



# CORPORATE COMMITTEE

Tuesday, 9th April, 2019

at 6.30 pm

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

## Committee Membership

Cllr Jessica Webb (Chair)  
Cllr Susan Fajana-Thomas (Vice-Chair)  
Cllr Katie Hanson, Cllr Vincent Stops, Cllr Mete Coban  
Cllr M Can Ozsen, Cllr Brian Bell, Cllr Ajay Chauhan  
Cllr Sade Etti, Cllr Margaret Gordon, Cllr Ned Hercock  
Cllr Clare Joseph, Cllr Peter Snell, Cllr Michael Levy  
Cllr Tom Rahilly

**Tim Shields**  
Chief Executive

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The press and public are welcome to attend this meeting

# **AGENDA**

## **Tuesday, 9th April, 2019**

### **ORDER OF BUSINESS**

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## Access and Information

### Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane, almost directly opposite Hackney Picturehouse.

**Trains** – Hackney Central Station (London Overground) – Turn right on leaving the station, turn right again at the traffic lights into Mare Street, walk 200 metres and look for the Hackney Town Hall, almost next to The Empire immediately after Wilton Way.

**Buses** 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

### Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in the Committee Rooms and Council Chamber

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

### Copies of the Agenda

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### Council & Democracy- [www.hackney.gov.uk](http://www.hackney.gov.uk)

The Council & Democracy section of the Hackney Council website contains details about the democratic process at Hackney, including:

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## RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

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Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

# ADVICE TO MEMBERS ON DECLARING INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Further Information

Advice can be obtained from Suki Binjal, Director of Legal and Governance Services on 020 8356 6234 or email [suki.binjal@hackney.gov.uk](mailto:suki.binjal@hackney.gov.uk)



## MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY, 8TH JANUARY, 2019

- Councillors Present:** Councillor Jessica Webb in the Chair
- Cllr Susan Fajana-Thomas (Vice-Chair),  
Cllr Katie Hanson, Cllr Vincent Stops,  
Cllr Mete Coban, Cllr M Can Ozsen,  
Cllr Ajay Chauhan, Cllr Margaret Gordon and  
Michael Levy
- Apologies:** Councillor Brian Bell, Councillor Sade Etti, Councillor Ned Hercock, Councillor Clare Joseph, Councillor Peter Snell and Councillor Tom Rahilly
- Officers in Attendance:** Dan Paul (Head of HR, OD and Elections), Aled Richards (Director Public Realm, Neighbourhoods and Housing), Gerry McCarthy (Head of Community Safety, Enforcement and Business Regulations, Neighbourhoods and Housing), Natalie Broughton (Strategic Policy Manager, Neighbourhoods and Housing), Yvette Ralston (Planning Services) and Sean Eratt (Legal Services).
- Also in Attendance:** Cllr Caroline Selman (Cabinet Member for Community Safety, Policy, and the Voluntary Sector) and Cllr Aron Klein

### 1 Apologies for Absence

1.1 Apologies for absence were received from Councillors Bell, Etti, Joseph, Hercock, Rahilly and Snell.

### 2 Declarations of Interest - Members to Declare As Appropriate

2.1 There were no declarations of interest.

### 3 Consideration of Minutes Of The Previous Meeting

**RESOLVED** that the minutes of the previous meeting held on 10 October 2018 be approved as a correct record.

### 4 Pay Policy Statement 2019/20

4.1 NOTED that 2019/10 be amended to 2019/20 at paragraph 3.2 of the report.

4.2 Dan Paul introduced the report stating that the Localism Act 2011 required the Council to publish an annual pay statement for Chief Officer Pay and outlined the Pay Policy Statement for 2019/20.

4.3 In response to questions from Members regarding the proposed pay policy and officer pay excluding election salary, Mr Paul clarified that there had been no substantive changes to the policy and that the calculation of the pay multiples and methodology remained unchanged. However, the median pay had been updated to take into account an increase in salary of the lowest paid employees with all employees receiving an hourly rate that was equivalent to or higher than the London Living Wage and since 2017/18 the earnings of the lowest paid employee had risen at a greater rate than the highest paid earner. At paragraph 3.3 of the report four pay ratios had been presented and one ratio excluded election payments.

**RESOLVED to agree the Pay Policy Statement 2019/20 and recommend Council approve it.**

## **5 Review of Polling Districts and Polling Places**

5.1 Dan Paul introduced the report seeking approval for the polling districts and polling places. Following the review and responses received during the consultation it had been recommended that the polling districts and places remained unchanged.

5.2 Councillor Hanson referred to the HSSA polling district and queried whether Pitcairn House Community Hall polling station would continue to be used as it was outside the polling district and furthermore this polling station was located within a block of flats which could lead to confusion amongst residents about their polling station. Mr Paul replied that it was recognised that some polling stations could be located outside their polling districts or places, which was necessary due to various factors including location and suitability of a building and the difficulty of finding alternative suitable venues within a polling district. Mr Paul emphasised that at the last by-election there had been no issues or confusion with the location of the polling station and that residents of this block were aware that they were registered to vote at a different station.

5.3 Councillor Hanson referred to page 41 of the report and observed that the other entrance of Pitcairn House Community Hall on Mare Street was hidden by overgrown bushes and down a flight of steps. Cllr Hanson stated that at the last election the main entrance doors on the side of the building had been locked with voters having to use the entrance on Mare Street and concern was expressed that this could have confused voters and adversely impacted on the voting turnout that morning. Mr Paul acknowledged that the doors were locked but stated that signs had been placed at this entrance directing voters to Mare Street. In addition, this had not been a contributing factor for the poor turnout at this station as polling stations across the borough had experienced lower than average turnout during the morning of the elections. In future the doors on the side of the building would be open for this polling station.

5.4 Councillor Oszen referred to HSQE Fellows Court Community station and HSQC Laburnum Boat Club station and stated that residents in the same area sometimes voted at different polling stations. Mr Paul replied that this was due to the size and location of polling stations and managing the electorate across all available buildings in that area. The Council had found it a challenge to find suitable buildings for elections, however, it used the best buildings and locations for its polling stations.



5.5 Councillor Oszen indicated that the boundaries of the Wards at HNP London Fields and HSIE Leabridge had been an issue for his constituency and requested if representations could be made to the Boundary Commission to align the constituency boundaries. Mr Paul stated that the Boundary Commission for England was currently in the process of reviewing parliamentary constituency boundaries and that it was not an appropriate time to make representations. However, this issue could be re-considered following the changes to the parliamentary boundaries.

5.6 Members thanked officers for the well written report.

**RESOLVED to approve the final proposals in respect of the review:**

- i) To make no changes to the existing Polling Districts.**
- ii) To continue to designate the entire Polling District as the Polling Place for that Polling District.**

## **6 Regulatory Services Service Plan Update**

6.1 NOTED the following amendments at page 121 of the report:

- Page 121 - title to be amended from Indicators '2018-19' to '2019/20' and targets be amended from '31 March 2018' to '31 March 2019'

6.2 Gerry McCarthy presented the Food Law Enforcement Service Plan 2018/19 update and performance of the Environmental Health Service against the Plan for the 2017/18 and to end of Q2 2018/19. The report also highlighted the work of Hackney Trading Standards for 2017/18 and end of Q2 2018/1 as follows:

### **FOOD LAW ENFORCEMENT SERVICE PLAN UPDATE**

- Hackney Trading Standards for 2017/18 and to the end of Q2 2018/19
- The FSA's Local Authority Enforcement Monitoring System (LAEMS) data shows that 87% of Hackney's food premises were broadly compliant as of 31st March 2018.
- The breakdown of category A-C premises from the submitted 2017/18 LAEMS return, which highlighted that Hackney had the third highest number of food premises across the sector.
- Hackney had completed 100% inspections of high risk premises for food standards within the NE London Food Sector boroughs.
- Food Hygiene Inspection Programme - There has been a backlog of inspections of B, C, D and E premises.
- Food Hygiene Rating Scheme – since April 2018 12 premises had applied to be re-rated. However, there had been a lower uptake from SME and more information would be provided on the Council's Launch and Landing pad to increase uptake.
- There has been an overall decrease in enforcement activities mainly due to improved engagement with businesses.

### **TRADING STANDARDS SERVICE PLAN UPDATE**

- The scheme comprised a hazard element that is particular to the individual business such as a high risk premises selling products subject to safety legislation such as knives.

- There had been a rise in the number of consumer complaints for the same period for the previous year
- 52 of 72 weights and measures inspections had been undertaken
- Following from Operation Razorfish and Operation Bacchus a notice was served on a hotel for allowing child sexual exploitation and two proxy sales of alcohol were followed up with the licensee in relation to maintaining the licencing objective of safeguarding children from harm. Seven premises across the North and South of the Borough were visited with a sniffer dog and all were compliant in relation to legal tobacco.
- The Service had received the highest volume of complaints about rogue traders in this area
- Officers had conducted 21 animal feed visits out of 29 registered premises,
- There had been a reduction from three accredited financial investigators undertaking investigations to one at the end of Q2 2018/19
- Low risk category food businesses had been rated as a high risk as there was a backlog of inspections with 450 overdue in category D premises and 494 category E premises.

6.3 Cllr Stops asked what enforcement action was being undertaken to prevent the illegal sale of products on market stalls in Mare Street Narrow Way. Mr McCarthy assured Members that the Council carried out regular visits of stalls in particular to identify the sale of illegal cigarettes and alcohol.

6.4 Councillor Stops expressed concern that a premises found to be in breach of trading standards could continue to operate under a different name but under the same management. Mr McCarthy said that Public Health were specifically funding the role of an additional enforcement officer focusing on the enforcement of illegal tobacco and alcohol sales.

6.5 Councillor Ozsen enquired whether officers carried out food hygiene inspections of wholesaler premises and how many food samples were tested in a year. Mr McCarthy clarified that inspections of wholesalers were part of the Service's sampling programme and that it was cost effective for boroughs to submit their samples as a group for basic testing, however, results of more detailed sample tests would take longer.

6.6 Councillor Gordon sought clarification regarding the support offered to SME businesses and market traders. Mr McCarthy indicated that the Council had a Launch Pad webpage to provide advice and support to new SME businesses within the borough and also signpost traders to relevant information such as waste contract. In addition, officers were liaising with the Relationship Team to review and update the information on this webpage and Mr Richards added that the Markets Team specifically provided support for street traders to ensure that they complied with regulations.

6.7 Councillor Chauchan referred to low risk category food businesses at page 105 of the report and enquired about any extra resources within the service. Mr McCarthy confirmed that temporary staff had been employed to clear the backlog of overdue food hygiene inspections of Category D rated premises. The Service saw a peak in applications during the months of April to May, September to October, November to December and January when extra resources were required.

6.8 The Chair enquired if the sale of e-cigarettes and vapors to minors was illegal and whether any enforcement action could be taken. Mr McCarthy indicated that he would a response following the meeting. Councillor Selman added that there was a growing trend among young people using e-cigarettes/vapors and that Trading Standards could further investigate if there was a legal age limit restricting the sale of e-cigarettes/vapors.

**ACTION:** Mr McCarthy to provide information on the sale of e-cigarettes to minors.

6.9 Members requested that a senior officer from the Street Markets Team attend a future meeting of the Corporate Committee to discuss issues relating to the tables and chairs licence including whether the licence could stipulate the number of tables and chairs permitted for the premises.

**RESOLVED to note the level and scope of work being carried out to meet the requirements of the plan.**

## **7 Planning - Authority Monitoring Report 2017/18**

7.1 NOTED at page 130 of the report, third line of the last bullet point the amendment from '9,705' to '17,979' sqm of B8 floorspace.

7.2 Natalie Broughton introduced the Authority Monitoring Report (AMR) report providing monitoring information on the performance of Local Plan policies or policy documents and updates on planning-related activity and planning decisions over the past financial year 2017/18. It also reported on progress in new plan making (the implementation of Hackney's Local Development Scheme 2018-2021) and progress on Neighbourhood Planning in the Borough.

7.3 Ms Broughton highlighted the key findings of the AMR as follows:

- **Housing**

The Council's housing policy had delivered 7,165 new homes and outperformed the target between the financial years 2013 and 2017. A total of 482 housing units had been delivered in 2017 on small sites with less than ten units. In the financial year 2017 properties were slightly more affordable than the previous year with the average cost of homes 15 times average income and the Local Plan (LP) 2033 included a strategy requiring 50% affordable housing subject to a viability test to address housing affordability issues in the borough. Furthermore, the Council was introducing a new policy which would secure and deliver affordable housing on small sites.

- **Employment**

Hackney had approved planning applications that would provide 192,953 sqm net of new space mainly B1 (offices) use class in the future and between 2012-17 Hackney had gained 9,355 active enterprises creating more demand for workspace floorspace. However, there had been a loss of B1c, B2 and B8 industrial use floorspace and this was in line with the steady decline in industries and since 2013 Planning Service had secured 8,603.5 sqm of affordable workspace through S106 agreements. The proposed LP 2033 sets out the approach for securing more affordable workspace and protecting industrial floorspace. This was further strengthened by Article 4 Directions removing permitted development rights and protecting floorspace of employment uses.

- **Retail and Town Centres**

Overall there had been an increase in A1 retail floor space across the borough over the previous 5 years and town centres were expected gain more A1 A2 and A3 floorspace. However, there had been an overall loss of A4 drinking establishment floorspace in the borough with the exception of Hackney and Lower Clapton Road. Under LP 2033 the Council would be upgrading the designations of two Town Centres - Hackney Central will be upgraded from a district to major centre and Stamford Hill from a local to a district centre, and four new Local Centres will be designated at Greens Lane, Hackney Downs, Old Street and Dunsmere Road. The LP 2033 in conjunction with Article 4 Directions set out policies to protect retail floorspace especially in Town Centres, District Centres and Local Centres.

- **Communities, Culture, Education and Health**

In 2017/18 the Council had signed agreements totalling £7m and received a total of £3.6 million in Section 106 payments, £9.8m in Community Infrastructure Levy (CIL) contributions and collected £3.9 million for the Mayoral CIL.

- **Transport**

More people in Hackney used walking as their main mode of transport compared to Greater London boroughs and there had been a significant increase in the use of public transport. There had also been a growth in car free developments in the borough and planning policies had facilitated the delivery of 93% of completed developments that were car free in 2017/18 and an increase from the previous year. In addition, LP 2033 explored connectivity and growth linked to Crossrail 2 through the Dalston Masterplan SPD.

- **Open Spaces Environment and Climate Change**

Hackney was one of the greenest inner London boroughs with a net gain of usable open space in the last five years. It also had a total of 396 hectares of open spaces and 25 of 58 parks/open spaces in the borough had been awarded Green Flag status in 2017/18. Section 106 contributions had also been used to make improvements to existing open spaces.

- **Heritage and Design**

In 2017 the Heritage Risk Register showed a reduction of sites from 31 to 29 in the listed buildings at risk within the borough. Since 2013 ten tall buildings had been built with nine buildings having residential units and a further 18 tall buildings were in the pipeline.

- **Planning Performance**

In 2017/18 a total of 37 or 100% major planning applications were processed and determined in accordance with agreed timescales, outperforming the target set at 70% and 89% of building control applications were processed within 3 days which was above target. However, there remained challenges in meeting targets for planning application validations and registering applications by the deadline due to ICT and print room issues.

- **Local Development Scheme**

The Council was progressing towards the next phase of policy making. The draft LP 2033 was scheduled for submission to Government in January 2019.

7.4 Councillor Stops indicated that the Local Plan may need to be reviewed to take into account the uncertainty surrounding the Crossrail 2 project and requested that comparable data relating to the performance of Hackney and London boroughs in relation to housing be included in future reports. Ms Broughton advised that the uncertainty of the Crossrail 2 project would not impact on the local plan as there was no assumption based on delivery of this project and that this issue would be addressed in the Dalston Masterplan. Ms Broughton explained that Greater London Authority (GLA) produced a monitoring report that provided performance information in relation to the delivery of housing including social and affordable housing. The Chair indicated that it was not necessary to duplicate information in reports and requested that the GLA monitoring report relating to housing be circulated to Members.

**ACTION:** Natalie Broughton to circulate to Members the GLA monitoring report relating to housing performance when available.

7.5 Councillor Stops noted the reduction in floorspace for drinking establishments and asked how many public houses were in Hackney. Ms Broughton emphasised that there had been a minor loss of floorspace at approximately 1,400 sqm over a five year period and mentioned the Article 4 Direction on the Chesham Arms Pub to protect this public house. Ms Broughton indicated that she would provide the number of public houses following the meeting. In addition, Mr Richards stated that the Council attempted to list as many existing public houses to protect their status.

**ACTION:** Ms Broughton to provide the information in relation to the number of public houses in Hackney.

7.6 Councillor Hanson enquired about planning appeals performance. Ms Broughton stated that planning appeal performance figures were available at page 220 of the report and that a further appeals analysis report was being prepared for the Planning Sub-Committee in February 2019, which would examine the planning appeals dismissed, Planning Inspector's decision and the robustness of the Council's planning policies.

7.7 Councillor Ozsen asked whether the Local Plan 2033 reflected the needs of the local population such as elderly needs and any inconsistencies with the London Plan. Ms Broughton stated that LP 2033 reflected many of the policies within the draft London Plan such as housing targets and protection of local industries. However, there were minor differences in areas where the GLA took a different approach such as the viability test for affordable housing and tall buildings. Members indicated their support for the Council maintaining 50% viability test for affordable housing.

7.8 Councillor Chauhan queried the population forecast for Hackney of 321,000 by 2033 and asked about the timeline for the adoption of the LP 2033. Ms Broughton emphasised that the Council had worked with population experts to produce a realistic and robust population figure and since Brexit there had been a rise in out migration of the borough especially Western Europeans residents and changing patterns of families settling in Hackney. Ms Broughton outlined the timetable for adoption of the Local Plan 2033 including submission of the draft plan to Government by 24 January 2019 followed by examination hearings in May 2019 and receipt of the Inspector's report with any recommendation by September 2019 and any further consultations prior to adoption by Full Council in January 2020.

7.9 The Chair commended officers for the well written report.

**RESOLVED to:**

a. approve the **Authority Monitoring Report 2017/18 (as set out in Appendix 1)** subject to the amendment set out in paragraph 7.1

b. approve the **Local Development Scheme 2018/19 – 2020/21**

**Draft Work Programme 2018/19**

8.1 The draft work programme 2018/19 was noted.

**9 Any Other Business Which In The Opinion Of The Chair Is Urgent**

9.1 There was no other urgent business.

**Duration of the meeting:** 6.30 - 8.00 pm

Contact:  
Rabiya Khatun  
Governance Services Officer  
020 8356 6279



**NOMINATION FROM CORPORATE COMMITTEE TO COUNCIL JOINT COMMITTEE**

**CORPORATE COMMITTEE  
MEETING DATES 2018/19**

**9 April 2019**

**CLASSIFICATION:**

**Open**

**GROUP DIRECTOR**

**Tim Shields, Chief Executive**

**1. INTRODUCTION AND PURPOSE**

The Council Joint Committee (CJC) is a committee which meets quarterly comprising the Cabinet Member for Skills Employment and Human Resources, an appointee from Full Council, an appointee from Corporate Committee, the Head of HR and the union representatives. Following Sally Mulready stepping down from her role as an elected councillor, there is a Corporate Committee vacancy on the CJC.

**2. RECOMMENDATION(S)**

**The Corporate Committee is recommended to:**

**Appoint Councillor Jessica Webb as the Corporate Committee Member for the Council Joint Committee**

**3. REASONS FOR DECISION**

The Council Joint Committee has been carrying a vacancy since May last year. However, the CJC has only met twice in that time period. The CJC is a useful communication vehicle between Members, management and staff side and the strategic overview of human resources within the Council falls under the remit of Corporate Committee. It is therefore important that the Corporate Committee nominates one of its members to the CJC.

**4. COMMENTS FROM THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

There are no immediate implications arising out of this report.

**5. COMMENTS FROM THE DIRECTOR OF LEGAL AND GOVERNANCE**

There are no immediate implications arising out of this report.

<b>Report Author</b>	Tess Merrett, Governance Services Tess.merrett@hackney.gov.uk 020 8356 3432
<b>Comments on behalf of the Group Director of Finance and Corporate Resources</b>	Philip Walcott, Group Accountant Philip.walcott@hackney.gov.uk 020 8356 2396
<b>Comments on behalf of the Director of Legal and Governance Services</b>	Dawn Carter-McDonald Head of Legal and Governance Deputy Monitoring Officer dawn.carter-mcdonald @hackney.gov.uk 020 8356 4817





**ANNUAL PERFORMANCE REPORT OF THE NOISE SERVICE 2018**

**CORPORATE COMMITTEE  
MEETING DATE 2019/20**

**9<sup>th</sup> April 2019**

**CLASSIFICATION:**

**Open**

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

**WARD(S) AFFECTED**

**All Wards**

**GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING**

**KIM WRIGHT**

## **1. INTRODUCTION**

- 1.1 This report sets out the annual performance report in relation to noise nuisance for the period 1<sup>st</sup> January-31<sup>st</sup> December 2018.
- 1.2 The Corporate Committee has requested annual reports on how the Council responds to noise nuisance.
- 1.3 Noise nuisance in Hackney continues to receive an approach that looks at statutory noise nuisance and noise arising from anti-social behaviour together, so that the most appropriate action can be taken based upon the individual circumstances of the case. The service area brings together a range of enforcement services providing the opportunity to apply greater resources to a particular problem area and a better ability for specialists to collaborate and cases to be prioritised.
- 1.4 This report provides an update on the volume of noise complaints, a breakdown of the individual types of noise within the services workload, including Temporary Event Notices (TENs), which continue to place significant demand on existing resources.
- 1.5 The Environmental Protection Service Delivery Plan (the Plan) sets out the objectives of the Team and demonstrates how they are linked to the Mayor's Priorities and Hackney's Community Strategy.
- 1.6 The Plan sets out the key areas relating to Environmental Protection addressing statutory nuisance including commercial noise and odours, artificial light nuisance and construction noise, the management arrangements and resources that have been allocated for this work including key targets and performance indicators.
- 1.7 In fulfilling its duties the Team provides support to individuals, communities and businesses in Hackney.

## **2. RECOMMENDATION(S)**

- 2.1 Corporate Committee is recommended to:**
  - 2.1.1 Note the annual performance report for the service.**
  - 2.1.2 Note the level and scope of work being carried out to meet the requirements of the Plan.**

## **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 Noise Enforcement service.

- 3.2 It was agreed that the Plan is presented to Corporate Committee to ensure transparency and accountability.
- 3.3 The Plan ensures that there is programme of enforcement activity undertaken to deal with statutory nuisances such as noise, odours and artificial light nuisance and construction noise.

#### **4. BACKGROUND**

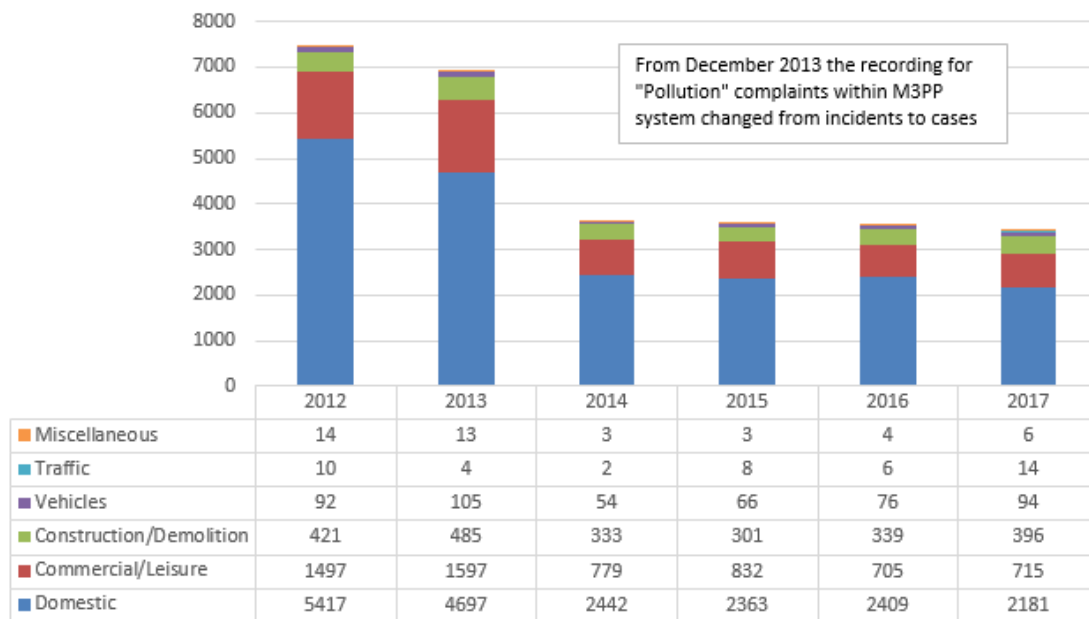
- 4.1.1 On 3<sup>rd</sup> May 2017 a new service titled “Community Safety, Enforcement and Business Regulation Service” (CSEBR) was established within the Public Realm Division of the Neighbourhoods and Housing Directorate.
- 4.1.2 The new service created an integrated enforcement service, in which all of the enforcement responsibilities were together under one service within three separate teams:
  - Community Safety
  - Enforcement
  - Business Regulation
- 4.1.3 The approach taken as part of the restructuring of the service was to split noise nuisance complaints and service requests into two distinct categories, one concerning commercial operations such as licensed venues or other business related activities and the other in relation to residential premises dealing with domestic noise situations such as the playing of amplified music, repeated late night parties etc and dealing with these residential issues as Anti-Social Behaviour.
- 4.1.4 Non-uniformed staff consisting of a small team of trained and qualified Environmental Protection Officers (EPOs) focus on noise from commercial premises both through case management and through reactive deployment at times when the noise is occurring including at night.
- 4.1.5 Uniformed Officers are generalists and do not have the specialised training of the EPOs, but will deal on a more reactive basis to residential sources of nuisance. There is crossover and co-working between the teams and currently uniformed staff are receiving additional training from the specialist Noise Officers. This is particularly so at night as the specialist noise service can be very stretched during periods of heavy demand.
- 4.1.6 In addition to this Community Safety and Principal Enforcement Officers (PEOs) who are Ward based deal with the more difficult to resolve and entrenched domestic noise and Anti-Social Behaviour (ASB) cases and also work out of hours.
- 4.1.7 Aside from reactive noise complaint work the EPOs have additional duties being a statutory consultee for licensing applications, the assessment of and making of representations on TENs, consultations in relation to planning matters and issues related to construction noise and other commercial nuisance.

## 4.2. Operational Report –Noise and ASB Management

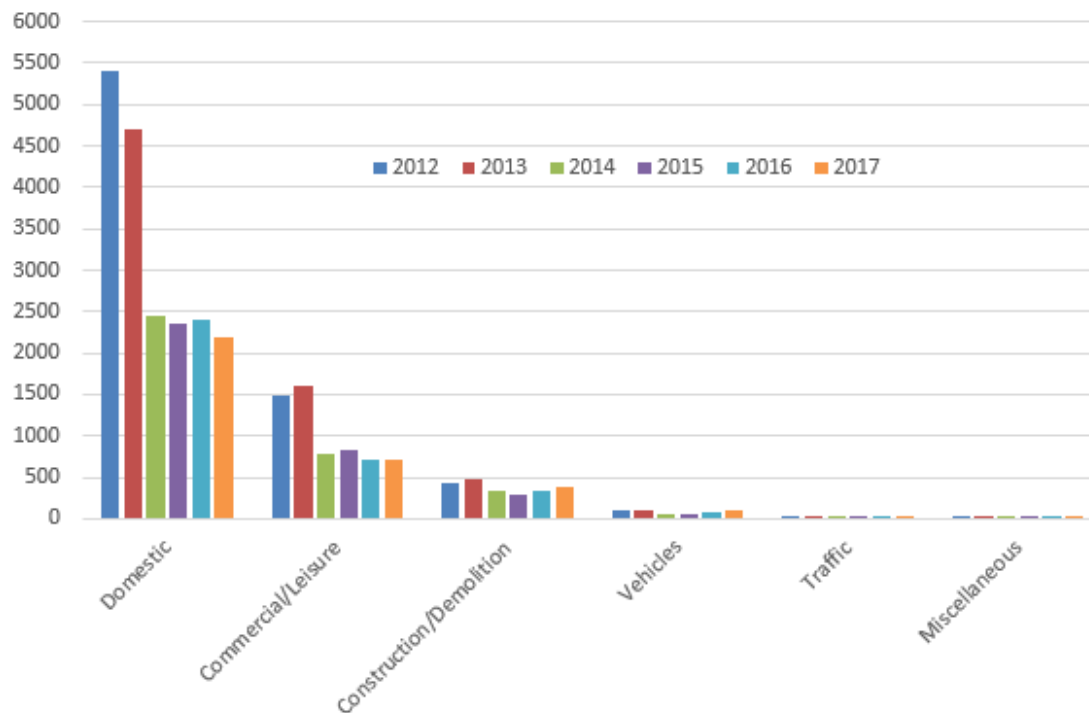
- 4.2.1 The merging of the staff dealing with domestic noise within the previous Safer Communities Service to improve the overall service provision towards noise and Anti-Social behaviour (ASB) has been continued and developed. The clear synergy between these elements of nuisance has been recognised by government in legislation and consequently noise is included as a category of ASB. The aim of the local changes was specifically to move towards a more uniform approach to managing noise and ASB.
- 4.2.2 This model included a more robust initial service request triage process using all the information available to the Team which includes Police Officers and Police information systems co-located within it using the Intelligence Hub capabilities, leading to better identification of repeat and vulnerable persons which is a key responsibility for Officers.
- 4.2.3 Developments have continued and in May 2018 changes were implemented that allowed a simpler and more streamlined approach for residents to complain of noise nuisance issues. Using the online noise reporting service residents can complain instantly at any time detailing their concerns.
- 4.2.4 The noise nuisance webpage has been reviewed and the updated webpage is now live. Multiple noise webpages have been streamlined to a single webpage which provides clear and concise information that can be navigated with ease. The online noise nuisance reporting form has been redesigned to allow complainants to complete a more detailed, yet non-taxing self-triage which will allow Officers to receive relevant information, better understand issues and plan an appropriate course of action.
- 4.2.5 Complainants now receive a same-day acknowledgement accompanied by newly developed 'Noise Action Guidance' which will detail next steps and assist with managing expectations. The reporting form has gone live and the link is [www.hackney.gov.uk/noise](http://www.hackney.gov.uk/noise). One of the ongoing focusses will be considering how we can build on the steps taken to date to improve the user friendliness of the noise service.
- 4.2.6 When staff receive completed requests during service hours (including out of hours) they are assessed and triaged for engagement if required. Residents can also telephone during normal office hours and out of hours at times when the service is operating but in busy periods it may not be possible to answer the call and they are directed to the online reporting service.
- 4.2.7 Back office changes also mean that complaints are no longer referenced to the caller but are assigned to the perpetrator which makes enforcement action much easier to determine for the level of engagement required. Further developments are planned to automate the service even more which will release resources from the back office to ensure a better more effective level of service.

- 4.2.8 The PEOs undertake a role much wider than that of investigating domestic noise complaints which includes investigating ASB, Police liaison and supporting a range of crime and ASB prevention initiatives. ASB casework can involve some very complex and protracted investigations with parties sometimes having particular vulnerabilities and multiple needs. These investigations can be very resource intensive and present a challenge when balanced with noise related matters. Officers also undertake enforcement work including the use of Community Protection Warnings and Notices for cases where it proves difficult to witness statutory nuisance, making applications for Closure Orders, Injunctions, and use of all the new powers provided by the Antisocial Behaviour, Police and Crime Act 2014.
- 4.2.9 The service also delivers an out of hour's noise nuisance service from within the resources allocated. The out-of-hours service operates to deal both reactively and proactively with noise Thursday 18.30 to 02.00, Friday and Saturday 21.00–05.00 and Sunday 18.30–02.00. Staff work a roster to cover this service.
- 4.2.10 the provision of an out-of-hours service is challenging as the demand is unpredictable and at times of peak fluctuation can result in up to twenty service requests in an hour, with a planned maximum of two staff to answer the requests and up to four deployed outside to respond to them. In each reported case research needs to be done, prior to responding to establish past history which could impact on the risk to attending Officers.
- 4.2.11 Equally the time taken to attend a service request and deal with it can range enormously from fifteen minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift spent dealing with for a complex rave in a remote area such as Hackney Marshes or a derelict industrial building, often in liaison with Police. In the case of the latter, there would be no further Officer availability to deploy to other calls received on that shift.
- 4.2.12 The total volumes of demand (individual contacts requiring a response) for all categories of service request relating to noise nuisance between 2012 and 2017 are shown in Charts 1 and 2 and for 2018 are shown in charts 3 and 4. It should be noted the database used for recording service requests changed in May 2018.

**Chart 1- Noise Complaint Totals - Calendar Years 2012 to 2017**



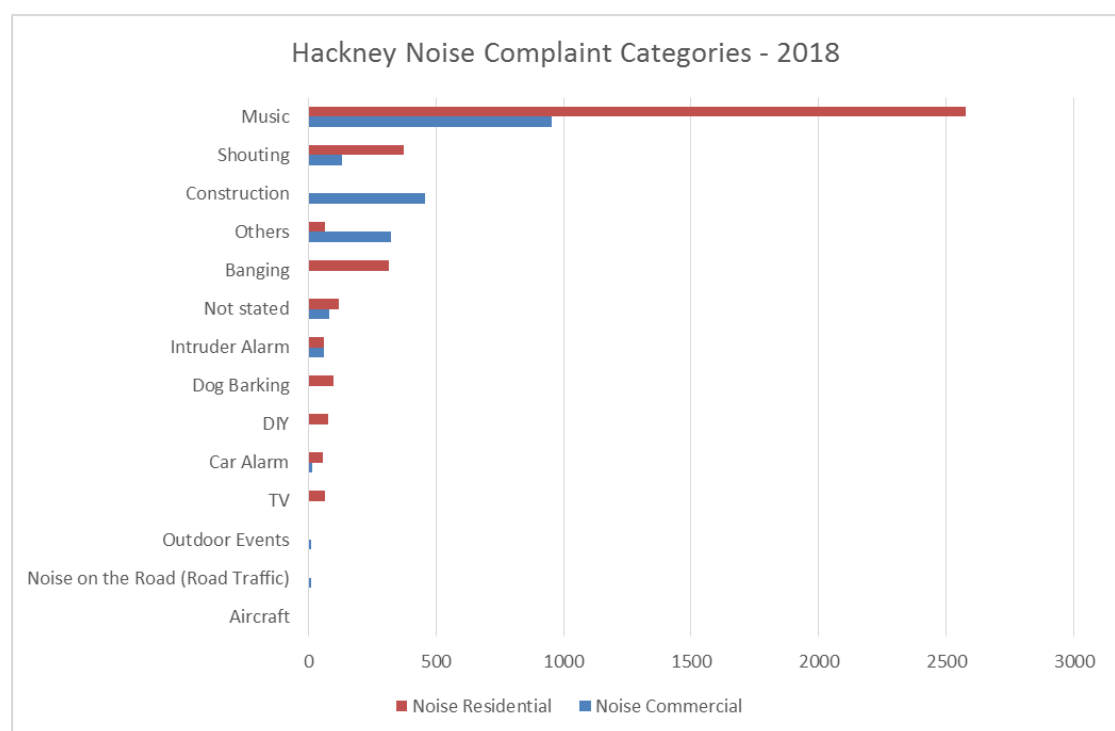
**Chart 2 Noise Complaint Sources Calendar Years 2012-2017**



### Chart 3 Noise Complaints received 2018

Noise Service requests 2018	M3PP Cases				Civica service requests								Grand Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<b>Noise Commercial</b>	<b>71</b>	<b>53</b>	<b>73</b>	<b>46</b>	<b>208</b>	<b>150</b>	<b>359</b>	<b>249</b>	<b>249</b>	<b>199</b>	<b>217</b>	<b>175</b>	<b>2049</b>
-					13	10	18	15	11	5	7	2	81
Aircraft							1				2		3
Car Alarm	4	4	3	3									14
Construction	29	19	21	15	43	31	80	56	52	40	38	33	457
Intruder Alarm	3		3	4	12	2	9	5	1	6	6	9	60
Music	11	11	13	10	122	84	176	99	120	113	103	92	954
Noise on the Road (Road Traffic)	1	1	4	1			2				3		12
Others	21	16	18	13	4	4	50	58	40	19	48	33	324
Outdoor Events		1	10			1	1						13
Shouting	2	1	1		14	18	22	16	25	16	10	6	131
<b>Noise Residential</b>	<b>127</b>	<b>99</b>	<b>79</b>	<b>121</b>	<b>423</b>	<b>456</b>	<b>631</b>	<b>501</b>	<b>413</b>	<b>338</b>	<b>318</b>	<b>319</b>	<b>3825</b>
-					12	24	19	16	11	12	15	12	121
Banging	13	12	7	11	34	25	22	11	31	28	71	53	318
Car Alarm					12	7	9	9	8	7	2	3	57
DIY	6	3	1	2	6	6	4	9	16	9	6	11	79
Dog Barking	4	1	1		5	11	16	19	13	7	12	10	99
Intruder Alarm	5	4	5		2	8	12	12	4	1	6	4	63
Music	71	65	53	93	298	314	475	364	275	222	160	187	2577
Others	14	8	5	11	4	7	1	4	2	4	2	5	67
Outdoor Events	1		1										2
Shouting	11	5	6	4	41	46	66	52	42	38	38	27	376
TV	2	1			9	8	7	5	11	10	6	7	66
<b>Grand Total</b>	<b>198</b>	<b>152</b>	<b>152</b>	<b>167</b>	<b>631</b>	<b>606</b>	<b>990</b>	<b>750</b>	<b>662</b>	<b>537</b>	<b>535</b>	<b>494</b>	<b>5874</b>

### Chart 4 Noise complaints 2018 showing the commercial /residential breakdown



- 4.2.13 The figures above relate to new and unique cases that are raised but do not reflect the complete workload of the team. The method of working previously undertaken was designed to identify repeat calls and make ongoing management of cases more effective. The initial triage process when new service requests were received, in addition to physically logging a case, required research to ensure past history and action is collated so that a full history is available.
- 4.2.14 Each service request requires this research process, which is more resource intensive than a basic call handling role but essential to prevent new cases being logged and not dealt with in their true historical and risk based context. However with the use of the online reporting form and the ongoing planned automation changes, this triage process is less resource intensive.
- 4.2.15 The activities of the EPOs especially in respect of commercial licensed premises are routinely directed through the weekly tasking process where inspections and engagement are co-ordinated. Officers work closely with the Licensing section and are routinely involved in all Licensing consultations and applications. Officers also lead on taking for licensing reviews through the Licensing Committee and the Courts.
- 4.2.16 In summary the approach balances a need to have a service that can respond to service requests for Officer attendance at incidents with a pro-active approach that appoints Officers to investigate often complex cases that have high risk or vulnerability attached and/or involve persistent perpetrators or premises.

### **4.3 Temporary Event Notices (TENs)**

- 4.3.1 The Licensing Act 2003 is the empowering legislation for TENs, implemented in November 2005. There have been three subsequent legislative changes, the first was a Legislative Reform Order (LRO) in July 2010 and implemented in October 2010. This minor change gave Police Licensing teams three working days to respond to a TEN from the previous maximum of two days.
- 4.3.2 The second change was the Police Reform and Social Responsibility Act 2011 that came in to effect in April 2012. This was more substantive and had a significantly wider scope than the earlier LRO and had the effect of:
- enabling an objection to a TEN to be based on all four of the licensing objectives rather than just the prevention of crime and disorder.
  - allowed the Environmental Health Service to be able to object to a TEN in addition to the Police.
  - extended the period for which an objection could be made from 2 working days to 3 working days.
- 4.3.3 However it also allowed the "late TEN" which saw the number of TENs received in Hackney increase by around 25% in the first year. The third was the



Deregulation Act 2015 that came in to effect in January 2016. This increased the maximum number of TENs a premises can have from twelve to fifteen per calendar year.

- 4.3.4 The number of TENs received has increased considerably over recent years, placing a considerable demand on Police Licensing, Council Licensing and EPOs dealing with noise from commercial premises. The Responsible Authorities (RAs) of which Environmental Protection is one and the Police the other in the case of TENs, have the responsibility to ensure minimal public nuisance is caused by the granting of TENs. However the legislation is extremely permissive for the applicant and specifies rigid timescales for response/refusal that if not met mean automatic acceptance of the application.
- 4.3.5 To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the applicant and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of applications received and timescales imposed by the legislation. As part of the integrated service one Officer has been dedicated to dealing with TENs to make the careful assessment of which applications to make a representation on thus targeting those applications which stand out as the most obvious through risk, enforcement, evidence or ones that have been historically problematic.
- 4.3.6 Additionally all TENs that have been issued are scrutinised at the regular weekly tasking meeting and potential events that need particular attention from a noise or ASB perspective are flagged by the Intelligence Hub. Enforcement resources may then be allocated to ensure that problems are prevented or reported on to prevent further occurrences through the licensing application processes.

### Differences and similarities between Standard and Late TENs for comparison

Variable	Standard TEN	Late TEN
Number of working days' notice required before event	10	5 minimum 9 maximum
Maximum number of TENs permitted per calendar year by type for a <b>personal licence holder</b>	50	10
	50 maximum per calendar year	
Maximum number of TENS permitted per calendar year by type for a <b>non-personal licence holder</b>	5	2
	5 maximum per calendar year	
Rights of appeal after a representation made	Full rights	None

Maximum number of TENs for a single premises in one calendar year	15	15
Maximum duration of any one TEN	168 hours (7 days)	
Maximum number of days permitted for a premises to be used for activities authorised by a TEN in one calendar year	21 days	
Minimum time required to elapse between TENs	24 hours	

4.3.7 The demand in Hackney has been disproportionately high and has the second highest number of TENs in London.

### **Hackney TEN's**

Numbers:

2012	1315
2013	1937
2014	1967
2015	1969
2016	1121
2017	2402
2018	2401

## **4.4 Construction Noise**

4.4.1 Construction noise normally manifests itself as a result of planning permission being approved for development and normally after actual work on site starts. The amount of construction in the borough has increased considerably in the past ten years and this has led to an increase in the average number of notices served or applications for consents approved under s60 and s61 of the Control of Pollution Act 1974. In the period April–December 2018 103 s60 notices were served while 122 consents were issued. Many of these require very detailed negotiations and many site visits throughout the lifetime and various phases of each construction project.

4.4.2 Funding has also been agreed to recruit two additional Officers to the Team on fixed Term contracts until 3rd March 2021 to assist with the increased numbers of requests received, assist with the out of hour's service and continue to provide the proactive service on Sundays in relation to construction noise.

## **5.1 Policy Context**

Not applicable to this report

## 5.2 Equality Impact Assessment

Not applicable to this report

## 5.3 Sustainability

Not applicable to this report

## 5.4 Consultations

Not applicable to this report

## 5.5 Risk Assessment

Not applicable to this report

## 6. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

6.1 This report requests the Corporate Committee to note the annual performance in relation to noise nuisance for the period 1st January to 31st December 2018.

6.2 There are no immediate financial implications as the report notes retrospective data for 2018. The cost of the Noise Enforcement Service is managed within the Community Safety and Enforcement Budgets.

## 7. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

7.1 There are no legal implications arising from this report.

### APPENDICES

Appendix 1 - Environmental Protection Service Delivery Plan

### BACKGROUND PAPERS

None

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**Environmental Protection Service Delivery Plan 2019-2020**

**March 2019**

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## INTRODUCTION

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

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

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

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

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

This service plan aims to provide such an approach and demonstrate new strategies enacted by the service to overcome obstacles and other impediments faced by the department. However, it also identifies areas that will need to be addressed for 2019-20 in order to maintain the current level of service being provided.

## 1.0 ENVIRONMENTAL PROTECTION TEAM

### 1.1 Highlights from 2018-2019

- **Sunday Construction Patrol**

The 'Sunday Construction Patrol' (SCP) was introduced in Service Year 2018-2019 to specifically target construction sites the EPT had received complaints about 'breach of construction hours' occurring on a Sunday. Figure 1.0 below provides the data for the number of construction site noise complaints received by the EPT per month, the number and percentage of Sunday's complaints and the number of repeat complaints. There was only one repeat complaint received in September 2018, however, this was due to the original complaint not being assigned to a ward officer and therefore no referral was made for the SCP.

Months	Number of Construction Complaints for the month	Number of Construction Complaints received on Sundays each month	Number of Repeat Complaints	Sunday Complaint Percentage
May-18	43	4		9%
Jun-18	31	4	0	12%
Jul-18	83	15	0	18%
Aug-18	60	5	0	8%
Sep-18	56	16	1*	26%
Oct-18	40	7	0	18%
Nov-18	37	10	0	37%
Dec-18	32	8	0	25%
Jan-19	33	4	0	12%
<b>Total</b>	<b>415</b>	<b>73</b>	<b>1*</b>	<b>18%</b>

Fig.1.0

- **Online Nuisance Complaints Platform (E-forms)**

The online e-form complaints platform was launched in May 2018 and can be accessed via the Hackney Council website. The platform removes the need for residents and businesses to raise complaints about noise, nuisance and anti-social behaviour via the telephone number. It should also be noted that prior to the introduction of the e-form, complaints were required to be manually inputted on the database by officers and support staff. Since the new platform was introduced, the service has redirected resource to additional areas of need as a result of time saved.



- **Civica Database Migration**

As proposed in the Service plan for years 2018-2019, the migration of the Environmental Protection Database was completed in May 2018. As a result of this migration which coincided with the launch of the online complaints portal, the Environmental Protection Team is now able to accurately compile the total number of service requests received by the service. It also has reduced the requirement for an Officer/Support Officer to manually input new complaints on to the database.

## **1.2 Case studies 2018-19**

### **1.2.1 Light Nuisance**

#### **'Doughnut Time', 233B Old Street Hoxton London EC1V 9HE**

In May 2018, an Environmental Protection Officer (EPO) received a telephone call from a member of the public about light nuisance occurring every evening from a commercial premises near their property. The complainant informed the EPO that they had made several efforts to get the organisation responsible for the premises to consider addressing the problem informally. However, their efforts were ignored by the company and the nuisance continued.

A pro-active visit was arranged with the complainant to assess light illumination inside their property to establish of the light amounted to a statutory nuisance under section 79 of 'The Environmental Protection Act 1990'. At the beginning of June 2018, a visit to the complainant's property was made by the EPO and an assessment was carried out. The Officer observed that the light emanating from the commercial building was intruding into the complainant's property and thereby preventing them from enjoying the use of their property. The Officer concluded that light nuisance amounted to a Statutory Nuisance.

The EPO visited the premises and advised the manager about the level of illumination inside the complainant's property and the impact on the occupier/s of the property. The EPO requested that the light nuisance is abated within seven days or an Abatement Notice will be served on the company responsible. As a result of the officers' actions and their intervention, a week later the EPO confirmed via telephone from the complainant that the light is now permanently switched off and is no longer a nuisance to them. This case reflects how the cause of a large proportion of all nuisance complaints are due to negligence and oversight.

### **1.2.2 Noise Nuisance - Mechanical Noise**

#### **Noise nuisance from the 'Heart of Hackney', 255 Mare Street**

Following complaints from a resident of Mare Street regarding a 'loud mechanical' noise from a roof plant belonging to the 'Anatolia Restaurant' on Mare Street, a noise assessment was carried out which determined that the noise source was in fact emanating from the 'Heart of Hackney', a commercial premises next door which is also owned by the restaurant. The Ward EPO carried out an intervention and found that the source of the noise was coming from a faulty cellar chillier unit mounted on their roof. This particular unit was responsible for keeping their beer barrels cold in the cellar below the bar. The Officer confirmed that the noise amounted to a Statutory Nuisance and subsequently served a Section 80 Abatement Notice on owner(s) and licensee of the 'Heart of Hackney'. The notice required the nuisance to be abated within 21 days from the service of the notice. However, the prior to the end of

the 21 days, the EPO carried out a further visit and confirmed that no changes have been implemented to the noise and the noise was still a Statutory Nuisance.

The Officer immediately met with the owners of the premises to inform that they have one day to abate the nuisance and to avoid breaching the notice. The officer was informed by the owners that the acoustic consultant employed by them had advised that an anti-vibration breaker is needed to provide the necessary mitigation required to abate the nuisance. The Officer was reassured that as soon the part arrived, all works required to abate the nuisance will be carried out without delay.

In order to act in a fair and reasonable manner and to prevent the owners of the premises from breaching the abatement notice and thus committing a criminal offence, in consultation with the complainant and the EP Principal, the EPO extended the time on the notice so that the premises owners can carry out the works required without this risk of contravening the notice any further. Unfortunately it came to the EPO's attention that the part ordered to abate the nuisance failed to arrive and the nuisance continued unabated. The EPO met with the owner and discussed alternatives to the problem and to explore other avenues. The EPO advised the owner to consult with their acoustician about different mitigation proposals to remedy the nuisance and it was agreed that a wooden acoustic housing will be built around the unit.

The EPO visited the site a week later and confirmed that the housing was built surrounding the unit. However, due to the poor build, the noise got worst and the housing caused the motor of the unit to burn out by limiting ventilation air. Fortunately for the business owner, the original ordered part (anti-vibration breaker) arrived later that week. However, after the anticipated installation was carried out, the EPO observed no material change in the noise level. It was therefore advised to the owner that unless the entire system was overhauled at a substantial cost to them, their only option available is to relocate the unit. The owner agreed to relocate the unit and this was confirmed on a visit by the EPO at the beginning of July 2018.

The units were now mounted on the ground level of the premises and within a small passage at the rear of the premises and Officers were satisfied that the noise did not amount to a Statutory Nuisance. The nuisances were abated and the owner of the business learned a very expensive lesson to listen to expert advice and to not cut corners to avoid cost. This case highlights the importance of officer autonomy in Statutory Nuisance investigations, especially making judgment when a notice requires an extension in order for the perpetrator to avoid contravening an abatement notice.

### **1.2.3 Noise Nuisance - Street Event**

#### **Glyn Arms Pub- 1 Mandeville Street, London E5**

On the last Sunday of May 2018, the EPO working in on the 'Out-of-Hours Noise Service' together with Enforcement Officers (EOs) received complaints from residents about noise from a big street party in 'Gilpin Square, London E5'. The Officers visited the area at 20:40 hours that evening and upon arrival they witnessed heavy bass music from approximately 50 metres away from the site of the street party. Upon closer inspection, the Officers observed a large crowd of people being entertained on the street from a sound system that appeared to be connected to the 'Glyn Arm's Public House'.

The EOs liaised with CCTV who confirmed that there were approximately 300 persons in 'Gilpin Square' which included a number of identified gang nominals. 'Body Worn Video' was activated by the EO's for personal safety as the Officers made their way through the crowd. Loud amplified music was audible throughout 'Gilpin Square' and in the opinion of the EPO the noise was so indiscriminate that it would cause nuisance to a large proportion of the residential properties in the immediate area.

A decision was made by the Officers that due to the large number of persons partaking in the event, it would not be safe to engage with those responsible for the nuisance without police assistance. However, after the EO's contacted the Police for assistance but were advised that uniform Officers would not be attending unless serious crime and disorder was taking place. The Officers had no option but to remove themselves from the area without carrying out an intervention. Later that evening, the EPO was contacted by the CCTV and informed them that reports of gun shots had been fired at the location of the street party. The Officers were then informed that armed Police had attended the site shortly after the report was made and recovered a number of weapons including samurai swords. The dynamic risk assessment carried out by the EPO and EP's to remove them from the event on that evening may have prevented a serious incident.



Photo 1

Following on from the on-going investigation carried out by the EPT following this the premises owners agreed to close its doors for the interim. The premises is yet to reopen to date.

#### 1.2.4 **Noise Nuisance – Licensed Premises**

##### **The Shacklewell Arm's, 71 Shacklewell Lane, London E8**

The Shacklewell Arm's Public House is located in a mixed residential and commercial area. The EPT had received a number of complaints regarding noise and public disorder issues emanating from the premises since April 2012. Correspondence has been on-going between the licensee and the EPT but unfortunately due to the complainants moving out of their properties before noise assessments could be carried out and the difficult character of the licensee the service was unable to take further action.

In April 2018 the 'Out of Hours Noise Service' received a complaint at 00:55 hours about noise from the premises. The EPO visited the complainant's property and witnessed excessive noise amounting to a statutory nuisance. The Officers visited the premises and requested that the manager to reduce the level of the music. Although the manager refused at first to comply with the Officers request, upon the threat of abatement notice on the spot, the manager agreed to lower the music.

A noise abatement notice was subsequently served on the licensee of the premises. The Licensee of the premises has appealed against the notice on the grounds that it was a one off incident involving human error, as the rear door had jammed open. The licensee of the premises demanded that the

notice be withdrawn based on that argument and also that no Officers visited on the evening of the nuisance to advise the manager of the nuisance and as a result logged a corporate complaint against the legal action taken by the service.

The allegation that the EPO did not visit was taken very seriously as the licensee had instructed a legal QC to challenge the Council's actions. A witness statement was presented by the licensee signed by the manager working on the evening stating that no visit was made by any Council official on that night. Fortunately, after request of the premises CCTV recordings was made, the challenge was immediately dropped as it transpired that the manager of the premises made a false statement. The licensee later requested that a meeting to discuss the notice and how to resolve any issues is to be arranged between themselves and the EPT. However, a few days later the EPT received a court summons from the local Magistrates' Court regarding the appeal of the notice served on the premises. In the first court hearing regarding the appeal of the notice, Hackney Council presented its case and proposed that subject to acoustic sound insulation or no further complaints for 6 months regarding noise, the notice will be withdrawn. However, the licensee declined the offer and wished to go ahead with a full hearing for a later date which was to be set by the courts. The later hearing was set for December 2018 and as the Council had not received any further noise complaints in the previous months. Since this was one of the proposal made by the Council Legal Team to withdraw the notice, it was agreed by the Magistrate that the Notice could be withdrawn with each side bearing its own costs.

This was a very complex case with a lot of legal challenges, however, this was a successful result for the EPT and the residents who had been experiencing noise nuisances from the premises since 2012. No further noise complaints have been received from the premises.

## 1.3 How the Service Links to Corporate Priorities

### 1.3.1 Corporate Priorities



#### **Community Strategy 2018-28**

1. A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth.
2. A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life.
3. A greener and environmentally sustainable community which is prepared for the future.
4. An open, cohesive, safer and supportive community.
5. A borough with healthy, active and independent residents.

#### **Mayor's Priorities**

- 1. Fairer**  
Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities, and excellent schools; where everyone can play a part, and where tackling inequality is at the heart of what we do.
- 2. Safer**  
Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks, and estates.
- 3. More sustainable**  
Making Hackney an economically, and environmentally sustainable place, with strong, cohesive, and diverse communities.

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

- The Environmental Protection Service meets the Mayor's Priority 2 (Safer) by providing a response service to residents and businesses to address Noise and Nuisance complaints.
- The 2018-28 Community Strategies 1 is met by the Environmental Protection Team by investigating complaints received by the service with the aim to provide a resolution to nuisance complaints.

**The Service aims to:**

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

#### 1.4 Environmental Protection Team Performance Indicators 2018-19

Short Name	Frequency of reporting	Directorate	Target	2017/18 Actual	2018/19 Actual	Target for 2019/20
Percentage of First Response to new service requests met within target (10 days)	Quarterly	Neighbourhoods & Housing	100%	100%	100%	100%
Number of noise abatement notices served under s80 EPA 1990 in respect of commercial noise	Quarterly	Neighbourhoods & Housing	No Target Figure only	***	93 (Feb 2019)	No Target – Figure only
Percentage of compliance from service of EPA s80 Notice	Yearly	Neighbourhoods & Housing	80%	98.9%	99%	80%
Percentage of compliance from service of COPA s60 Notice	Yearly	Neighbourhoods & Housing	90%	100%	100%	90%
Percentage of Licensing Application comments made within target (28 days)	Quarterly	Neighbourhoods & Housing	100%	92%	<b>*TBC</b>	100%
Percentage of Temporary Event Notices met within target (3 days)	Quarterly	Neighbourhoods & Housing	100%	100%	<b>**TBC</b>	100%
Percentage of Section 61 Applications met within target (28 days) *	Quarterly	Neighbourhoods & Housing	100%	100%	100%	100%

\*Licensing Applications KPI was not met due to allocation issues. This matter has been addressed and a new system will be introduced.

\*\*Temporary Event Notice KPI was not met due to staff shortages as a result of sickness and leave.

**1.5 Environmental Protection Service - Local Target 2019/20**

<b>Short Name</b>	<b>Frequency of reporting</b>	<b>Target for 2019/20</b>
Officer Response to nuisance complaints after allocation	Monthly	10 working days
Response to general queries	Monthly	10 working days
Planning applications	Monthly	21 days
Premises Licence Applications (including variations & minor variations)	Monthly	15 working days
Massage and Special Treatments applications	Monthly	21 days
Determination of S61 applications	Monthly	21 days
Response to members' referrals/enquiries	Monthly	10 working days



## 2.0 BACKGROUND

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### 2.1 Profile of the Local Authority

A service review of the Community Protection Directorate resulted in the commercial noise and nuisance section of the service migrating over to the community Safety, Enforcement and Business Regulation Service under the title 'Environmental Protection' in May 2017. The Team is approaching its second year of service delivery

### 2.2 Organisational Structure

The Environmental Protection Department structure is as following:

- 1 x Principal Officer
- 3 x Senior Environmental Protection Officers
- 2 x Environmental Protection Officers (funding until 31<sup>st</sup> March 2019)
- 1 x Temporary Event Notice's Officer.

The funding for 2 x Environmental Protection Officers was agreed in return for providing additional specialist support on the 'Out of Hours Noise Service' which will cease on 31<sup>st</sup> of March 2019.

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### Scope of the Service

Environmental Protection primarily enforces the following legislation:

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

Environmental Protection provides the following service:

- Respond to and Investigate commercial and industrial noise complaints
- Respond to and Investigate nuisance complaints listed under section 79 of the Environmental Protection Act 1990, such as artificial light nuisance, dust, smoke and odour (smell)
- Respond to and Investigate complaints regarding noise from Construction Sites
- Assess and comment on Planning Applications with regards to Noise and Nuisance
- Comment and act as a Responsible Authority for Licensing Applications

- Comment and act as a Responsible Authority for Temporary Event Notices
- Assess and comment on section 61 applications for consents
- Assess and grant Local Authority Agreements – This covers works that are required to be carried out within short notice such as Statutory Undertakings (road works, gas, water etc.). The agreement grants the applicant consent to carry out short period of works outside of the permitted hours for noisy construction works.
- Staff the Out of Hours Noise Service
- Working with commercial, industrial and licenced premises to help them comply with their legal and licensing responsibilities, by providing information, advice and guidance
- Instigate and review Premises Licences – Acting as Responsible Authority

2.4.1 Demands on the Environmental Protection Service

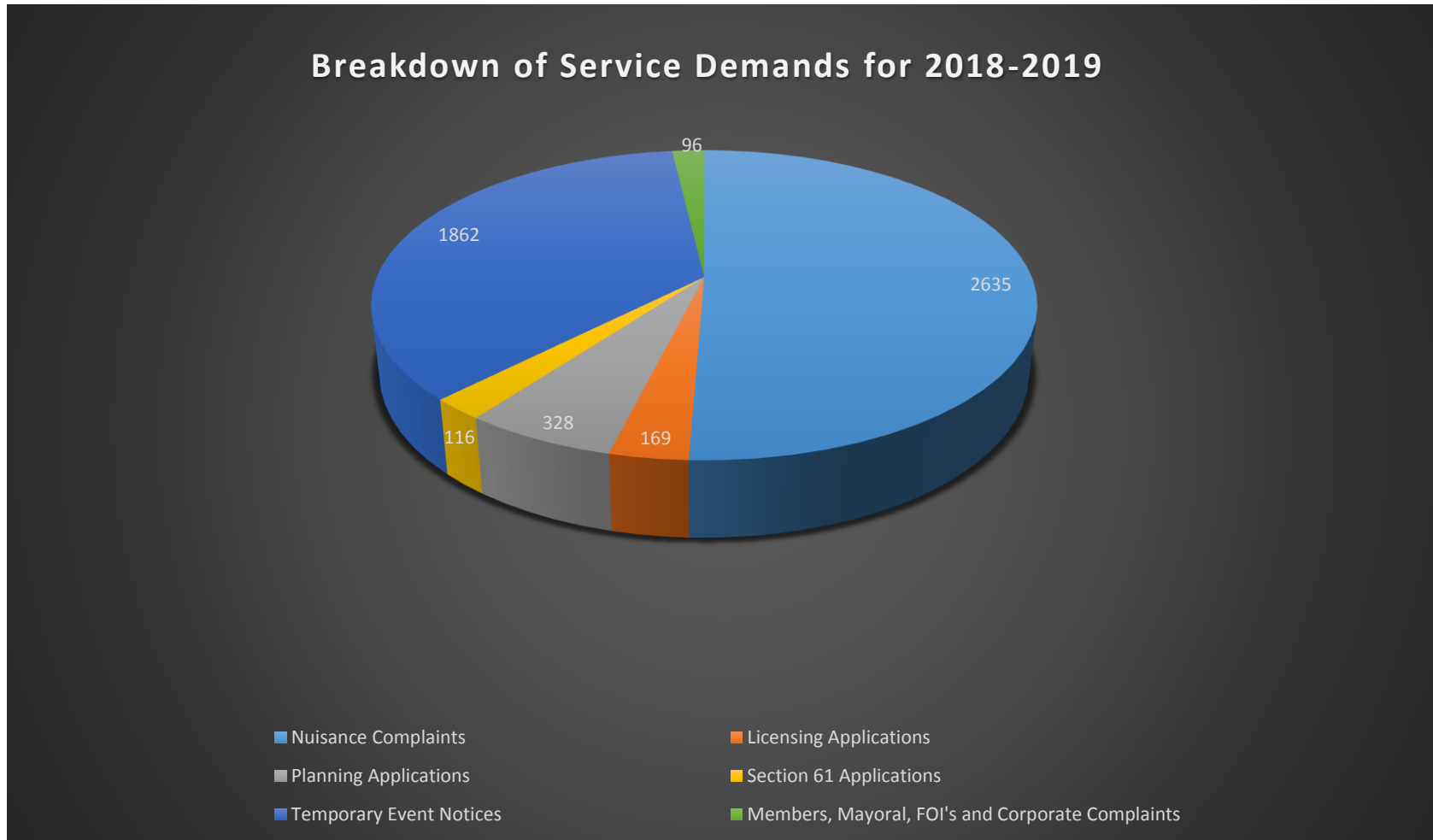


Fig 2.0

Please note that the above data covers from the period April 2018 – January 2019.

Figure 2.0 above represents the total breakdown of all the service requests the service has received from April 2018 – January 2019.

	<b>Service Year 2017/18</b>	<b>Service Year 2018/19 + 10% Deduction for to duplications</b>	<b>Difference of Service Requests from 2017/18 to 2018/19</b>	<b>Percentage difference (TNDP)</b>
Noise & Nuisance	1763	2372 (2635 actual)	609	<b>35%</b>
Planning Applications	305	328	23	<b>8%</b>
Licensing Applications	171	169	-2	<b>-1%</b>
Section 61 Applications	132	116	-16	<b>-12%</b>
Temporary Event Notices (TEN's)	1758	1862	104	<b>6%</b>
Members & Mayoral Enquiries, Corporate Complaints	85	96	11	<b>13%</b>
FOI		Unable to provide data due to system restrictions		
<b>Total (Excluding TEN's)</b>	<b>2315</b>	<b>3081</b>	<b>766</b>	<b>33%</b>

#### 2.4.2 Noise & Nuisance complaints received Service Year 2018 - 2019

The number of service requests for Noise and Nuisance complaints increased by 609 (this calculation takes into account the 10% deduction for duplications) from 2017-18 which represents a **35%** increase in requests demonstrating the demand and pressure experienced by the service for this period. The increase in the service requests is due to the way service requests are now recorded on the database, the introduction of the online complaints portal and due to general rise in commercial premises in the borough.

#### 2.4.5 Temporary Event Notices(TENs) received between April 2018 – January 2018

The TENs Officer consults on all TENs applications. There data is slightly skewed towards the end of the year due to an influx of applications in October and November 2017. These were identified as New Year’s Eve celebration applications. The service averaged 180 applications each month over this period.

#### Temporary Event Notice Monthly Break Down and KPI Target (100% Target)

Month (April 2018 - January 2019)	Number of TEN's	TEN's responded on target	Number of Objections	Percentage of Temporary Event Notices met within target (3 days)
April	206	205	10	*99.5%
May	216	216	16	100%
June	158	158	5	100%
July	130	130	1	100%
August	172	172	1	100%
September	132	44	1	*33.33%
October	195	195	0	100%
November	356	356	7	100%
December	170	170	2	100%
Jan-19	127	127	1	100%

## Enforcement Action – Notices Served

### 2.6.1 Number of Section 80 and Section 60 Notices Served by the Environmental Protection Team between April 2018 and January 2019.

	<b>Section 80 EPA Notices Served</b>	<b>Section 60 COPA Notices Served</b>
<b>Apr-18</b>	6	2
<b>May-18</b>	1	2
<b>Jun-18</b>	0	0
<b>Jul-18</b>	4	2
<b>Aug-18</b>	6	37
<b>Sep-18</b>	2	4
<b>Oct-18</b>	9	6
<b>Nov-18</b>	49	17
<b>Dec-18</b>	9	14
<b>Jan-19</b>	7	13
<b>Total</b>	<b>93</b>	<b>97</b>

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The above table shows the number of Enforcement Notices Served by the Environmental Protection Team between April 2018 and January 2019. Section 80 EPA Notices are notices served when a Statutory Nuisance is witnessed under Section 79 of the Environmental Protection Act 1990. Section 60 COPA Notices are notices served under the Control of Pollution Act 1974 on construction companies or those carrying out construction work outside of the permitted hours for noisy construction work.

## 2.5 Enforcement Policy

**2.5.1** A revised Enforcement Policy was approved by Cabinet on 21<sup>st</sup> January 2019 and the Team recognises that whilst commercial and licensed premises look to maintain their reputation and wish to maximize profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. Therefore, in considering enforcement action, the service will assist commercial and licensed premises to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution, license review or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

**2.5.2** The Environmental Protection Team also takes account of the principles of the Enforcement Concordat and has regard to Crown Prosecution Service guidelines and Equality Impact issues when undertaking any enforcement action.

**2.5.3** The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as works in default and legal costs).

### **3 SERVICE DELIVERY**

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#### **3.1 Complaints and Service Requests**

Residents and businesses can contact the service through the online e-form platform. This has recently been updated and streamlined for each type of noise complaint either residential or commercial. Complaints can also be made by e-mail or by telephone. It should be noted that a large number of service requests for commercial premises are received via the Out of Hours Noise Service.

##### **Visits**

Officers will visit both complainants and perpetrators to carry out their assessment. This can be arranged during office hours, in the evening whilst the Out of Hours Service is operating or an alternative mutually convenient time.

##### **Consultation Meetings (External & Internal)**

Consultation meeting will be held with applicants for both Licensing and Planning Applications if required. Meetings will also be held with the relevant service in the Council to discuss any relevant application.

##### **Out of Hours Service (Including pro-active visits)**

The Out of Hours Service provides the Officers the best opportunity to carry out visits to assess nuisance. This is due to the fact that majority of complaints emanate from premises which operate during the evening. Pro-active visits will also be arranged by Officers for the Enforcement Team and the Environmental Protection Officer working on the service.

##### **Sunday Construction Patrol**

This will be on a referral basis from sites which have cause a nuisance the previous Sunday.

##### **Tasking**

Complaints that fall outside of the working hours for the Environmental Protection Service will be referred to Enforcement Officers via 'Tasking' on a weekly basis.

## 4 RESOURCES

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### 4.1 Resources for 2019-2020

#### 4.1.1 The staffing for Environmental Protection function for 2018-19 was as follows:

- 0.3 FTE – Regulatory Services Manager
- 0.4 FTE x Principal Officer
- 3.0 FTE x Senior Environmental Protection Officers
- 1.0 FTE x Temporary Event Notice’s Officer.
- 0.4 FTE x Technical Business Support Officer

**Total staffing resources = 5.1 FTE**

\*Please note there are 2 x FTE x Agency Senior Environmental Protection Officers (Funded until 31<sup>st</sup> March 3019)

#### Staffing for Environmental Protection function for 2019-20 is as follows:

- 0.3 FTE – Regulatory Services Manager
- 0.4 FTE x Principal Officer
- 3 FTE x Senior Environmental Protection Officers
- 2 FTE x Senior Environmental Protection Officers (Fixed Term Contract until 2021)
- 1 FTE x Temporary Event Notice’s officer.
- 0.4 FTE x Technical Business Support officer

**Total staffing resources = 7.1 FTE**

The additional 2 x Fixed Term Contracts budget was approved in February 2019.



#### 4.1.2 Resource allocation per activity

##### Noise and Nuisance complaints

It is not possible to accurately calculate how much time is spent on each nuisance complaint as it depends on the complexity of the case. For example some may only require a phone call and a letter sent out whilst others may require a multiple visits to the complainant and to the perpetrating premises. Therefore, a total of 7.0 hours is allocated to each service request to counter the different hours/time spent on each case. This can broke down further into the following, 1 hours initial call and letter preparation, 2.5 hours for visit (1.5 hours for journey and 1 hour for assessment and intervention), a further 1 hour for follow-up call and letter preparation, finally a further visit taking 2.5 hours for confirmation of compliance = 18445 hours

**Noise and Nuisance investigation time = 18445**

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

##### Licensing Application Consultation

Applications are assessed and then the impact of the proposed activities are evaluated against the 'Prevention of Public Nuisance' objective of the Licensing Act. Depending on the nature of the premises and the activities sought, the time spent on each application can vary significantly. For larger complex cases, multiple site visits and meetings take place, this includes letters, emails and telephone calls between applicants and other agencies acting as Responsible Authorities such as the Police. Acoustic reports can also be submitted as part of the application, this can take a significant time to review by the officer. Therefore, each case is allocated 9 hours to counter the difference in time spent between each application = 1521 hours

**Licensing Application Consultation time = 1521 hours**

### **Planning Application Consultation**

The time spent on each application can vary depending on the size of the application. Some applications can take a number of weeks to assess. Whilst others may submit more than one acoustic report which takes a significant amount of time to assess and evaluate. Therefore, to counter the difference in time spent on each application, 9 hours is allocated for each consultation = 2952

**Planning Application Consultation time = 2952 hours**

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

### **Section 61 Applications**

Applications can vary in complexity, for example some applications may require complex acoustic calculations to be carried out and continued monitoring, whereas others may be for short small projects, therefore, 4 hours is allocated to each application = 464 hours

**Section 61 Application Consultation time = 464 hours**

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

### **Temporary Event Notice Consultation**

A total of 1.4 hours is allocated to each application as a thorough interrogation of the database is required for the premises history and administrative time is allocated to phone calls and emails = 2607 hours

**Temporary Event Notice consultation time = 2607 hours**

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

### **Members, Mayoral Enquiries, Freedom of Information Requests and Corporate Complaints**

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

**Members, Mayoral enquiries, Freedom of Information requests and Corporate Complaints time = 340 hours**

## **Total estimated hours required for carrying out Environmental Protection Function 2019/20: 25989 hours.**

The total hours required to carry out all Environmental Protection functions is 25989 hours. However, this does not reflect accurately the hours spent on each service request as there will be a percentage of complaints that require minimal interaction or no further follow up. Therefore, having taking into consideration the number of complaints that will require minimum or no action and the 35% increase in service requests as a whole, the Environmental Protection Team will require an additional 3 officers to maintain the increasing service demand. This calculation is based on the fact that the team currently has 6 officers (including 2 x agency staff), therefore, an increase in service demand by 35% can be met by an additional 3 officers.

### **4.2 Challenges to the service**

- The current staffing resource for 2018/19 is 5.1 FTE (this does not include the additional 2x FTE which end in March 2019). The service demand calculations made in the 2018/19 Service Plan was underestimated by **45%**. As a result the service has experienced severe pressure and demand on its resources with the current number of service requests received (data from April 2018 - January 2019).
- The additional two Officers provide support to the service in responding to the Out of Hours service requests. The total number of Officers still present significant challenges across the service whilst sustaining performance outcomes and Community/Member and Mayoral service expectations.
- With the addition of new residential developments being granted in very close proximity to existing highly saturated commercial areas, the cumulative impact from new and existing licensed and commercial premises will have a detrimental effect on residents and businesses if the problems are not addressed within a reasonable time and in a correct and efficient manner. This will be addressed by providing consultation comments to both the Licensing and Planning Departments within the target response time.
- To counter the staffing deficient, initial enforcement action via observations will need to be developed in context with the ability to Task work to the new Enforcement Officers. This will be an essential role in the delivery process of the service by removing the additional requirement for Officers to carry out visits for each and every complaint. However, the effectiveness and success of this will require continuous monitoring and review.

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## **5 QUALITY ASSESSMENT**

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### **5.1 Internal Arrangements**

Monthly 'check-in' will be carried with each officer to monitor case work load to make sure that officers are meeting their targets and expectations. This will also provide the opportunity for officer's to feedback on the service performance and case load allocations. Monthly team meetings are held with the Regulatory Service Manager to discuss service performance and address other issues. A further 6 months review will be carried out for each officer to monitor performance against local targets.

The service will also be measured on a quarterly basis to make sure that KPI's and local targets are being met. This will be provided to the Head of Service to review.

6.1 Review against the Service Plan 2018/19

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

6.2 Key Areas for Improvement/Development 2019/20

Aim	Objective	Target
<p>Page 46</p> <p><b>Online Submission of Section 61 Applications</b></p>	<p>The current process for Section 61 applications requires the applicant to contact the service, are then emailed a blank Section 61 application. The form is then returned back to service via email. This process also requires the manual entry of the application on the database system. The online submission will remove much of the existing process and will only require the applicant to be directed to the web link. They can then fill in the online e-form and attach any additional documents. The information will then populate a new Service Request on the database and will only require to be allocated to the ward officer.</p>	<p>End of Q3</p>
<p><b>Carbonated Documents Pads (Notices, Letters of visits and inspection outcomes)</b></p>	<p>The current process for the service of a Section 80 EPA Notices requires the officer to return to the office and draft, print, sign and then copy/scan the notice before it is served via post or hand delivered. The carbonated notice pad will remove this stage in the initial enforcement process as the officer will be able to serve the notice on the spot. This will provide and save the officer with essential time which would have been lost in the notice service process. In addition to the notice pad, an inspection letter pad will also be developed which will state the outcome of the assessment and a copy will be left with the complainant. This will remove the need for the officer to write back to the complainant and thus saving further time spent.</p> <p>The Investigation/Inspection Pad will make the process consistent with the other services under Business Regulation. The document will also act as evidence for</p>	<p>End of Q1</p>

	service of notices and legal prosecutions. The document will then be scanned and save don the database.	
<b>Develop policy and procedure for the introduction of Fixed Penalty Notices for breaches of Abatement Notices</b>	Businesses can have the opportunity to waive liability and have the time to mitigate and abate a nuisance instead of legal proceedings or a licence review being instigated against them.	End of Q3
<b>Income Revenue Generation</b>	Methods of income generation will be explored further. For example, Nuisance Training for Enforcement Officers (External).	End of Q3
<b>Website Commercialisation Project</b>	To streamline the service and to provide information for residents and businesses, the website for the Environmental Protection Service is being updated to provide all the relevant information regarding the service in one area. The website will also act as a sign post for certain types of complaints, for example for those which the Council cannot investigate. This will remove the requirement to explain to the inquirer what service can be provided to them.	End of Q2
<b>Environmental Protection Officer Performance Activity Monitoring Via Qlick.</b>	<p>A list of activities carried out by Environmental Protection Officers will be monitored live via the Qlick platform. The following are an example of the activities which will be measured:</p> <ul style="list-style-type: none"> <li>- Number of visits made for Nuisance Complaints, Planning and Licensing Consultation.</li> <li>- Number of Warning Letters served</li> <li>- Number of Objections made for applications</li> </ul> <p>Number of Notices Served</p>	End of Q1

### 6.3 UPDATE - Key areas for Improvement/Development for 2018-2019

Aim	Objective	Update – December 2018
<p>Full integration of all service functions onto CIVICA APP database. This includes Licensing, Planning and Section 61 Application</p>	<ul style="list-style-type: none"> <li>- Provide real time data on service request</li> <li>- Integration with BI Platform</li> <li>- Accurate data retrieval for performance and audit purposes</li> <li>- Ease of use</li> </ul>	<p>The migration of the database from M3 PP to CIVICA was finalised in May 2018. This process caused some technical issue and required training for officers, however, in June 2018 and once the database was fully integrated with the online e-forms complaints service, the officers and the service were able to operate the database without too many issues. The service always envisaged a few teething issues, however, issues are still being identified and resolved as soon as possible. The service is now in a position to monitor the number of service requests which more accurately reflects the work carried out by the Service.</p> <p>The integration with the Business Intelligence Platform has been delayed as the service is still developing the new database. However, this will be met by end of Q4.</p> <p>The introduction of the new database has allowed management to retrieve data reports with ease and accuracy due to the functionalities provided by the database.</p>
<p>Develop policy and procedure for the introduction of Fixed Penalty Notices for breaches of Abatement Notices</p>	<ul style="list-style-type: none"> <li>- Businesses can have the opportunity to waive liability and have the time to mitigate and abate the nuisance, instead of legal proceedings or a licence review being instigated.</li> </ul>	<p>This process has been delayed due to a high numbers of service requests received during the services peak season. This work will be put on hold and moved to the 2019-2020 Service Plan as time to resolve this issues is not currently possible with work priorities and resourcing matters.</p>
<p>Develop a marketing plan for the rental of noise equipment</p>	<ul style="list-style-type: none"> <li>- Currently equipment held by the service is given out for free to Housing Associations. This includes an officer setting the system up, dismantling and reviewing the data.</li> </ul>	<p>The lending of noise equipment to internal or outside bodies has now ceased. However, the introduction of a rental plan has been delayed due to the increase on other service demands for the section. The service aims to have this be met by end of Q4.</p>

Develop Street Entertainment Policy – Busking	<ul style="list-style-type: none"> <li>- Benchmark/Review with other LA's regarding their Street Entertainment Policy.</li> <li>- This will provide a consistent approach for buskers to freely carry out their activities in the borough in locations set by the service.</li> </ul>	Delayed due to other Service priorities.
Explore Professional Consultation service	<ul style="list-style-type: none"> <li>- Provide Acoustic consultation services to non-Hackney businesses</li> <li>- Income generation</li> </ul>	Delayed due to other Service priorities. The target date for this is end of Q4, however, if the service demands continue this will be moved to 2019-2020 Service Plan.
Review Consultation Agreement between Environmental Protection and Planning	<ul style="list-style-type: none"> <li>- Cost recovery, from Pre-apps and other types of special applications</li> <li>- Explore cost recovery from general applications as we are no longer Statutory Consultees and therefore provide consultation for free.</li> </ul>	A review of the service agreement between the Environmental Protection Team (EP Team) and the Planning Team was carried out by heads of services. Although the EP Team is no longer classed as statutory consultees, it was agreed by the Director of Public Realm and the Heads of Community Safety, Enforcement and Business Regulation and Planning that the service will continue to provide consultation to Planning Applications.
Develop new Hackney Code of Practice for Construction	<ul style="list-style-type: none"> <li>- To provide guidance to construction companies</li> <li>- To have a standardised policy for construction</li> </ul>	Draft copy complete. Final draft to be submitted by mid Q4

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**ANNUAL REPORT OF PUBLIC SPACE PROTECTION ORDER (PSPO) 2018  
PREVIOUSLY DESIGNATED PUBLIC PLACES ORDER(DPPO)**

**CORPORATE COMMITTEE  
MEETING DATE 2019/20**

**9<sup>th</sup> April 2019**

**CLASSIFICATION:**

**Open**

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

**WARD(S) AFFECTED**

**All Wards**

**GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING**

**KIM WRIGHT**

## **1. INTRODUCTION AND PURPOSE**

- 1.1. The Borough wide Designated Public Place Order (DPPO) was introduced on 24<sup>th</sup> May 2010. Originally it was implemented under section 13 of the Criminal Justice and Police Act 2001 which was superseded on 20<sup>th</sup> October 2014 by the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.2. The purpose of the DPPO was to ensure that the consumption of alcohol in a public place did not cause disorder, nuisance or annoyance to members of the public, or a section of the public within the London Borough of Hackney.
- 1.3. The 2014 Act automatically transitioned existing DPPO into a Public Space Protection Orders (PSPO's) on 20<sup>th</sup> October 2017 and this is required to be reviewed every three years. This report covers the period 1<sup>st</sup> January 2018 to 31<sup>st</sup> December 2018.

## **2. RECOMMENDATION(S)**

**The Corporate Committee is recommended to:**

**Note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO.**

## **3. REASONS FOR DECISION**

Not applicable to this report

## **4. BACKGROUND**

Not applicable to this report

### **4.1 Executive Summary**

- 4.1.1 The visible street population appears to have increased in the last three years, but the behaviour of individuals has during the first few years at least of the DPPO been moderated by use of this and other powers. In the context of a year on year overall reduction in all Anti-Social Behaviour (ASB) in this borough, in the first three years since the introduction of the PSPO, calls to the Police regarding anti-social street drinking have fallen year on year.
- 4.1.2 There was a very small increase recorded in the fourth year (but analysts indicate that this is an increase that may be attributed to the way Police changed how they classify incidents). In the last year there were 26 reports. This is still a very significant decrease as the number of complaints the year before implementation was 609. A breakdown of these is shown by Ward in Table 1.

**Table 1**

<b>MPS -Street Drinking calls</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Grand Total</b>
Brownswood					1								1
Cazenove					1		1						2
Clissold							1						1
Dalston				1									1
De Beauvoir												1	1
Hackney Central					1						2		3
Haggerston	1							1					2
Homerton								1					1
Hoxton East and Shoreditch							1	1		1			3
King's Park										1			1
Lea Bridge							1		1				2
London Fields				1	1								2
Shacklewell									1				1
Springfield	1			1									2
Stoke Newington					1	1					1		3
<b>Grand Total</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>26</b>

4.1.3 The resources available to deal with this problem are limited and a particular problem is ensuring the availability of all relevant Officers across a number of agencies. However there remains very effective operational partnership working and tasking to address this and related ASB issues, whilst maximising the available resources.

4.1.4 A monthly Street Users Outreach Meeting (SUOM) where Council Officers, Police and outreach staff regularly meet to discuss individual cases of street drinkers is the main mechanism used to co-ordinate the enforcement activity and improve treatment efforts in order to reduce alcohol related ASB and street drinking. Officers continue to work closely on the streets with Thames Reach and Officers in other support agencies when dealing with individuals.

4.1.5 The identification of any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings which address singular impacted issues at the individual level with specific agencies particularly Housing.

4.1.6 There were two Anti-Social Behaviour Orders (ASBO) in place on persons in Hackney which had conditions attached to them including prohibiting the individuals from consuming alcohol in Hackney or in specific areas of the borough. ASBOs are no longer applied for since the introduction of the Anti-Social Behaviour Crime and Policing Act 2014.

4.1.7 Detailed analysis work by the Community Safety Team has identified hotspots that are subject to detailed discussion with partners at Partnership Tasking. Action plans are in place supplemented by joint patrols involving Police, Enforcement

Officers and Community Safety with referrals being made to Westminster Drugs Partnership and other support agencies as appropriate.

## **5. PSPO (PREVIOUSLY DPPO)**

- 5.1 The Borough wide DPPO/PSPO went live on the 24<sup>th</sup> May 2010. The aim of this was to reduce the amount of anti-social street drinking occurring within Hackney and therefore lowering the number of residents' complaints and also to ensure our public spaces are safe, improving the quality of life for residents and visitors. The Order was granted by the Regulatory Committee following an extensive public consultation during the last three months of 2009.
- 5.2 The power gave Police Officers, Police Community Support Officers and accredited LBH Wardens the power to require people to stop drinking within the designated area and to surrender any open or unopened containers of alcohol. It was an offence to fail to comply with either request. Police Officers were trained and processes put into place to manage the tasking of Police resources and the tracking both hotspots and individual incidents.
- 5.3 The training specifically highlighted the use of the power to deal with "Anti-Social Behaviour" related to the consumption of alcohol in public places and not simply consumption. Additionally, the SUOM consisting of Council Officers, Police and outreach and support services was re-designed to manage the balance between enforcement, treatment and support.
- 5.4 The Group Director, Neighbourhoods and Housing convened a working group consisting of Officers from Housing Needs, Community Safety, Enforcement and Public Health to review the support currently offered to street users and the initial focus of the is to map the cohort of street users that we know along with their issues, map out with costs the current interventions that we commission/provide to support this cohort and to review/refresh the SUOM. Based on this the effectiveness of the interventions will be reviewed and challenged if the signposting process for street users is not clear enough.
- 5.5 This also linked to the Manifesto commitment on street users which states that "we will provide an effective, co-ordinated and support focused response from across the Council and voluntary sector to those present on our streets and estates who engage in begging or who are committing anti-social drinking and prostitution" as ASB and disorder associated with a section of people present on our streets and estates is a complex issue that required better integration of partnership activities to create a flexible response that provides both support to these people, but is flexible enough to escalate the response to more proactive enforcement should the support fail to reduce ASB or associated disorder.
- 5.6 It was always intended that the implementation of the Order was to ensure that there would be a balance between proportionate enforcement and acceptable behaviour with the provision that potentially vulnerable individuals would be referred or signposted for appropriate support.

- 5.7 The DPPO, now the PSPO has been in place for nearly eight years and in that time the number of complaints in respect of ASB from street drinkers has gone from a historic high of 609 in 2010 to 26 in 2018 and there have been no complaints received in respect of the operation of the Order in the last year.
- 5.7 The introduction of the Borough wide DPPO was never intended on its own to completely remove the issues of anti-social street drinking nor to overly disadvantage or reduce the numbers of the street population in the borough. The number of people who may be considered as street drinkers is difficult to estimate and can fluctuate. The reasons for this, for example the social and financial factors, are not matters that the Order is able to address.
- 5.8 The focus of the DPPO/PSPO is to moderate behaviour which it is considered to have achieved since its introduction and its continued maintenance. Following an initial sharp overall reduction of reported incidents, these now appear to have reduced further. The ongoing work by the Intelligence Hub has identified hotspots but these do not include a number of the original pre-DPPO/PSPO hotspots such as Kynaston Park.
- 5.9 A successive reduction year on year in the numbers of complaints of anti- social street drinking has already been reported to the Committee in its previous role as the Regulatory Committee with a small increase noted in the annual report to this Committee in 2014.
- 5.10 The DPPO automatically transitioned into a PSPO on 20th October 2017.
- 5.11 The PSPO allows Enforcement Officers and Police Constables to issue Fixed Penalty Notices (FPNs) of £100 being issued and/or prosecution in the event of person being issued with an FPN failing to pay the FPN or an injunction in extreme circumstances.
- 5.12 Injunctions are another new power introduced by the 2014 Act, which impose requirements upon the individual on whom and FPN has been issued, where it is clear the individual's conduct is having a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature and the conduct is unreasonable.
- 5.13 It is important that Councils do not inadvertently restrict everyday sociability in public places. The PSPO should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life rather than everyday sociability, such as standing in groups which itself is not a problem behaviour.
- 5.14 Injunctions can be applied for in extreme cases and could be worded for example not to:
1. 'Be in possession of open bottles, cans or open receptacles of alcohol anywhere in LBH'
  2. 'Drink alcohol anywhere the public has access within the LBH including but not limited to highways, streets, passages and parks'.

5.15 With the introduction of the Act, the Council has a number of tools at its disposal to tackle street drinking however these tools must be utilised in a measured and proportionate way, in accordance with the Council's policies/protocols and consultation requirements and FPNs will only be issued to persons who are undertaking street drinking where ASB has been identified and associated with the activity.

## 6. DATA

### **Calls to the Police (Computer Aided Despatch – CAD) for street drinking**

2014	126
2015	76
2016	51
2017	22
2018	26

6.1 Hackney Enforcement Officers and Metropolitan Police Officers issue anti- social behaviour warnings prior to issuing FPNs for street drinking in an effort to deal with the problem in a proportionate manner and a breakdown of the number of warnings issued by Ward by both Enforcement Officers and Metropolitan Police is shown in Table 2 below. Officers only commenced issuing warnings in May 2018 and this due to signage not being in place, the Enforcement Service bedding this and the merging of Hackney and Tower Hamlets Policing Teams to create the Police Central East Borough Command Unit.

**Table 2**

	2018	May	Jun	Jul	Aug	Sep	Oct	Nov	
<b>L B Hackney</b>	<b>3</b>	<b>6</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>22</b>	
Cazenove Hackney				3					3
Central Hackney Downs			4				1		4
Homerton		1							1
Hoxton West			1						1
Lea Bridge		2							2
London Fields				2			1		3
Springfield			1	2				2	5
Victoria					1	1			2
<b>Met Police</b>	<b>2</b>	<b>1</b>			<b>4</b>				<b>7</b>
Cazenove					1				1
Dalston			1		3				4
Haggerston		1							1
London Fields		1							1

## **7. ANTI-SOCIAL BEHAVIOUR ORDERS AND INJUNCTIONS**

7.1 There were two current active ASBOs on individuals in 2018, the conditions of which include prohibiting the persons issued with the ASBO from drinking alcohol in a public place.

7.2 The conditions attached to the first ASBO include 'Not to be in possession of any open container of alcohol unless in a public house in the E8 and E16 post code area' and expired in November 2018. One of the conditions of the second ASBO is "Prohibition from carrying any bottle, can, carton or any other receptacle which contains alcohol in the area outlined on the map' remains in force until further ordered."

7.3 There are currently no injunctions in place in relation to anti-social behaviour associated with street drinking.

## **8. POLICY CONTEXT**

Community Safety Partnership Plan.

## **9. EQUALITY IMPACT ASSESSMENT**

Not applicable to this report.

## **10. SUSTAINABILITY**

Not applicable to this report.

## **11. CONSULTATIONS**

11.1 No consultation has been undertaken in relation to this report and in accordance with the guidance for the implementation of a DPPO between September and November 2009 the Council conducted an extensive public consultation. This included businesses and particular licence holders of licensed premises, residents and visitors, local police commanders, neighbouring local authorities.

## **12. RISK ASSESSMENT**

Not applicable to this report.

## **13. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

13.1 This report requests the Corporate Committee to note the level and the scope of work being carried out to meet the requirements of the Public Space Protection Order (PSPO) 2018.

13.2 There are no immediate financial implications as the report is notes retrospective data for 2018. The cost of Enforcement of the PSPO is managed within the available Community Safety and Enforcement Budgets.

#### **14. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

14.1 The content of the report reflects the considerations advised by the updated Home Office Guidance (published December 2017) on the use of PSPO's. There are no specific legal implications arising from this report.

#### **APPENDICES**

Appendix 1 - A copy of the DPPO which was approved on 4<sup>th</sup> May 2010 is attached to this report.

#### **BACKGROUND PAPERS**

None

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**CRIMINAL JUSTICE AND POLICE ACT 2001**

**Alcohol Consumption in Designated Public Places Order No 1 of 2010**

1. The Council of the London Borough of Hackney (in this Order called "the Council"), being satisfied that the Consumption of alcohol has been associated with disorder, nuisance or annoyance to members of the public or a section of the public within its area, hereby makes the following Order under Section 13(2) of the Criminal Justice and Police Act: 2001:

2. The land described in the schedule below and shown within the map attached to the order being land in the area of the Council to which the Criminal Justice and Police Act 2001 applies, is hereby designated a public place for the purposes of the Act.

3. The Order may be cited as the Alcohol Consumption in Designated Public Places for the London Borough of Hackney Order No:1 of 2010 and shall come into force on 24<sup>th</sup> may 2010.

**SCHEDULE**  
**Designated Public Places**

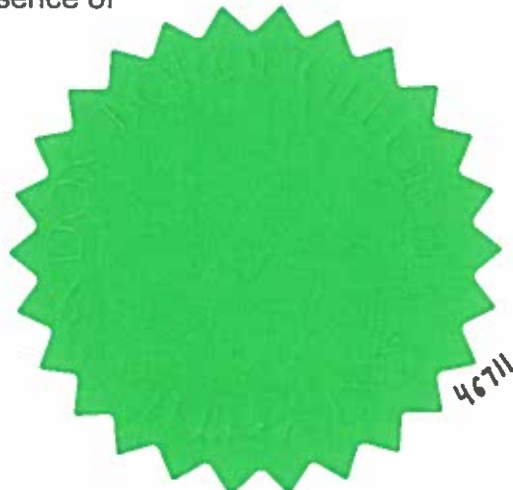
This Order applies to all those public places falling within the administrative area of the Council as delineated on the attached map except those places/premises to which Section 14 of the said Act applies.

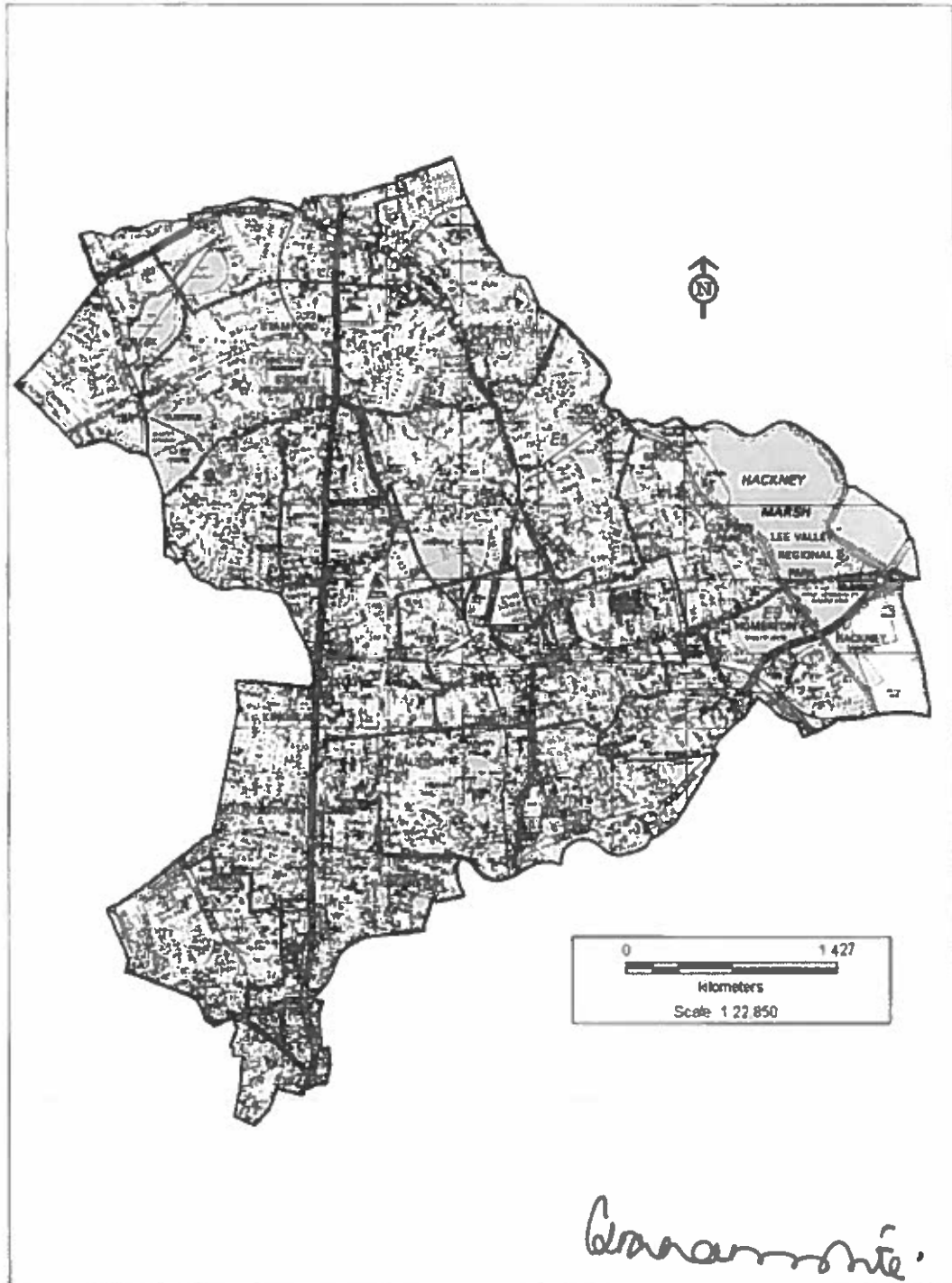
Dated 4 May 2010

The Common Seal of the London Borough of Hackney was hereunto affixed in the presence of



*Grammonte.*

Authorised Signatory





*Granamonte*

 NORTH Scale: 1:20,000 at A4	<b>Map of Hackney</b>
	<small>Produced by Composite GIS</small> <small>08/03/2010</small> <small>This product includes mapping data licensed from Ordnance Survey with the permission of 1850 © Crown Copyright 2010. All rights reserved. License number: 100022815 2010</small> <small>© Crown Copyright 2010. All rights reserved. License number: 100022815 2010</small>

# Agenda Item 7

## DRAFT Work Programme for the Corporate Committee 2019/20

June 2019				
	TITLE	DESCRIPTION	DECISION	GROUP DIRECTOR
1	<b>HR Policy Review:</b>		To Approve	Tim Shields (Dan Paul)
2	<b>Business Regulation Service Delivery Plans 2019/20</b>	Draft Service Delivery Plan	To note	Kim Wright (Gerry McCarthy)
3	<b>Enforcement Service Delivery Plan 2019/20</b>	Draft Service Delivery Plan	To note	Kim Wright (Gerry McCarthy)
4	<b>Shop Front trading Licence (Tables and Chair)</b>		To note	Kevin Keady

September 2019				
1	<b>HR Policy Review (if required)</b>		To Approve	Tim Shields (Dan Paul)
2	<b>Bereavement Leave Policy Update</b>	Update on the Bereavement Leave Policy since July 2018	To note	Tim Shields (Dan Paul)
3	<b>Highway Obstruction and Enforcement of street furniture</b>	Annual report on the enforcement action in relation to tables and chairs on the public highway	For Information And Comment	Kim Wright (Gerry McCarthy)
4	<b>Environmental Enforcement - Annual Assessment Of The Local Environmental Quality Enforcement Strategy And Annual Performance Report 2018/19</b>	The report sets out the annual performance report across the environmental enforcement remit for the 2018/19 financial year.	For Information And Comment	Kim Wright (Gerry McCarthy)

December 2019				
1	<b>Pay Policy Statement 2020/21</b>	The Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Tim Shields (Dan Paul)
2	<b>Statutory Review of Polling Districts and Polling Places.</b>	This report is reviewing Polling Districts and Polling Places.	To Approve	Tim Shields (Dan Paul)
3	<b>Regulatory Services Service Plan Update</b>	This report provides an update on the performance of the Food Safety (The Food Law Enforcement Service Plan is a statutory plan) and Trading Standards Services against the Plan.	For Information And Comment	Kim Wright (Gerry McCarthy)

4	<b>Planning - Authority Monitoring Report 2018/19</b>	The AMR provides monitoring information on spatial planning-related activity for the financial year 2018/19 to inform and monitor policy development and performance.	To Approve	Kim Wright (Ian Rae/ Natalie Broughton)
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**March 2020**

1	<b>HR Policy Review (if required)</b>		To Approve	Tim Shields (Dan Paul)
2	<b>Annual Performance Report Of The Noise Service 2019/20</b>	The annual report sets out the development of the Council's response to noise nuisance.	For Information And Comment	Kim Wright (Gerry McCarthy)
3	<b>Annual Report of the Public Spaces Protection Order (PSPO) 2019/20</b>	Annual report on the Public Spaces Protection Order.	For Information And Comment	Kim Wright (Gerry McCarthy)