

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY 8 MARCH 2022

- Councillors Present:** Councillor Clare Potter in the Chair
Cllr M Can Ozsen, Cllr Brian Bell,
Cllr Humaira Garasia and Cllr Emma Plouviez
- Apologies:** Councillor Vincent Stops, Councillor Clare Joseph,
Councillor Steve Race and Councillor Ian Rathbone
- Officers in Attendance:** Gerry McCarthy – Head of Community Safety,
Enforcement and Business Regulation
Josephine Sterakides – Senior Lawyer
Rabiya Khatun – Governance Officer
- Also in Attendance:** Councillor Susan Fajana-Thomas - Cabinet Member
Community Safety

1 Apologies for Absence

1.1 Apologies for absence were received from Cllrs Joseph, Race, Rathbone and Stops.

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 31 January 2022 be agreed as a correct record of the proceedings.

Matters Arising

The following updates on the actions were provided:

Paragraph 3.1 - Update on out of call hours service

The Head of Community Safety, Enforcement & Business Regulation reported that 89 of 99 calls to the service were answered by the team, the average waiting time for a call was 55 seconds and 60% of calls were answered within 20 seconds.

Paragraph 4.4 – Pay Policy Statement

The Chair reported that the Head of Human Resources had advised that the data on the comparison between the Council and other local authorities in relation to pay was still being produced and would be available at the next meeting. Action to be deferred to the meeting to be held in June 2022.

Paragraph 5.4 - Fixed Penalty Notices (FPN)

The Head of Community Safety, Enforcement & Business Regulation highlighted that there had been an increase of more than 1,000 FPNs from the previous year. This increase had been due partly to the pandemic and the efforts of officers and teams working together better as well as the now being fully staffed. The issue of recruitment and retention of staff had now been resolved.

In response to a question regarding leniency for elderly residents issued a FPN for urination in the streets due to lack of toilet facilities, the Head of Community Safety, Enforcement & Business Regulation stated that the service would consider any representation and medical evidence submitted by any resident before a decision was made to issue or waive a FPN.

4 Annual Performance Report of the Noise Service 2021

4.1 The Head of Community Safety, Enforcement and Business Regulation introduced the report setting out the annual performance in relation to noise nuisance for the period 1 January to 31 December 2021. The report also provided 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).

4.2 The Head of Community Safety, Enforcement and Business Regulation highlighted the following:

- Statutory noise nuisance and noise arising from anti-social behaviour were considered together as part of noise nuisance in Hackney;
- Residents registering a complaint received a Noise Action Guidance which detailed the next steps and assisted with managing expectations;
- In January 2022 NoiseWorks was launched with the objective to develop a fully integrated case management solution to effectively manage noise complaints in Hackney. The feedback from residents were positive;
- The service also delivered an out of hour's noise nuisance service from within the resources allocated. This provision was challenging as the demand was unpredictable and at times of peak fluctuation could result in up to twenty service requests in an hour and the time spent dealing with a service request could vary from 15 minutes to half a shift for a more complex visit;
- The number of TENs received in Hackney had increased significantly and the demand had been disproportionately high with the borough having the second highest number of TENs in London. The TEN was a complex and time consuming system, which continued to place significant demand on existing resources. The fixed administrative fee for processing an application did not cover the cost of resourcing the TENs system. It was anticipated that there would be a rise in TENs application during the Platinum Jubilee Celebration in 2022; and
- In relation to construction noise there had been 46 s60 notices served and 126 consents issued during January to December 2021.

4.2 Councillor Fajana- Thomas emphasised that the NoiseWorks app was a new noise reporting system intended to improve reporting for residents by allowing them to log noise complaints directly with the service and enable officers to work more efficiently. In the longer term it should reduce the number of complaints, recurring

complaints and Members' enquiries relating to noise and also noise nuisance related anti-social behaviour.

4.3 In response to questions from Members relating to the report, the Head of Community Safety, Enforcement and Business Regulation replied as follows:

- Westminster Council had the highest number of TENs in London followed by Hackney Council and this information had been based on the statistics gathered Londonwide on the number of TENs in each borough;
- It would be feasible to compile a list of the top ten boroughs in London in terms of licensed premises and the number of TENs applications received within a specific period and compare this data with Hackney;
- It was clarified that the TENs had created substantial work within the service and that the team had been working in partnership with the Police to reduce the number of TENs granted as well as dealing with problematic premises within the borough's night time economy;
- With regard to difficult and ongoing residential noise nuisance complaints, it was explained that the initial response would be to allocate the complaint to the relevant Principal Enforcement Officer to deal with the complaints within their ward and an ongoing complaint would be referred to the Community Safety and Enforcement team to open an investigation. The team also worked closely with the Anti-Social Behaviour Housing Team to deal with residential noise complaints and together they explored all options to resolve it, however, it was not always possible to successfully resolve all cases especially properties with poor sound insulation or people with incompatible lifestyles such as the elderly and a young family living in a property/block. An Environmental Protection Officer dealt with commercial noise nuisance complaints in their ward;
- In relation to noise complaints linked to a planning breach, the Environmental Protection Team and Planning worked together holding regular meetings to explore the best way to deal with a complaint and to determine the appropriate service that would take enforcement action;
- Noise nuisance emanating from schools would be classed as commercial noise nuisance;
- Cases could be closed if no solution was found to an ongoing noise complaint but could be reopened if further evidence was submitted of a new noise nuisance. Some ongoing complex noise nuisance cases could remain open for up to 18 months in order for officers to gather evidence and cases that were closed remained on the system;
- The enforcement team also had the power to issue community protection warnings and community protection notices under the Anti-Social Crime and Policing Act 2014 for cases that could not be dealt with under statutory noise nuisance but evidence had to be submitted that the anti-social behaviour was ongoing and persistent;
- Screenshots of a logged complaint in the new NoiseWork system could be provided following the meeting and a presentation could be organised for a future meeting for Members to see how the system worked in practice;
- The Cabinet Member for Community Safety was in the process of making a written representation to the Home Office in relation to the fee for a TEN application and the cost incurred by the Council in operating the TENs system; and
- The Head of Community Safety, Enforcement and Business Regulation advised that he would liaise with Licensing Service to explore if it would be feasible to distinguish TENs applications from commercial and non-commercial applicants

Tuesday 8 March 2022

and following the results of the Londonwide TEN comparison exercise discuss the possibility of later opening hours for licensed premises in order to reduce TENs applications.

4.4 Councillor Plouviez highlighted that the issue with the TENs regime in Hackney was that licensed premises such as nightclubs and bars were applying for TENs to extend their licensing hours and that a higher fee could adversely impact on the churches and charities wanting to host low cost events, which had been the purpose of introducing TENs. A review of the current TENs system was necessary to distinguish an application from a commercial venue and churches/charities, and exploring implementing different processes as a way forward or negotiating extended closing hours on specified dates to reduce applications.

4.5 In terms of TENs being a wider issue for the authority, the Chair proposed that she would arrange a meeting with the Head of Community Safety, Enforcement and Business Regulation, the Cabinet Member for Community Safety and the Chair of the Licensing Committee to discuss and review the TENs process and any future action.

ACTION 1: The Head of Community Safety, Enforcement and Business Regulation to compile a list of the top ten boroughs in London in terms of licensed premises and the number of TENs applications received within a specific period and compare this data with Hackney.

ACTION 2: The Head of Community Safety, Enforcement and Business Regulation to circulate to Members screenshots of a logged complaint in the new NoiseWork system.

ACTION 3: The Head of Community Safety, Enforcement and Business Regulation to organise a presentation to demonstrate how the NoiseWork app operates for a future meeting.

ACTION 4: The Chair, Cabinet Member for Community Safety and The Head of Community Safety, Enforcement and Business Regulation to review and explore possible ways of reducing the need for commercial premises to apply for TENs.

RESOLVED to note the annual performance report for the Noise Service in 2021.

5 Draft Work Programme for 2022/23

5.1 The draft work plan for 2022/23 was noted.

6 Any Other Business That The Chair Considers Urgent

6.1 There was no other urgent business.

Duration of the meeting: 6.30-7.25pm

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