



# CORPORATE COMMITTEE

Wednesday, 16th September, 2020

at 6.30 pm

Until further notice, all Council meetings will be held remotely. The live stream is available at:

<https://youtu.be/m8KcwzejsCg>

## Committee Membership

Cllr Clare Potter

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 Clare Joseph, Cllr Anthony McMahon, Cllr Peter Snell

Cllr Carole Williams, Cllr Steve Race, Cllr Michael Levy

Tim Shields

Chief Executive

Contact:

Rabiya Khatun

Governance Services Officer

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The press and public are welcome to attend this meeting

**Future Meetings**

16 December 2020

9 March 2021

# **AGENDA**

## **Wednesday, 16th September, 2020**

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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

The Hackney website contains a full database of meeting agendas, reports and minutes. Log on at: [www.hackney.gov.uk](http://www.hackney.gov.uk)

Paper copies are also available from Governance Services whose contact details are shown on page 1 of the agenda.

### 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:

- Mayor of Hackney
- Your Councillors
- Cabinet
- Speaker
- MPs, MEPs and GLA
- Committee Reports
- Council Meetings
- Executive Meetings and Key Decisions Notice
- Register to Vote
- Introduction to the Council
- Council Departments

## RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

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 Dawn Carter-McDonald, Interim Director of Legal and Governance Services on 020 8356 6234 or email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)



## MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

**MONDAY, 1ST JUNE, 2020**

- Councillors Present:** Councillor Jessica Webb in the Chair
- Cllr Clare Potter, Cllr Susan Fajana-Thomas (Vice-Chair), Cllr Katie Hanson, Cllr Vincent Stops, Cllr Mete Coban, Cllr M Can Ozsen, Cllr Ajay Chauhan, Cllr Peter Snell, Cllr Carole Williams and Cllr Steve Race
- Apologies:** Councillor Brian Bell, Councillor Clare Joseph and Councillor Anthony McMahon
- Officers in Attendance:** Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulations, Neighbourhoods and Housing Daniel O'Sullivan, Service Area Manager, Neighbourhoods and Housing, Michael Benn, Parking Services, John Tsang, Development Management & Enforcement Manager, Neighbourhoods and Housing, Andy Cunningham, Head of Street Scene, Josephine Sterakides, Lawyer
- Also in Attendance:** Councillor Caroline Selman  
Tess Merrett, Governance Services

### **1 Apologies for Absence**

Apologies for absence were received from Cllrs Bell, McMahon and Joseph.

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

There were no declarations of interest.

### **3 Consideration of Minutes Of The Previous Meeting**

The minutes of the previous meeting were agreed as a true record subject to the deletion of the first 3 sentences in item 4 on the grounds that it was not clear what the sentences referred to.

### **4 Any Other Business Which in The Opinion Of The Chair is Urgent**

The Chair brought forward item 9 of the agenda which was any other business which in the opinion of the Chair is urgent. This was to update the Committee on what the Council had been doing during the Covid 19 pandemic to support its staff.

Councillor Williams introduced the report and expressed her thanks for all the tremendous work council officers had been carrying out during the crisis.

Dan Paul took the Committee through the report and highlighted the links contained in the report which would take the Committee to more detailed information relating to the different areas within the Council. He highlighted in particular, the change in sickness policy which meant that Covid 19 sickness would not count towards a staff member's aggregate sickness record and any potential sickness absence management triggers. Dan Paul explained that self isolation did not count as sickness and also that the Council had extended dependency leave entitlement.

The Committee echoed the Chair's and Councillor Williams's thanks to all staff for the incredible work being done during the crisis.

Councillor Fajana-Thomas asked about risk assessments for front line staff and for further information on personal protective equipment (PPE)

Dan Paul said that he was not able to provide detailed information on this as he did not have responsibility for health and safety. Chris Pritchard and Dr Sandra Husbands would be able to provide this information.

Councillor Williams said that the Council had shown a duty of care for its staff with many staff now working from home where they could. The Council also had a good supply of PPE.

The Chair expressed her thanks to Dan Paul who was leaving the Council and this was his last Corporate Committee. She said she was sorry he was leaving.

## **5 Pavement Parking**

Councillor Stops gave some background to the discussion. Whilst Hackney had some of the best managed pavements in London, there were still issues with overhanging vegetation or cars parking poorly for example. It was also difficult to know where to go to complain as responsibility for enforcement was spread across different departments. Councillor stops stressed how important it was to keep pavements clear to ensure the safety of vulnerable residents.

Gerry McCarthy said that Transport for London (TfL) had responsibility in some areas and the Council did not have the authority to enforce in these areas without specific delegated power from TfL.

In terms of overhanging vegetation, Andy Cunningham said that the Council followed a set of protocols which included written warnings which if ignored, the Council would then cut back and recharge the resident.

Josephine Sterakades stressed from a legal aspect, the Council could not undertake any enforcement which was in another body's authority such as TfL. Action depended very much on the offence committed.

Daniel O'Sullivan said that he and Gerry McCarthy worked closely on enforcement matters and they held a monthly meeting with TfL. Not everything required planning permission but if it did, then the planning team were consulted to ensure planning was in place. John Tsang agreed that tables and chairs were not a planning matter.



Michael Benn said that officers had worked hard to make it easier for people to report things and to improve intelligence on where problems were. New proposals were being worked on to tighten policies to allow faster action to be taken against poorly parked vehicles. Councillor Oszen said that parking on pavements damaged the walkways making them uneven and unsafe. Councillor Selman noted that making reporting easier was a manifesto commitment.

The Chair asked if enforcement was an on-going issue with TfL and Gerry McCarthy said that TfL had made it clear in the latest correspondence with him that delegated enforcement powers would not be given to the Council.

Councillor Hanson said that if experienced councillors had difficulty in navigating how and where to report issues, the general public would have even more difficulty. She asked if any political pressure could be brought to bear on TfL. Councillor Selman said that she could raise this with TfL and maybe the reporting experience could be improved.

## **6 Officer Licensing Panel - Revised Procedures & Terms of Reference**

Daniel O'Sullivan introduced the report and gave some background. One virtual hearing had been held in June in respect of a trader who had misled the Council over a Covid 19 test and one was scheduled for July to hear an issue with persistent pavement encroachment.

Councillor Snell asked for clarification on the change in the quorum for a panel hearing. Daniel O'Sullivan said that previously the quorum had been two which could lead to deadlock whereas a quorum of three would remove that problem.

Councillor Snell commented that the Ridley Road Market and Traders Association had never been involved in making a decision. Daniel O'Sullivan said that the Panel met every 28 days and previously Ridley Road Market and Traders Association were emailed all the applicants' details and afforded the opportunity to give their recommendations which was in direct contravention of the legislation and the GDPR regulations. Councillor Snell said that the London Licensing Act did not prevent Traders from checking details and as the Panel will comprise only Officers, it could be seen as taking decisions behind closed doors.

Daniel O'Sullivan said that the service was fully transparent and people could come and ask questions and if there were to be an appeal someone from the Traders' Association could attend.

Councillor Susan Fajana-Thomas asked for clarification on what provisions were in the legislation. Daniel O'Sullivan said that the London Licensing Act as 1990 as amended did not provide for any delegations from the Council. The legislation is very clear that only the local authority can make decisions on market trading and shop front licences.

The Chair asked that for future reports, could the recommendations make it clear what the Committee was being asked to do.

The Committee noted the report.

## **7 Traders Issues and Responsibilities**

Daniel O'Sullivan introduced the consultation report. Councillor Stops was of the view that licences should just cover tables and chairs as the planters and tubs traders used caused a real problem as footways were not wide enough. Daniel O'Sullivan said that 1-2 metres was the minimum legal limit and licences would not necessarily be granted up to that level. There was an A Board policy and Hackney was the only local authority with bespoke terms and conditions (T&Cs) for shop fronts. These T&Cs which came into force from 1 April 2020 should make enforcement easier.

Councillor Fajana-Thomas queried the number of consultation responses and whether these did actually reflect the traders' views. Daniel O'Sullivan said that Well Street for example, was still designated as a market but no one had traded there for 16 months which was why there was a 0 response. As another example, Kingsland Waste only had 2 permanent traders. Officers went round to see the traders and leafleted and generally, if the traders are operating as they should, the introduction of new terms and conditions won't affect them. Only one trader has lost their licence in the last year as the majority of traders engage with the Council and those that don't forfeit their licence before they get to an OLP. Traders generally raise an issue as and when it arises and the Council holds an annual meeting with them. Hackney is a multi-award winning borough in terms of traders which has been supporting other boroughs during the Covid 19 pandemic.

The Committee noted the report.

## **8 Annual Report of Public Space Protection Order (PSPO) 2019 previously designated public places order (DPPO)**

Gerry McCarthy introduced the report and highlighted the fact that there had not been a huge number of incidents and there had only been 1 ASB order. The team now had a Street Users Officer which had been part of the manifesto commitment on street users. The officer would develop strategic ways to deal with street users and worked closely with the Rough Sleepers' Unit too. The Council did not issue fines but rather engaged and signposted street users to agencies which could help. The Council wanted to target problem behaviour not restrict street use.

Councillor Oszen said that there were lots of young people in Shoreditch and London Fields and asked how the Council dealt with this. Gerry McCarthy said that his team worked closely with the licensing team and the introduction of the late night levy had helped.

Councillor Race asked how confident officers were with the data and was street drinking in fact under reported. Gerry McCarthy said it probably was under reported but referrals were made to other agencies and during the Covid 19 pandemic, temporary accommodation had been secured for homeless people. An injunction was a last resort after all other attempts to address the problem had been exhausted.

Councillor Snell queried the hot spots of Hackney Central and Springfield. Gerry McCarthy said Hackney Central incidents were to do with the train station and Springfield was about Eastern European workers congregating after work to have a drink and the local residents found this intimidating.

The Committee noted the report.

**9 Draft Work Programme 2020/21**

The Committee noted that the review of polling stations could be removed from this year's plan.

**Duration of the meeting:** 6.30pm

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**Enforcement Service - Annual Performance Report 2019/20**

**CORPORATE COMMITTEE  
MEETING DATES 2020/21**

**16<sup>th</sup> September 2020**

**CLASSIFICATION:**

**OPEN**

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

**WARD(S) AFFECTED**

**All Wards**

**GROUP DIRECTOR**

**Ajman Ali, Neighbourhoods & Housing**

## **1. INTRODUCTION AND PURPOSE**

- 1.1 This report sets out the annual performance report across the enforcement remit for the 2019/20 financial year.
- 1.2 Corporate Committee has requested annual reports on the development of the Council's response to enforcement.
- 1.3 The report sets out the key areas relating to enforcement, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.4 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.5 Enforcement in Hackney continues to incorporate an integrated approach including environmental enforcement which looks at issues such as Highway obstructions including A-Boards, littering and fly tipping together, so that the most appropriate action (in accordance with relevant legislation) can be taken based upon the circumstances of the particular case.
- 1.6 Officers also undertake a wide range of enforcement investigations relating to anti-social behaviour (ASB) with partners including Hackney Housing, Police and Housing Associations. This provides greater resilience and ability for specialists to collaborate and for cases to be prioritised using all of the powers available in the Anti-Social Behaviour, Crime and Policing Act 2014. This includes Closure Notices and Orders, Community Protection Warnings and Notices and Injunctions where necessary.

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

- 2.1 **The Corporate Committee is recommended to:**
- 2.1 **Note the annual performance report for the service.**

## **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 Enforcement activities.

## **4 BACKGROUND**

- 4.01 The Enforcement Service was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and this report details the scope and activities of the service and provides detail on the performance of the service for 2019/20.

- 4.02 The Service is split into two Teams, North and South each headed by a Team Leader. Each Team comprises of five ward based Principal Officers (non-uniformed), one Principal Waste Enforcement Officer dealing with unregulated and commercial waste, two Technical Support Investigation Officers and fourteen uniformed Enforcement Officers together with two apprentices, one in each Team.
- 4.03 The ward based Principal Officer's deal with a variety of complex cases and casework including eliminating through enforcement activity ingrained ASB, repeated larger scale fly tipping activity and complex domestic noise complaints. Most of this type of complex activity will be delivered in close co-operation with a variety of other services namely the Police, Community Safety, Hackney Housing, Housing Associations, Environmental Protection and Adult and Child Safeguarding. Principal Officers are Ward based and act as single points of contact for their Ward areas.
- 4.04 The Officers also work out of regular service hours on a rota basis covering Borough wide matters concerning either reactive or proactive issues as above but also including unlicensed street trading operations and the like through concerted action with other agencies and parts of the Council.
- 4.05 The uniformed service has no formal limits other than those imposed by legislation and by its own resource. The main objective of the service is to provide a highly visible protective and proactive service that can be deployed easily and quickly according to need. Naturally this is constrained by law on employment and particularly, on health and safety. For example it cannot respond directly to those activities concerning crime more usually dealt with by the Police e.g. stabbings, drug dealing etc, although it may have a supportive role.
- 4.06 The uniformed Enforcement Officers are tasked on weekly basis and is a vital component in ensuring that the service is addressing problems and concerns that residents and other departments (especially Housing) are experiencing. These Tasking meetings determine the following:
- Co-ordination and deployment of staff using an evidence based approach to provide targeted action and patrols based on weekly / ongoing analysis of intelligence and data (service wide). This includes planning for upcoming events, and seasonal peaks of activity that require action on a cyclic basis (e.g. Summer peaks, Christmas, Bank Holidays, Wireless, religious festivals, pre-planned events in Parks etc.)
  - Highlight emerging patterns and trends and plan targeted early intervention and activities.
  - Provide staff briefing: to include issues of concern that they need to be aware of (officer safety, missing persons, suspect premises, suspect vehicles, suspect people etc.), and to request additional information and data to fill information gaps.

- Enable a joined up and efficient use of service provision in Hackney (From Enforcement Officer patrols to licensed premises, business regulation enquiries and checks, plus other enforcement functions), and task Officers dependent upon need and demand.
- Provide a transparent and auditable decision making process that will stand up to scrutiny and justify how and why decisions have been reached. Particularly relevant in this respect is where action is not possible or evidence is insufficient, and that alternative solutions or referrals have been considered.
- Provide a full list of all action/tasking's completed and action taken to resolve issues.

4.07 In addition to this a larger Partnership Tasking takes places on a monthly basis and is associated more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any strategic requests from Police are currently either discussed at the weekly tasking process (generally regarding requests for the service area e.g. CCTV & Enforcement Officers), or discussed at Partnership Monthly Tasking if a multi-agency problem solving approach is better suited.

The Partnership Tasking meeting has developed from a need to improve joined-up working practices across a broad range of Council departments, organisations and agencies. Its purpose is to effectively tackle, control and reduce crime and ASB related problems; it is recognised that tackling problems together is a more effective approach to crime prevention and enforcement and has a broad two fold purpose:

- 1) Tasking is focused on a discussion around crime trends and hotspots that identify problem locations and associated issues. Where relevant and appropriate, partners are asked to undertake specific actions to help resolve current problems. Enforcement Officers are frequently tasked to undertake patrols and enforce Fixed Penalty Notices at specifically defined hours and locations. The actions are relevant to the identified problem, and allotted to the relevant partner(s) only. A lead member is identified to co-ordinate and collate the response in a given time period; this usually consists of an initial response after two weeks, but some of the more complex or ongoing issues will require a longer period of resolution.
- 2) Development of problem solving more generally and a forum for partners to bring forward specific problems that require a partnership focused resolution. Some of the problems tackled under this umbrella have originated from Councillor Enquiries and complaints. As above a lead partner co-ordinates action and is responsible for the development of more detailed action plans and responds back to the group.

4.08 The Service is also expected support some of its provision through its own enforcement activities in preventing and tackling ASB, Highways obstructions including A-Boards, waste and other nuisance type issues that occur on the



Borough's public spaces and streets. This is usually determined as a tool for behaviour change, where they can have considerable impact on the casual disposal of litter on the Boroughs streets.

- 4.09 The Enforcement Officer interactions will usually be for one-off offences and are dealt with at the time of the offence. More complex and ingrained activity is passed to the relevant ward based Principal Officer. The Enforcement Officers are also tasked on a daily and weekly basis to prevent and investigate instances of nuisance and ASB on the Borough's streets and Estates. One of the key indicators on this is the administration of Fixed Penalty Notices and other types of enforcement tools such as formal cautions and prosecutions.
- 4.10 Given the above, both elements of the service work through a close proactive and reactive intelligence based tasking processes, which are continually adjusted to ensure that resources are directed and managed to the best most efficient effect. Consequently they work very closely with the Intelligence Hub and the other statutory services in and throughout the Council.

#### **Enforcement Service scope and activities**

<b>Functions</b>	<b>Activities and Comments</b>
Area co-ordination and forward deployment of resources through the co-ordinated management arrangements with Business Regulation.	This is achieved through having a shared common management structure where common objectives and working can ensure co-ordinated responses and planning.
Intelligence material sourced from the Community Safety Team's Intelligence Hub used directly to inform tasking and problem solving with partners across the Council and Police.	Regular weekly tasking and action centred management meetings ensure this is maintained and delivered.
Fulfilling specific requirements as set out in the Service Level Agreement (SLA) between the service and the Housing Department, primarily focused in dealing with unauthorised waste disposal, ASB, and ingrained noise problems other smaller matters and issues such as the removal of pirate radio aerials and paraphernalia whilst providing a uniformed patrolling	The SLA is vital to the functionality of the service and regular contact with Housing ASB team ensure that the work is relevant and is continually adjusted to need. It works through tasking and other linkages to ensure complete functionality. The Enforcement service leads on the Anti-Social Behaviour Panels which primarily but not exclusively deals with

deterrent.	Hackney Housing Tenants.
Managing complex and local ward based issues through enforcement case management (for all areas of non-compliance but especially noise and ASB).	This is ongoing work that concerns complaint resident derived cases, which, for example includes anything from noisy cockerels to extreme cases of continual noise pollution in a particular locality from one individual playing amplified music and complex ASB issues such as Gillett Square, Dalston Square and Wilberforce Road. These can become complex matters which although local in nature can cause considerable harm and reputational damage to the council if not dealt with adequately.
Joint operations with the Police and Partners; some ad hoc 'on the night' and others with considerable forward planning involving cross border and working through tasking processes. This can include planned activity in controlling the noise and ASB issues in relation to localised cultural events.	Joint operations have targeted issues such as kerb crawling operations or weapon sweeps planned through tasking or help in eliminating noise nuisance through entry and the seizure of noise emitting equipment.
The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise nuisance issues.	This is regular reactive activity mainly late at night to deter and deal with noise nuisance by dealing with issues on the out of hours noise service and other ASB problems experienced in the evening particularly in the Dalston and Shoreditch areas.
Dealing with and preventing environmental ASB and waste including fly tipping, highway obstructions, street urination and littering through intelligence based tasking and formalised patrolling.	This is a regular service activity and results in increased levels of on the spot enforcement activity. It is an essential tool in achieving compliance in ensuring a visible deterrent especially in the fly tipping of waste by businesses outside of authorised times and limits.
Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and	Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age controlled products (e.g. alcohol,

Licensing.	knives ,tobacco) to minors.
Highways Licensing Enforcement including skips and scaffolding through patrols and intelligence feeds from Street Scene.	The Uniformed Service will generally patrol areas of the Borough where there are suspected highway obstructions such as unlicensed skips. Street Scene will also provide intelligence relating to highway obstructions.
Uniformed service dealing with non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards.	These non-compliance issues are usually generated by businesses. The services are reactive in nature although focused operations are planned when resources allow. Officers are proactive in dealing with A Boards.
Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated traveller camps.	Two Officers who are embedded with the Waste teams located at Millfields Depot although managed by the service investigate these matters. Proactively and reactively they are working solely on these issues
Dealing with and preventing sources of atmospheric pollution and other detriments to air quality.	This is a developing area of work and there will be a focus on the reactive and proactive work on problems such as the enforcement of clean air legislation.
Special activity or projects focused on particular local areas of concern for example Unlicensed Music Events and air pollution in public spaces including London Fields over the summer.	A specific team has been set up to be set up and tasked with this on weekends and Bank Holidays over 21 weeks in Summer 2019. This is funded from budgets within Public Realm
Leading and Coordinating Antisocial Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB officers.	This is regular specialised cross departmental activity led by Enforcement Team Leaders to ensure individual cases are dealt with.
Public Reassurance achieved through regular visible patrolling through town centres and estates.	This is self-descriptive and is an important element of the service. For example there may be issues with ASB outside a school and therefore distinctively uniformed officers can be

	tasked to be in the vicinity to provide public reassurance at school leaving time.
Dealing with and providing customer responses to enquiries and complaints (including freedom of information matters and members enquiries).	The section receives a large quantity of incoming complaints and enquiries which need to be researched and responded to this is done in the main by Team Leaders and Principal Officers.

## 4.1 Policy Context

4.1.1 This report sets out how the Council discharges its responsibilities in relation to Enforcement.

### SERVICE HIGHLIGHTS

The following sections provides detail on work undertaken against our wider outcomes.

**A-Boards:** The A-board policy which was implemented in 2013/14 is continuously being enforced by Enforcement Officers. There are high levels of compliance with the policy once businesses become aware of the Councils approach to dealing with A-boards. There still remains a challenge with new businesses often displaying A-boards but once notified they fall into compliance. Officers are still proactive in identifying A-boards and taking relevant action. We also received referrals from members of the public where they have also seen A-boards, as they are aware of this offence due to the publicity and information being published about A-boards.

TFL are responsible for the red route areas throughout Hackney and have uniformed Officers who take action where required in line with their policy, which mirrors the process we currently have in place in Hackney. We also have a good working relationship where cases referred or identified by Hackney is actioned and feedback provided. However we are aware that some further work is required regarding timely action being taken by TFL when requested by the Council, so that actions and enforcement work across the borough are consistent.

**Unregulated Waste:** The main objective of the unregulated waste programme is to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with

waste management processes. This principle was embedded in each operational objective delivered within the programme in relation to environmental enforcement to identify non-compliant residents and businesses, take appropriate action and change behaviours.

Specific streams of the project targeted the main roads which had amongst the highest volume of unregulated waste, namely the A10 (Kingsland Road through to Stamford Hill), Broadway Market and Chatsworth Road. The programme has produced a reduction in unregulated waste through direct enforcement; changes to contracts (both private and Hackney), new contracts where none were in place previously, positive behaviour change around placing out of waste in the right locations and during the correct time for collection (time bands in place). Positive changes have also been progressed through wider findings and changes to operational resources i.e. dedicated Waste Enforcement Officers with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

Enforcement Officers in the service are continuing to address the issue of unregulated waste by undertaking targeted patrols with staff from waste operations and in the first instance will engage with businesses by speaking to the owner/manager of the business in the first instance and providing them with an advisory leaflet. If the business fails to comply with this informal approach then a second visit is undertaken to ensure compliance when a warning letter is issued. Failure to comply with this request will result in formal action being undertaken.

Officers are undertaking visits with staff from Waste Operations and undertaking visits during the day, evenings and at night in an effort to reduce the impact of unregulated waste.

**ASB:** Principal Enforcement Officers have responsibility of dealing with ASB and related issues within their nominated wards. They intimately know their wards and will be aware of all issues. They attend relevant Panel meetings in their wards where they will meet and get to understand the concerns of local residents alongside the Police and other relevant staff in Housing, Parks and other services. They will also know and communicate regularly with their Police SNT Officers and Sergeants in their ward clusters. In association with Police services and other sections they will carry out routine enforcement action which can include for example obtaining entry warrants and applying for Closure Orders at the Magistrates' Court.

**Pirate Radio Stations:** Principal Officers also deal with the removal of illegal pirate radio stations in conjunction with Ofcom, as not only do pirate stations interfere with vital radio communications used by the emergency services, aircraft systems, they can have an impact on the lives of our residents affecting their television or radio signals. The pirates frequently cause damage to property when siting equipment which can have an impact on residents. On many occasions as they are unregulated they can be found to be broadcasting

homophobic or other hate speech material. Officers arrange to have aerials, wood, metal work, cabling and transmitters removed where possible.

**Public Space Protection Order (PSPO):** A PSPO was approved by Cabinet on 29<sup>th</sup> April 2019 under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and requirements in the specific area of Wick Woodland outlined in this report, for an initial period of three years. This was necessary as Council and Kings Park Police Safer Neighbourhood Team have received numerous complaints about noise, littering and other antisocial behaviour (ASB) taking place in Wick Woodland by Hackney Marshes. These include large anti-social parties that cause significant noise disturbance in the local area, as well as significant environmental and wildlife damage. Complaints were received initially in 2014 and continued until the PSPO was approved.

While the PSPO has been successful to deal with behaviours complained of these activities then moved to the adjoining Hackney Marshes and the Council successfully applied to the High Court for an injunction in June 2020 to address this and consideration is being given to extending the current PSPO to Hackney Marshes.

**Night Time Economy (NTE):** Enforcement Officers have always been involved with undertaking patrols and issuing fixed penalty notices for littering, urination and Illegal Street trading particularly of nitrous oxide the night time economy. Since the introduction of the Late Night Levy (LNL) their patrolling activity has been increased to include all parts of the Borough and has been programmed through an increased level of staffing using overtime. Activities are mostly focused on NTE areas. Officers deal with issues some of which are tasked such as checking Temporary Events and focusing on areas known for ASB resulting from intoxication whilst providing a visible uniformed presence in these areas.

The Police have also commenced Patrolling the NTE on a focused overtime basis funded by the LNL and the Enforcement Officers co-ordinate and work closely with these teams.

**London Fields:** The Council agreed to ban all barbeques in the Parks and open public spaces in the Borough in 2019 and a dedicated team of Enforcement Officers were in place working throughout the summer on the weekends and Bank Holidays in 2019 to ensure that no barbeques were used in the key location of London Fields. This was seen as vital in ensuring that atmospheric pollution is kept to a minimum and that there were minimal levels of ASB. Officers worked with the Parks Service to ensure Park users complied with this as it was easier to explain and enforce than in previous years.

## 4.2 Equality Impact Assessment

N/A

### 4.3 Sustainability

N/A

### 4.4 Consultations

N/A

### 4.5 Risk Assessment

4.5.1 Enforcement Officers will take actions that contribute to achieving corporate priorities and desired outcomes. Without these being agreed, (that being clearly stated priorities), the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

4.5.2 **Rate of growth** – Business and household growth in the borough has been significant and will continue. Keeping up with this rate of growth is a particular challenge for the service within its current resource provision, especially relating to waste management and sustaining local environmental quality. This includes controlling the environmental impacts from businesses such as litter and waste throughout their operating hours and managing appropriate commercial and household waste enforcement.

4.5.3 Officers and Partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, undertaking proactive patrols in relation to the Night Time Economy, highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.

4.5.4 **Administering the enforcement process** – Mobile ICT working solutions and business intelligence software are currently being managed through Public Realm ICT delivery programmes. These provide Council services with new technology that assists in ensuring efficiency and effectiveness of delivery. Enforcement is part of this programme particularly in relation to the service of Fixed Penalty Notices.

4.5.5 **Resource deployment**-Pressure to provide a visible presence on street impacts upon the resources available for high priority case progression/investigation, sustainable problem solving and behaviour change initiatives. Getting the balance right between these is critical for the Council moving forward and the joint working approach currently being developed supports this. Communications both Borough-wide and locally need to be further utilised alongside physical resources so that together they are directed in a way that maximises the feel of “Presence” whilst ensuring a keen focus on cost and effectiveness. Enforcement currently benefits from good corporate communications support.

- 4.5.6 The cross cutting enforcement programme picked up on measures to ensure coordinated and accountable processes for cross departmental problem solving. This in turn supports a cross departmental approach to managing problems in localities and neighbourhoods to bring about solutions that are not within the gift of a sole service to resolve. This approach helps address problems associated with the Night Time Economy and Environmental Crime. Partnership Tasking delivers this in part in relation to the crime and anti-social behaviour agenda; however it is not designed to take a holistic approach to problem solving relating to all the matters highlighted.
- 4.5.7 Public space ASB such as drug use in Parks and other open spaces, begging, drunkenness, urination in public etc is a priority for the service and has placed increased demand on the service particularly at a time when there is considerable pressure on partner agencies the service works with in dealing with these issues such as the Metropolitan Police Service.
- 4.5.8 Other priorities for the service include issues associated with the Night Time Economy which is the biggest market economy in the borough with a high impact on crime particularly violence, theft, hate crime, sexual offences, drug use/supply which has also increased demand on the service.
- 4.5.9 Nuisance neighbours and domestic noise are still the greatest source of ASB reported to the service with demand increasing as in the period January-December 2018, 3825 domestic noise service requests were received. For the same period in 2019 5516 requests were received which is an increase of 44%. Staffing the out of hours' service requires 3.19 FTE Enforcement Officers and 1 FTE Technical Support Officer in addition to Environmental Protection Officers on duty and impacts the capability of the service early in the week as these staff will be on rest days following their weekend duties.
- 4.5.10 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. This is one of the reasons for the increase in service requests received and there are now two teams of Officers on duty when the out of hours' service is staffed to provide a better response to calls received. An alternative method of receiving calls when the out of hours' service is operating was introduced in May 2019 and also at other times to meet the Manifesto commitment of making it easier to report ASB 24/7 though a response will not be provided at other times and residents will only be able to report ASB and work to meet the Manifesto commitment is ongoing.
- 4.5.11 The noise nuisance webpage has been reviewed and updated in 2019 and is again currently being reviewed. 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 allows Officers to receive relevant information, better understand issues and plan an appropriate course of action.

4.5.12 Residents now receive a same-day acknowledgement accompanied by newly developed 'Noise Action Guidance' which will detail next steps and assist with managing expectations. The link to the form is [www.hackney.gov.uk/noise](http://www.hackney.gov.uk/noise).

4.5.13 Environmental enforcement continues to be a priority for the service and significant number of formal notices being served in relation to this area of work being Fixed Penalty Notices (FPNs) with 2222 being issued in 2019/20 compared to 1518 in 2018/19 which is due increased productivity and the introduction of mobile technology. It also needs to be acknowledged that Officers are undertaking a broader range of duties ranging from environmental enforcement to out of hours noise, NTE visits, tasking duties and reassurance patrols compared to 2016/17 when Officers were only undertaking environmental enforcement duties. The approval by Cabinet in January 2019 of a revised Enforcement Policy has also assisted in the decision making process in relation to the enforcement action taken regarding a particular issue.

**Table 1, Fixed Penalty notices issued in 2019/20**

FPNs Issued 2019/20	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
<b>Mobile</b>	<b>70</b>	<b>108</b>	<b>66</b>	<b>124</b>	<b>121</b>	<b>144</b>	<b>194</b>	<b>251</b>	<b>240</b>	<b>317</b>	<b>236</b>	<b>148</b>	<b>2019</b>
47ZA FPN for Section 47 Notice	3	4	3					1	1	2	1		15
ASB Act 2003, amended by S28 of Cleaner Neighbourhoods Various			1	1		1		1					4
Anti Social Behaviour, Crime and Policing Act 2014 Section 67							1						1
Environmental Protection Act 1990 Section 46									2		2	1	5
Fly Posting				33	2	5	2	4	3	3	2	2	56
Flytipping	2	9	1	11	6	3	2	3	6	7	4	1	55
Highway Obstruction	27	49	29	36	31	56	75	88	68	120	60	63	702
Highways Act 1980 Section 138										2			2
Highways Act 1980 Section 139(4)							1				1		2
London Local Authorities Act 1990 Section 34(1)							1		1	1			3
Section 138 Erecting a building, fence or hedge on highway	1	1	2	2	1	4	2			5	10	2	30
Section 148(d) Pitching of booths, stalls etc	1												1
Section 153(5) Failure comply notice requiring alteration of door etc												1	1
Section 161(1) Depositing on highway cause injury or danger					1	1	1				1		4
Section 34(6) duty to furnish documents						1							1
Section 38 Illegal Street Trading	1		1		6	9	14	6	3	13	2	1	56
Section 87 EPA 1990 Littering/Urination	1	2	2	1	1	1	8	36	40	3			95
Section 88 Litter	17	17	14	26	45	36	26	68	66	87	48	33	483
Section 88 Urinating	6	8	5	3	9	11	50	34	34	45	92	27	324
Skip Offences	11	17	9	10	19	15	11	8	17	27	16	17	177
Town and Country Planning Act 1990 Section 244(3)				1						1			2
<b>Paper</b>	<b>37</b>	<b>16</b>	<b>9</b>	<b>20</b>	<b>33</b>	<b>14</b>	<b>18</b>	<b>22</b>	<b>7</b>	<b>12</b>	<b>8</b>	<b>7</b>	<b>203</b>
47ZA FPN for Section 47 Notice		3		1	3	1	1	1				2	12
Community Protection Penalty Notice					5		1						6
Fly Posting	4		1	1			1	2					9
Flytipping	6	1	1	7	5	5	5	13	2	6	7	2	60
Highway Obstruction	14	6			3	1	1	1		1			27
Section 34(6) duty to furnish documents	10	5	5	6	2	5	1	3	2	4	1	1	45
Section 38 Illegal Street Trading		1	1										2
Section 88 Litter	3		1	5	15	2	8	1	3	1		2	41
Vehicles Repairs on Highway								1					1
<b>Grand Total</b>	<b>107</b>	<b>124</b>	<b>75</b>	<b>144</b>	<b>154</b>	<b>158</b>	<b>212</b>	<b>273</b>	<b>247</b>	<b>329</b>	<b>244</b>	<b>155</b>	<b>2222</b>

**Table 2, three year comparison for service of Fixed Penalty Notices**

Notice Type	2017/18	2018/19	2019/20
<b>Mobile</b>	<b>416</b>	<b>742</b>	<b>2019</b>
47ZA FPN for Section 47 Notice		12	15
ASB Act 2003, amended by S28 of Cleaner Neighbourhoods Various			4
Anti Social Behaviour, Crime and Policing Act 2014 Section 67		3	1
Environmental Protection Act 1990 Section 46		2	5
Fly Posting			56
Flytipping	1	43	55
Highway Obstruction		43	702
Highways Act 1980 Section 138			2
Highways Act 1980 Section 139(4)			2
London Local Authorities Act 1990 Section 34(1)			3
Section 138 Erecting a building, fence or hedge on highway		2	30
Section 148(d) Pitching of booths, stalls etc		2	1
Section 153(5) Failure comply notice requiring alteration of door etc			1
Section 161(1) Depositing on highway cause injury or danger			4
Section 34(6) duty to furnish documents			1
Section 38 Illegal Street Trading		13	56
Section 87 EPA 1990 Littering/Urination		3	95
Section 88 Litter	190	388	483
Section 88 Urinating	225	231	324
Skip Offences			177
Town and Country Planning Act 1990 Section 244(3)			2
<b>Paper</b>	<b>716</b>	<b>776</b>	<b>203</b>
47ZA FPN for Section 47 Notice	6	32	12
Community Protection Penalty Notice	1	12	6
Dog Off Lead in General Public Area	1		
Fly Posting	5	17	9
Flytipping	64	69	60
Highway Obstruction	261	522	27
Illegal Shop Front Trading	3	1	
Section 34(6) duty to furnish documents	27	31	45
Section 38 Illegal Street Trading	13	4	2
Section 59 Dog Fouling	8		
Section 88 Litter	54	80	41
Section 88 Urinating	268	2	
Unauthorised Marks on the Highway	4	3	
Vehicles Repairs on Highway	1	3	1
<b>Grand Total</b>	<b>1132</b>	<b>1518</b>	<b>2222</b>

4.5.14 Officers use the powers available to them to address ASB and specifically the use of Community Protection Warnings/Notices and Closure Notices/Orders and Criminal Behaviour Orders which became available to local authorities through the Anti-Social Behaviour, Crime and Policing Act 2014 when dealing with ASB investigations.

4.15.15 A Community Protection Notice (CPN) can be issued against a perpetrator of persistent antisocial behaviour. Failure to comply can lead to a fixed penalty notice, remedial action or a court order. A person issued with a CPN can appeal to a Magistrates' Court with 21 days of service of the notice. There is

no restriction on the type of behaviour a CPN can deal with. Before issuing a CPN, the Council will issue a written warning to the perpetrator setting out that if the antisocial behaviour persists a CPN will be issued. The amount of time allowed between the written warning and the issuing of the CPN is to be determined on a case-by-case basis. In some cases it could be minutes, for example when someone persists with playing loud music in a park. For example, if a dog was frequently entering a neighbour's garden through a broken fence, the owner could be issued with a CPN requiring s/he fixes the fence and, if appropriate, require that the owner and dog attended dog behaviour training classes.

4.15.16 The 2014 Act also gave the Council and the Police new closure powers to close premises for the purpose of dealing with, or preventing, public nuisance and disorder. This power consolidated and simplified previously available provisions relating to closure of premises, which were repealed.

4.15.17 A Closure Notice prohibits access to the premises for the period specified in the notice to close premises which are causing antisocial behaviour, if they reasonably believe that there is, or is likely to be:

- a nuisance to members of the public, or
- disorder relating to the premises and in its vicinity

In addition, the notice must be necessary to prevent occurrence or reoccurrence of the nuisance or disorder. A notice is valid for a maximum of 48 hours and it can be cancelled or varied. In order to be confirmed as a Closure Order, the Council or the Police must apply to the Magistrates' Court.

4.17.18 A Closure Order can prohibit access to the premises, or part of them:

- at all times, or at specified times only
- by everyone (including the occupier and other residents), or by specified persons only.

A Closure Order can be made for a maximum of three months. However, the Council or Police can apply, before expiry of the original term, for an extension up to a (overall) maximum of six months.

**Table 3, Formal Notices issued in 2019/20**

<b>Environmental Enforcement Civil Formal Notices - FY2019/20 excluding FPNS</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>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>FY19/20</b>
34(5) Notice	12	17	13	13	5	10	17	9	10	4	4	13	127
ASB CPN Written Warning	1	1	1		1							1	5
Closure Notice			1					1					2
Closure Order			1					1			1	1	4
Community Protection Notice	1	1	2	1	1	1		1	1	1		1	11
Community Protection Warning	11	4	7	2	1		2	6	1	5	6	4	49
Highway Obstruction 7 Day Removal Notice		3	1	1				1					6
Highway Obstruction Advisory	2		5	3	1	3	1		2	3		6	26
Intention To Prosecute Letter	8	3	5	7	5	1	1	7	3	4	1	2	47
Invite To Interview (General)	4	6	6	10	7	11	5	4	2	3	2	1	61
LBH Waste Contract Details / Section 47 Notice	18	13	7	10	12	6	5	3	2	6	1	8	91
NZU Community Protection Warning		2				1							3
NON-LBH Waste Contract Details / Section 47 Notice	3	12	5	4	1	2	2	1	1	1	5	4	41
Notice Served - Section 80 EPA	1			1						1			3
Prosecution Documents	1	1	2		5	1			2	7	1	1	21
s143 Structure Removal Notice				1	1								2
Section 108 Notice	23	1										1	25
<b>Totals</b>	<b>85</b>	<b>64</b>	<b>56</b>	<b>53</b>	<b>40</b>	<b>36</b>	<b>33</b>	<b>34</b>	<b>24</b>	<b>35</b>	<b>21</b>	<b>43</b>	<b>524</b>

**5. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 5.1 This report seeks the Corporate Committee to note the annual performance of enforcement service for the 2019/20 financial year.
- 5.2 The report is retrospective and has no immediate financial implications.
- 5.3 The cost of the enforcement service is met from the revenue budgets in Community Safety, Enforcement and Business Regulation

**6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

- 6.1 The content of this report informative purposes and advises on the annual performance across the enforcement remit for the 2019/20 financial year.
- 6.2 There are no legal implications arising from this report

## APPENDICES

N/A

## EXEMPT

N/A

## BACKGROUND PAPERS

None

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<b>ANNUAL PERFORMANCE REPORT OF THE NOISE SERVICE 2019</b>	
<b>CORPORATE COMMITTEE MEETING DATE 2020/21</b>  16 <sup>th</sup> September 2020	<b>CLASSIFICATION:</b>  Open  If exempt, the reason will be listed in the main body of this report.
<b>WARD(S) AFFECTED</b>  All Wards	
<b>GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>  Ajman Ali	

## **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 2019.
- 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 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.**

## **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.

## **4. BACKGROUND**

- 4.1.1 On 3<sup>rd</sup> May 2017 the 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 continue to receive additional training from the specialist Noise Officers and from external providers. 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.

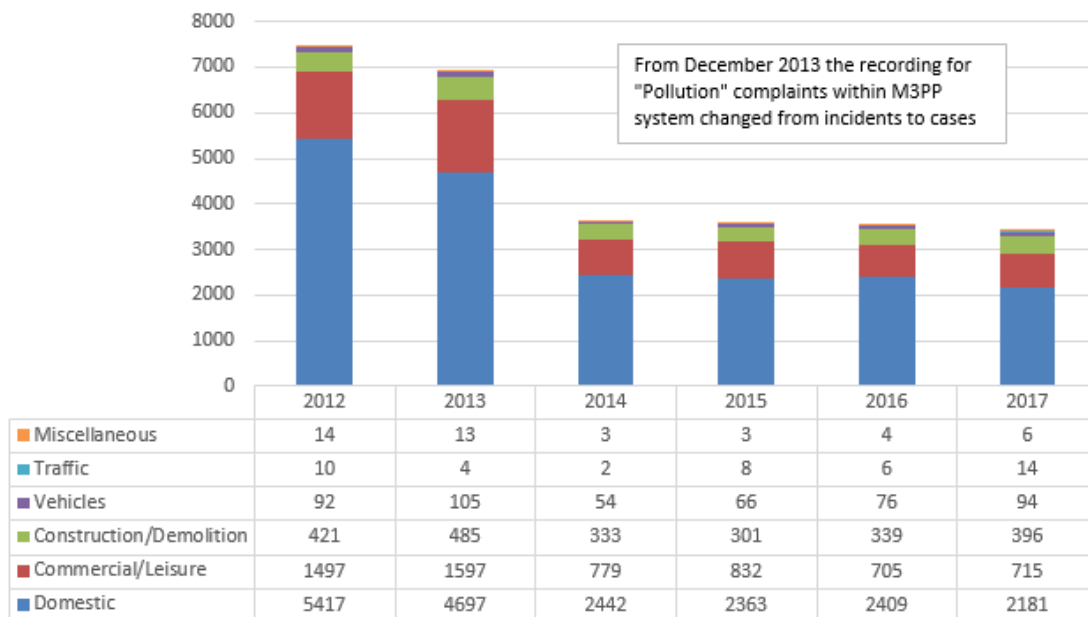
- 4.2.4 The noise nuisance webpage has been reviewed and updated in 2019 and is currently being reviewed. Multiple noise webpages have been streamlined to a single webpage which provides clear and concise information that can be navigated with ease. The online noise nuisance reporting form has been redesigned 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 reports of noise are no longer referenced to the caller but are assigned to the perpetrator address, 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 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 (currently 02.00 due to Covid-19) and Sunday 18.30–02.00. Staff work on a rota 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.

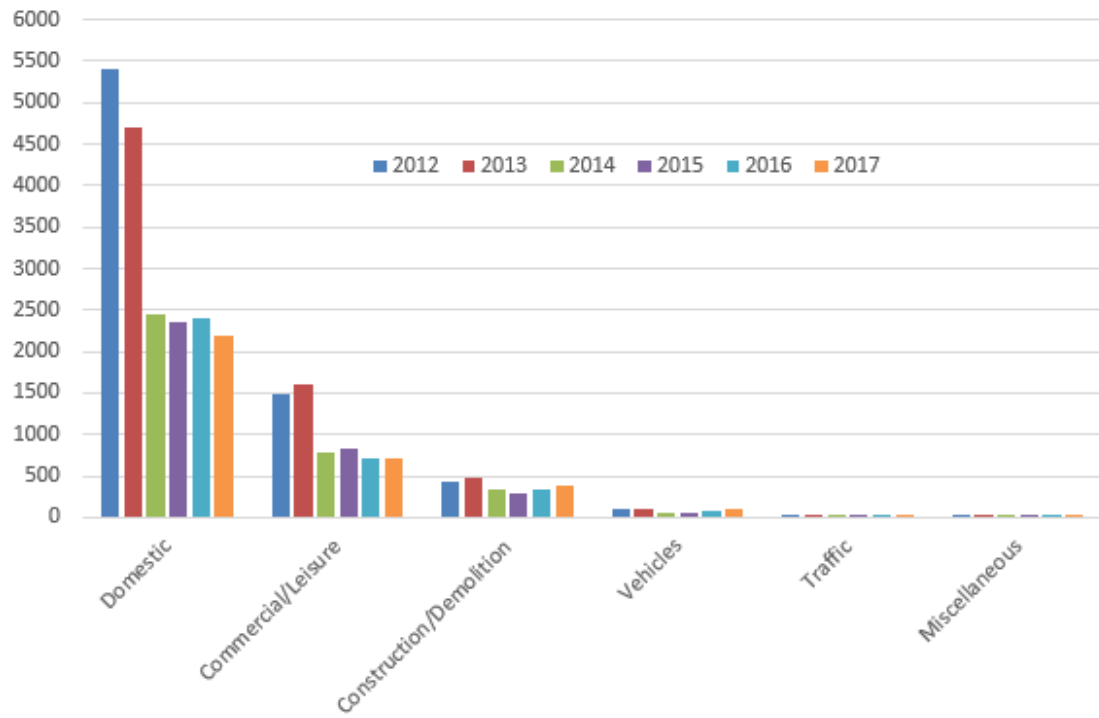
4.2.11 Equally the time taken to attend a service request and deal with it can range enormously from fifteen minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift spent dealing with for a complex unlicensed music event in a 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**



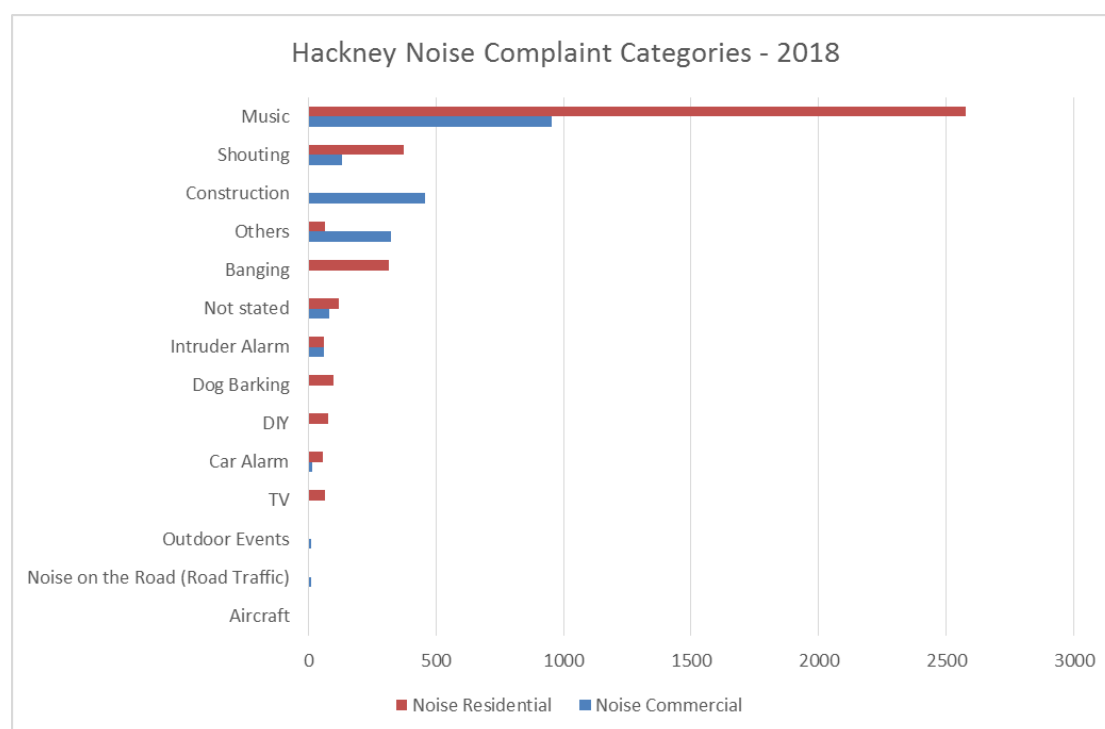
**Chart 2 Noise Complaint Sources Calendar Years 2012-2017**



### 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>

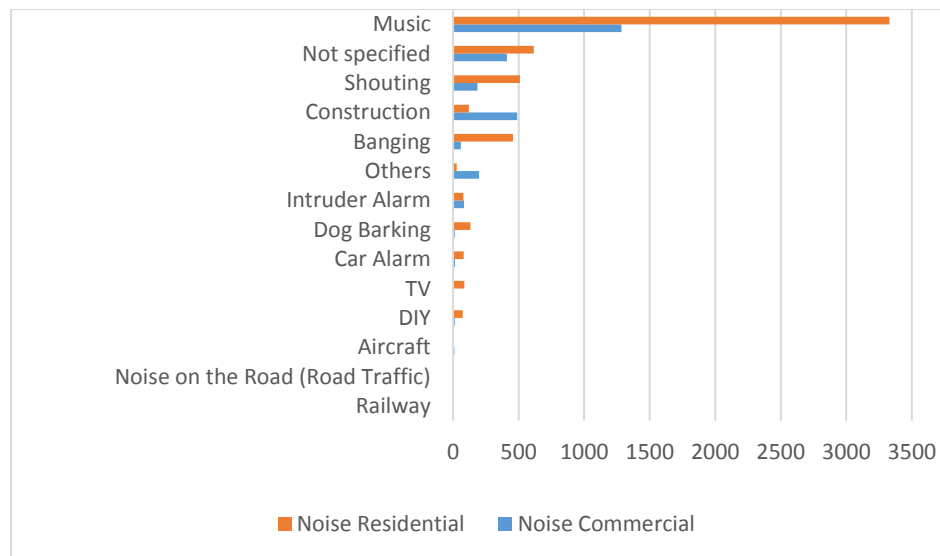
### Chart 4 Noise complaints 2018 showing the commercial /residential breakdown



**Chart 5, Noise Complaints received 2018**

Noise Actions Service requests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 Total
<b>Noise Commercial</b>	<b>192</b>	<b>146</b>	<b>239</b>	<b>217</b>	<b>258</b>	<b>237</b>	<b>342</b>	<b>330</b>	<b>281</b>	<b>183</b>	<b>169</b>	<b>171</b>	<b>2765</b>
Aircraft		1	1		1		4	1	1				9
Banging	8	3	3	5	5	4	9	5	7	7	1	2	59
Car Alarm	1	2		4	1		1	1		3	1		14
Construction	34	37	40	47	49	28	43	77	45	29	34	26	489
DIY		1				2	2	1	5	1			12
Dog Barking							4		2	2	2	3	13
Intruder Alarm	8	2	9	12	3	6	12	11	3	12	3	2	83
Music	82	59	123	84	123	129	168	126	125	87	78	100	1284
Noise on the Road (Traffic)						2					1		3
Not specified	36	19	26	39	46	30	49	64	42	24	22	13	410
Others	12	14	16	16	18	23	21	23	25	4	16	11	199
Railway					1								1
Shouting	11	8	21	9	11	13	29	20	26	14	11	14	187
TV				1				1					2
<b>Noise Residential</b>	<b>393</b>	<b>354</b>	<b>390</b>	<b>384</b>	<b>470</b>	<b>471</b>	<b>691</b>	<b>680</b>	<b>529</b>	<b>435</b>	<b>380</b>	<b>339</b>	<b>5516</b>
Aircraft				1		1	1	2					5
Banging	60	58	30	32	38	31	27	36	19	41	30	54	456
Car Alarm	4	9	4	3	7	6	28	7	5	4	3	2	82
Construction	13	7	9	10	9	8	10	4	16	15	12	7	120
DIY	9	4	9	6	7	7	3	9	7	6	1	5	73
Dog Barking	7	10	11	6	9	11	18	19	6	17	8	9	131
Intruder Alarm	9	8	1	2	11	4	4	11	11	12	3	3	79
Music	182	169	239	234	287	328	442	442	334	260	228	185	3330
Noise on the Road (Traffic)				1	1		1						3
Not specified	60	42	36	43	45	24	98	74	54	50	53	36	615
Others	2	3	8	2			1	2	4		2	2	26
Shouting	35	34	34	36	47	41	55	71	65	29	31	32	510
TV	12	10	9	8	9	10	3	3	8	1	9	4	86
<b>Com&amp;Res Total</b>	<b>585</b>	<b>500</b>	<b>629</b>	<b>601</b>	<b>728</b>	<b>708</b>	<b>1033</b>	<b>1010</b>	<b>810</b>	<b>618</b>	<b>549</b>	<b>510</b>	<b>8281</b>

**Chart 6 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 are received, in addition to physically logging a case, requires 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 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 into 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 into 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 premises user and specifies rigid timescales for response/refusal that if not met mean automatic acceptance of the TEN.

4.3.5 To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the premises user and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of TENs 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 TENs to make a representation on thus targeting those TENs 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
2019	2179

## **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 2019 74 s60 notices were served while 76 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 In order to deal effectively with the increase in reports of commercial noise received, assist with the out of hour's service and continue to provide the proactive service on Sundays in relation to construction noise two additional Officers were recruited to the Team on fixed term contracts until 31st March 2021. Following realignment of budgets these posts will now be made permanent.

## **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 2019.

6.2 There are no immediate financial implications as the report notes retrospective data for 2019. 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 The content of this report informative purposes and sets out the annual performance report in relation to noise nuisance for the period 1<sup>st</sup> January-31<sup>st</sup> December 2019.

7.2 There are no legal implications arising from this report.

## **APPENDICES**

None

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<b>Comments of the Director of Legal Services</b>	Jo Sterakides, Senior Lawyer <a href="mailto:josephine.sterakides@hackney.gov.uk">josephine.sterakides@hackney.gov.uk</a> Tel: 020 8356 2775

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# Agenda Item 6

## Coporate Committee Draft Workplan 2020/21

September 2020				
1	<b>HR Policy Review (if required)</b>		To Approve	Tim Shields (Stuart Thorn)
2	<b>Environmental Enforcement - Annual Performance Report 2019/20</b>	The report sets out the annual performance report across the environmental enforcement remit for the 2019/20 financial year.	For Information And Comment	Ajman Ali (Gerry McCarthy)
3.	<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	Ajman Ali (Gerry McCarthy)

December 2020				
1	<b>Pay Policy Statement 2020/21</b>	Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Tim Shields (Stuart Thorn)
2	<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	Ajman Ali (Gerry McCarthy)
3	<b>Planning - Authority Monitoring Report 2019/20</b>	The AMR provides monitoring information on spatial planning-related activity for the financial year 2019/20 to inform and monitor policy development and performance.	To Approve	Ajman Ali (Natalie Broughton)

March 2021				
1	<b>HR Policy Review (if required)</b>		To Approve	Tim Shields ((Stuart Thorn)
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	Ajman Ali (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	Ajman Ali (Gerry McCarthy)
4	<b>Update on the work being done on policies for consultation on tables and chairs and the terms and conditions for licenc</b>		For Information And Comment	Ajman Ali (Daniel O'Sullivan)

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