Members and colleagues to the meeting.

2 Apologies

- 2.1. Apologies were received from Cllr Sophie Linden, Deputy Mayor, Corporate Director Legal and Regulatory Services, Gifty Edila, Steve Bending, Head of Safer Communities. Kim Wright, Corporate Director, Community Service, sent apologies for late attendance to the meeting.

3 Urgent Items/Order of Business

- 3.1. There were no urgent items.

4 Declaration of Interest

- 4.1. Cllr Peter Snell declared that he is a member of the Regional Committee of the Institute of Environmental Health.
- 4.2. Introductions were made around the table of all those present.

5 Terms of Reference (as agreed by Governance and Resources Scrutiny Commission)

- 5.1. The Terms of Reference were introduced by the Chair noting that they had been agreed by Governance and Resources Scrutiny Commission. Members noted the Terms of Reference.

6 Proposed Saving Areas for 2016 - 2017

- 6.1. The Chair introduced the item outlining the work of the Task Group to understand what the scope of the Enforcement Task Group and to gain an understanding of income and expenditure profiles and restrictions associated with income and expenditure streams.
- 6.2. The Programme Manager introduced the item noting that the current review was born out of an away with HMT and Cabinet in 2014 following a stock take of services and reviews.. There was an identification of need to review and re-shape services, take a step back to consider what services do and what their purpose is in relation to stakeholders and residents. To understand what the local authority is enforcing against and why and how is it undertaking this function. There were originally 15 services in scope; this has now been reduced to 11 service areas.
- 6.3. The programme started in December 2014 with a review phase to consider the existing structures and to consider the future direction. This phase was undertaken in the context of the Mayor's manifesto commitments and to undertake a gap analysis within this context. This first phase to June 2015 identified:
 - No overarching Policy of Enforcement Framework set by the authority to drive enforcement standards across the authority and provide structure to develop remit-related policies and strategies.
 - Enforcement service design and operating models hinders improved enforcement delivery.

- There are examples of best practice, however, performance is inconsistent and opportunities for joint working are not maximised with opportunities from the 2013 stock take and phase 1 work not adopted.
- 6.4. The review identified the need for a new operating model focused around customer needs and to deliver service improvements with quick wins that can help inform the way forward. It is proposed that a draft “Umbrella” Integrated Enforcement Policy be developed with a clear vision and service transformation to outline how the authority will undertake its regulatory and enforcement role across all remits.
 - 6.5. The review has identified a number of projects to deliver the required changes focusing on Function Redesign and Strategy, and Operational Improvements. Overall there is a target for savings of £1.3m or 25% of services, whichever is the greater.
 - 6.6. The Chair thanked the Programme and projects Officer for the presentation and invited officers from service areas to provide an outline of their service areas together with the key issues and opportunities identified.
 - 6.7. The Head of Private Sector Housing outlined that the service had 25 full time equivalents (FTE) incorporating Environmental Health Officers and Private Sector Enforcement Officers, noting that a third of all housing tenures in the borough are privately rented. The service also has a remit in relation to adaptations to enable people to remain in their own home.
 - 6.8. Enforcement is usually used as a last resort; it is expensive to undertake but the service does use this enforcement method when necessary. The service has a licensing function in relation to houses in multiple occupation (HMOs). This is a mandatory scheme which is being considered for a wider intelligence-based proactive service. The long term view for the service is to consider bringing back into use long term empty properties for homeless people and to support the public health agenda.
 - 6.9. The Assistant Director, Housing, noted further context in terms of the size, growth, and profile in Hackney of the private rented sector. Growth has doubled in the past 10 years and there is a growing challenge for enforcement in addressing issues of poor conditions.
 - 6.10. The Cabinet Member for Housing, Cllr Philip Glanville outlined the centralised anti-social behaviour service (ASB) in Hackney Homes. Housing Management was brought back in-house in 2011 and the team triages intervention and mediation to ensure consistency. The service is funded by service charges, not through the general fund and there are counterparts in housing associations. The team also work on Hackney Homes estates in noise-related matters.
 - 6.11. The Assistant Director, Public Realm outlined that there are 60 FTE in Parking Services. The service is driven by statute and regulation with ring-fenced funding and has been in continuous review since 2002. In 2010-2011 there was a review to ensure the service was seen as fair and was scoped end-to-end with the appeal service identified as poor and recovery rates low. In the past 3-4

- years savings have been identified and the recovery rate has increased significantly.
- 6.12. CCTV has been removed this year which was previously used to support complaints from the public. The Service use ICT to help the parking permits process and business intelligence to ensure robustness. The ambassadorial role of enforcement officers is crucial to maximising resources.
 - 6.13. Environmental Enforcement has 12 FTE and over the past 3 years has not achieved outcomes expected. Since 2013 the service has been looking at outcomes through enforcement and the use of intelligence and identifying hotspots is key.
 - 6.14. The Assistant Director, Planning, noted that Building Control is out of Scope for the Review. Planning Enforcement has 7FTE; currently 1500 enquiries/year. There is a high demand service with a desire for fast decisions as against the need for a long term review of technical and complex issues. The service is not always as responsive to the public; the service is seeking to improve responsiveness through the use of improved ICT. The service has a strategic function including regeneration and employment.
 - 6.15. Trading Standards have 8 FTE and are engaged in cross borough partnerships and responding to complaints. In licensing 4 of the 13 FTE are engaged in enforcement. Environmental Health enforcement of food premises is 13 FTE. Mortuary and bereavement services are not formally part of the review.
 - 6.16. The Assistant Director, Finance outlined that cashable savings are expected to be in the region of £1.3m and may need to be profiled across 2016/17 and 2017/18, and 2018/19 financial years to enable sound implementation of changes and to manage risks appropriately. The salaries of roles in scope have been identified and equate to approximately 25% of the salaries in scope. It is expected, however, that a proportion of the savings may be made by reducing non-salary costs.
 - 6.17. In response to a Member query that not all service areas have been covered so far the Assistant Director, Public Realm, indicated that Markets have very little enforcement function but some aspects of the Markets service are still under consideration.
 - 6.18. The Programme Manager noted that the Community Safety Team (crime, gangs, vulnerable people) work with Hackney Homes re ASB. The team undertake low level enforcement re night time economy through a small contingent of enforcement officers.
 - 6.19. The Director for Community Services indicated that 1.5 FTE have been identified in parks Services as contributing to the current enforcement process and Parks Service is currently undertaking a separate review.
 - 6.20. The chair noted that it is difficult to understand what is in scope and what is not in scope as the agenda report is different to what is in the Governance and Resources agreed Terms of Reference.

ACTION: The Programme Manager to clarify what is in scope.

- 6.21. The assistant Director, Public Realm indicated that Streetscene is not in scope as there are no enforcement powers. Licensing coordination re skips etc sits in the Public Realm remit but enforcement sits with Planning.
- 6.22. The Chair wanted to understand how officers have come to the £1.3m figure and the Assistant Director, Finance, indicated that it was not an exact science and potential savings would become clearer as the review progressed.
- 6.23. The Chair noted that the content of the report indicates more integration and moving towards an emphasis on prevention. The Programme Manager indicated that in terms of integration the review is considering what enforcement is currently in place and to consider frontline street services (wardens, environmental enforcement, and uniformed presence) and functions.
- 6.24. With the more specialist services it is suggested that there are opportunities for integration; there are no current proposals, however, the review is working towards the identified timeline. Functions with specialist skills and expertise may be able to integrate the management structure; it may be difficult to integrate the functions within a generic job description. The review is looking to maximise joint working opportunities based on configuration proposals.
- 6.25. The Chair wanted to understand if the review is still at a high level strategic stage and the Programme and Projects Manager indicated that there are some early findings with design principles.
- 6.26. A Task Group Member suggested it would be useful to have more information and suggested a meeting outside of the Task Group.
- 6.27. The Director of Community Services outlined that the report presented seeks to set out where services have come from and the direction of travel and the existing agreed timeframe for the review is working to tie in with the Task Group timetable.
- 6.28. Cllr Glanville recognised the potential for an inconsistent approach given the two timetables.
- 6.29. The Chair noted the group concerns that given decisions are to be made in November 2015 the Task Group need to have appropriate information about the current position in order to inform its work regarding future proposals.

ACTION: Officers to provide information outlining the context and proposals with costings and potential income generation, together with potential associated savings.

- 6.30. The Chair wanted to understand the process being followed and what are the priorities and how they are being identified.
- 6.31. The Programme Manager indicated that the Programme Board is currently doing detailed work with services to identify potential efficiencies and tasks and activities using audit methodology which includes 100 officers. Workshops are underway to consider what service outcomes are and requirements from enforcement functions. The service functions are being scored using criteria to drill out the functions that are costly, have little impact or both costly and little impact. The approach is to identify services with the potential for greater impact

from investment. There are statutory services that have to be undertaken, however, the local authority may have discretion about the nature of provision. There are a range of services that are discretionary and are of high value to residents. The Programme Board are also reviewing the measures by which service performance is reviewed and there is potential for certain activities to be de-prioritised.

- 6.32. Members of the Task Group consider that this may not be the most appropriate approach and want the opportunity for ideas from the Task Group to inform the Executive's decision-making process.
- 6.33. The Chair noted that 6 quick wins have been identified and it is unclear what these wins are. The Chair indicated that the Group has been given a specific task and want to be clear about what contributes to this process; how and why they contribute and what benefits they bring. A Members indicated that a number of documents are identified in the report as part of the review process to date.

ACTION: Programme Board to circulate available reports.

- 6.34. The Chair wanted to understand what process has been undertaken to ensure robustness of the approach and the Programme Manager indicated that benchmarking, consulting, and customer insight and communications are ongoing.
- 6.35. The Chair wanted to understand which other local authorities Hackney is working with and the Programme Manager indicated that they are working with a range of authorities including Haringey, the programme Manager's experience from work at LB Westminster, and the CIPFA benchmarking process. There is little evidence of other local authorities drawing all their enforcement services together; there are local authority examples of frontline services coming together in one directorate but not necessarily integrating processes and structures. Questions regarding how Hackney is exploring this work have come from other local authorities who are waiting for the outcome of Hackney's approach. High profile examples such as London Borough of Newham and London Borough of Tower Hamlets offers varied success.
- 6.36. A Task Group Member suggested the Chair meets with officers to take the work of the Task Group forward.

ACTION: Meeting between Chair and officers in the next week.

- 6.37. The Chair wanted to understand what customer insight was being captured as part of the review and the Programme Manager indicated that the Board is working with the Policy Team to undertake an analysis of demand and a workshop with officers is taking place on the 10th September 2015. The Chair wants to understand the mapping of the customer insight information.

ACTION: mapping of customer insight information to be included as part of the meeting to be set up in the next week.

- 6.38. In response to the Chair's query regarding the process for identifying areas of priority e.g. vulnerable people the Programme and Projects Manager indicated

that the review is capturing work taking place within service areas and there is a need to join up the intelligence across service areas. From an ICT perspective re intelligence there are two projects; to improve efficiency of mobile working and developing a council-wide system that can interrogate back-office council systems.

ACTION: Officers to provide information to the task group on the 2 projects.

- 6.39. In response to a Member query the Programme Manager indicated that in assessing impact and value of services there is pro-active work taking place. Data across services is critical to be considered notwithstanding the prioritisation process. There is also a balance to be had between pro-active and reactive services.
- 6.40. A Member wanted to understand the quick wins and the Programme Manager indicated that they are currently considering how noise complaints are managed and analysing the number of complaints and cases to build a demand map. Key issues include, for example, time of day and resources available to tackle the complaint, and partner involvement out of hours. Budget targets have not been assigned to quick wins. The Programme Manager indicated that the review is working with Planning Enforcement and using intelligence to prioritise services; how service requests and responses are handled currently and identifying realistic performance measures.
- 6.41. It is hoped that by improving the management processes for highways licensing the end-to-end process will improve. In relation to night time and weekend economy related issues the testing of different approaches will, it is anticipated, encourage behaviour change. Working to further develop business partnerships and how the Council engages with businesses to ensure compliance is ongoing. In addition, there is ongoing work to complete the transfer of pollution policy officers, previously sitting with community safety functions, into the Public Realm Policy Team.
- 6.42. The Chair wanted to consider what value the Task Group can add regarding income generation, staff turnover in specific service areas.
- 6.43. The Chair thanked officers for attending the meeting.

7 Date of Next Meeting

- 7.1. The date of the next meeting is to be agreed.

8 Any Other Business

- 8.1. There was no other business.

Duration of the meeting: 8.55 pm

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