



C O R P O R A T E C O M M I T T E E

Tuesday 28 June 2022
at 6.30 pm Council Chamber, Hackney
Town Hall, Mare Street, London E8 1EA

The live stream can be viewed here:
https://youtu.be/Dxlbaw_DPG4 or
<https://youtu.be/OPGd-KyWBPo>

Members of the Committee:

Councillor Alastair Binnie-Lubbock, Councillor Michael Desmond
Councillor Clare Joseph, Councillor Lee Laudat-Scott
Councillor Michael Levy, Councillor Yvonne Maxwell
Councillor Jon Narcross, Councillor M Can Ozsen
Councillor Clare Potter (Chair), Councillor Fliss Premru
Councillor Steve Race, Councillor Midnight Ross
Councillor Ali Sadek, Councillor Ifraax Samatar
Councillor Claudia Turbet-Delof, Councillor Jessica Webb
Councillor Sarah Young (Vice-Chair)

Mark Carroll
Chief Executive
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**Corporate Committee
Tuesday, 28 June 2022
Agenda**

- 1 Apologies for Absence**
- 2 Declarations of Interest - Members to Declare As Appropriate**
- 3 Consideration of Minutes Of The Previous Meeting (Pages 7 - 14)**
 - Extraordinary Meeting 25 May 2022
 - 8 March 2022
- 4 Presentation on Noisework**
- 5 Environmental Enforcement - Annual Performance Report 2021/22 (Pages 15 - 36)**
- 6 Enforcement and Environmental Protection Service Delivery Plans 2022/23 (Pages 37 - 108)**
- 7 Business Regulation Service Delivery Plans 2022/23 (Pages 109 - 206)**
- 8 Draft Work Programme for 2022/23 (Pages 207 - 209)**
- 9 Any Other Business the Chair Considers to be Urgent**

Public Attendance

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the Agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf.

The Council will continue to ensure that access to our meetings is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;

- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on 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 to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;
- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

The Monitoring Officer;
The Deputy Monitoring Officer; or
The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, you **must** make a verbal declaration of the existence and nature of the DPI at

or before the consideration of the item of business or as soon as the interest becomes apparent. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Disclosure of Other Interests

Where a matter arises at any meeting of the Council which ***directly relates*** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you must disclose the interest. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which ***affects*** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.



MINUTES OF AN EXTRAORDINARY MEETING OF THE CORPORATE COMMITTEE

WEDNESDAY, 25 MAY 2022

Live stream link: <https://youtu.be/QjHjbQyNk5I> or <https://youtu.be/nUgFvEQ89Ow>

- Councillors Present:** Cllr Clare Potter in the Chair
- Cllr M Can Ozsen, Cllr Clare Joseph, Cllr Steve Race, Cllr Sarah Young (Vice-Chair), Cllr Michael Desmond, Cllr Lee Laudat-Scott, Cllr Yvonne Maxwell, Cllr Jon Narcross, Cllr Fliss Premru, Cllr Midnight Ross, Cllr Ali Sadek, Cllr Ifraax Samatar, Cllr Claudia Turbet-Delof and Cllr Jessica Webb
- Officers in Attendance:** Dawn Carter-McDonald - Director of Legal, Democratic and Electoral Services

1 Apologies for Absence

1.1 There were no apologies for absence.

2 Appointment of the Chair and Vice- Chair of the Corporate Committee for the Municipal Year 2022/23

2.1 RESOLVED:

To note the confirmed appointments to the position of Chair, Cllr Clare Potter and Vice Chair, Cllr Sarah Young of the Corporate Committee, as agreed by Full Council at its Annual Meeting on 25 May 2022.

3 Declarations of Interests

3.1 There were no declarations of interest.

4 Establishment and Composition of the Planning Sub Committee for the Municipal Year 2022/23

4.1 RESOLVED:

1. Approve the establishment and membership of the Planning Sub-Committee as set out in Appendix 1 for the Municipal Year 2022/23;

Composition of the Planning Sub Committee 2022/2023
Cllr Michael Desmond

Cllr Clare Joseph
Cllr Lee Laudat-Scott
Cllr Jon Narcross
Cllr Clare Potter
Cllr Steve Race (Chair)
Cllr Ali Sadek
Cllr Jessica Webb (Vice-Chair)
Cllr Sarah Young

Substitute Members
M Can Ozsen
Fliss Premru
Ifraax Samatar
Claudia Turbet Delof

2. That any further changes to the Membership of the Planning Sub Committee during the Municipal Year 2022/23 be reported to the Corporate Committee for consideration.

5 Any Other Business the Chair Considers to be Urgent

5.1 There was no other urgent business.

Duration of the meeting: 21.00-21.11 hours

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY 8 MARCH 2022, 6:30PM

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/bNIJSEXGLD0>

ALTERNATIVE LIVESTREAM LINK OF MEETING:

<HTTPS://YOUTU.BE/RPQNz3WHEVA>

- Councillors Present:** Councillor Clare Potter in the Chair
Councillor Brian Bell, Councillor Humaira Garasia,
Councillor M Can Ozsen, and
Councillor Emma Plouviez
- Apologies:** Councillor Clare Joseph, Councillor Steve Race,
Councillor Ian Rathbone and Councillor Vincent Stops.
- Officers in Attendance:** Rabiya Khatun - Governance Officer
Gerry McCarthy – Head of Community Safety,
Enforcement and Business Regulation
Josephine Sterakides – Senior Lawyer
- 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, were agreed as a correct record of the meeting's proceedings.

3.1 **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 – Comparison of Pay

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:

- o Statutory noise nuisance and noise arising from anti-social behaviour were considered together as part of noise nuisance in Hackney;
- o Residents registering a complaint received a Noise Action Guidance which detailed the next steps and assisted with managing expectations;
- o 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;
- o 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;
- o 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 was expected to reduce the number of complaints, Members' enquiries and incidents of 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 demonstrate 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 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 churches and charities wanting to host low cost events. A review of the current TENs system was necessary to distinguish an application from a commercial venue and churches/charities. It could also be seen as a way of exploring different processes going 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 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:

1. 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.
- 2: To circulate to Members screenshots of a logged complaint in the new NoiseWork system.
- 3: To organise a demonstration of a noise complaint in the NoiseWork system at a future meeting.

ACTION 2: The Chair, the Cabinet Member for Community Safety and the Head of Community Safety, Enforcement and Business Regulation together with input from Councillor Emma Plouivez 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 RESOLVED: The Committee noted the draft work plan for 2022/23.

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

Chair for the meeting: Cllr Clare Potter

Contact:

Rabiya Khatun

Governance Officer

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Title of Report	Enforcement Service-Annual Performance Report 2021/22
For Consideration By	Corporate Committee
Meeting Date	28th June 2022
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Strategic Director</u>	Aled Richards

1. Introduction

- 1.1. This report sets out the annual performance report across the enforcement remit for the 2021/22 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, 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. **Recommendations**

- 2.1 There are no recommendations set out in this report, it is for informative purposes only. The Corporate Committee can note the annual performance report for the service.

3. **Reason(s) for decision**

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

4. **Background**

Policy Context

- 4.1. 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.
- 4.2. The Service is split into two Teams, North and South each headed by a Team Leader. Each Team comprises six ward based Principal Officers (non-uniformed), two Technical Support Investigation Officers and twelve uniformed Enforcement Officers together with two apprentices, one in each Team.
- 4.3. The ward based Principal Officers 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.
- 4.4. 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.
- 4.5. The uniformed service has no formal limits other than those imposed by legislation and by its own resources. 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.
- 4.6 The uniformed Enforcement Officers are tasked on a weekly basis and are 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:

- Coordination 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.

4.7 In addition to this, a larger Partnership Tasking takes place 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.

4.8 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.

- 4.9 The Service is also expected to 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.
- 4.10 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.
- 4.11 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.

SERVICE HIGHLIGHTS

- 4.12 **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 Council's 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.

- 4.13 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 are actioned and feedback provided. Offices have continued to work with TFL which has agreed that Hackney Enforcement Officers can take enforcement action including the issuing of FPNs on red routes..
- 4.14 **Unregulated Waste:** Officers continue to take appropriate enforcement action regarding unregulated waste programmes to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with waste management processes. Where ongoing non compliance is identified, appropriate environmental enforcement is undertaken for both residents and businesses.
- 4.15 In dealing with both businesses and residents, Officers take account of the Council's Enforcement Policy which was approved by Cabinet in January 2019, the Enforcement Concordat, Regulators Code and have regard to Crown Prosecution guidelines and Equality impact issues. It should be noted that an FPN can be issued for a first offence in some instances.
- 4.16 **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, service of Community Protection Warning Notices, Community Protection Notices and applying for Closure Orders under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 at the Magistrates' Court.
- 4.17 **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 found to be broadcasting homophobic or other hate speech material. Officers arrange to have aerials, wood, metal work, cabling and transmitters removed where possible.

- 4.18 **Night Time Economy:** Hackney Enforcement Officers patrol the Shoreditch NTE during the night time economy hours. Officers have powers under the Anti-Social Behaviour, Crime and Policing Act 2014, Environmental Protection Act 1990, London Local Authority Act 1990 to issue on the spot Community Protection Notices and FPNs to individual behaviour that may cause a detrimental effect on the local environment and the quality of life. When appropriate, Enforcement Officers can use these enforcement tools for environmental and anti-social behaviour offences such as illegal street trading, urinating, noise nuisance, dumping of waste inappropriately, littering, highway obstructions, drinking in public, etc, to remedy the nuisance caused to residents.
- 4.19 In addition we have a very detailed Community Safety NTE Partnership action plan that covers crime and ASB reduction, taking an approach that focuses on designing out crime, increased use of CCTV (£1.1 million of investment) and enforcement associated with high risk licensed premises. It is a joint delivery plan, and involves participation from various stakeholders across the Community Safety Partnership. It is an evidence based plan, based on the evidence and recommendations from the last strategic assessment. The coordination of the delivery of the action plan together with resource deployment is achieved through our weekly tasking meeting attended by key internal stakeholders and the police. We have also introduced the concept of street briefings in real time to ensure that the Police, local authority and licensed premises are working closely together to reduce ASB in the NTE.
- 4.20 The Late Night Levy (LNL) introduced in 2017 provides extra funding to deal with Crime, ASB and nuisance in the night time economy. This was introduced in respect of Licensed Premises that open between 12.01 and 06.00 am. This enables the Council to charge a levy to persons who are licensed to sell alcohol late at night as a means of raising a contribution towards the cost of services and activities which:
- reduce or prevent crime and disorder
 - promote public safety
 - reduce or prevent public nuisance.
- 4.21 There is a commitment to use 70% of the revenue to contribute towards providing the following:
- additional police patrols across the borough but focused mostly in Shoreditch.
 - additional CCTV.
 - a radio scheme for licensed premises to better link them with police and CCTV services.
 - joint patrols and operations by police and Council officers including enforcement officers, so there's maximum coverage of the borough and best use of resources.

- public awareness campaigns, best practice resources and monthly training sessions for licensees.
 - Hackney Nights Portal and venue accreditation scheme.
- 4.22 A very substantial portion of the late night levy funds Police Officers and the Council committed £190,000 of Late Night Levy funding to the Police in the last financial year towards policing the night time economy with the majority of this being spent in Shoreditch.
- 4.23 A new Police Town Centre Team (TCT) was set up in Shoreditch in December 2021 which incorporates an inspector, three sergeants and twenty one Police Constables (this is a growth in the Police establishment), and is augmented by the Metropolitan Special Constabulary and central MetPol resources such as the Tactical Support Group. By having a dedicated team such as this, in and around the Shoreditch area of Hackney, The Police are able to provide a greater level of focus and reassurance to those that live in and visit the area. In particular the new TCT, will work in the night time economy, alongside Officers from Hackney and both partners remain absolutely committed to ensuring public and community safety.
- 4.24 The Town Centre Team (TCT) has an action plan in place covering their aims, objectives and outcomes. which includes the following objectives:-
- To reduce harm and violence of all forms, including Hate Crime and VAWG, knife and firearm enabled crime, sexual offences, drug offences public order and ASB.
 - To detect crime.
 - To contribute to demand reduction in the Town Centre/Ward area
 - To contribute to improving confidence, trust and legitimacy in the Police
- 4.25 There is an NTE Action Plan that outlines the partnership objectives to manage, prevent and reduce crime in the Night Time Economy. It is a joint delivery plan and involves participation from various stakeholders across the Community Safety Partnership. It is an evidence-based plan, based on the evidence and recommendations from the last strategic assessment. The plan itself comprises eight sections:
1. Patrols and operational activity: This focuses on weekly high visibility and other patrols (some plain clothes) by enforcement officers, police, and CCTV at the key NTE hotspot locations (currently Shoreditch, Dalston, and to a lesser extent Broadway Market and Hackney Central). It also covers investigation and response to commercial noise complaints and waste/street cleansing activity.
 2. Drugs and Alcohol: This section focuses on the understanding of the drug markets in the NTE, strategies for tackling certain types of drugs including psychoactive substances, the alcohol strategy

(public health), and the PSPO (ASB associated drinking in public places).

3. Business / Licensing Activities: This section focuses predominantly on licensed premises, and includes engagement, awareness-raising, and relevant enforcement against licence breaches. It also includes designing out crime and working with licensees on better management of NTE locations to improve safety, prevent/reduce criminal opportunities, and ASB. It also includes the Hackney Nights Portal Accreditation Scheme and Pub Watch.
4. Repeat Victims and Offenders: This section focuses on building up intelligence that will support victims of crime to reduce harm, increase their safety, and reduce future risk and harm. It is also focused on repeat offenders (drug supply, violence, theft) where associated predominantly with NTE areas or venues.
5. Sexual Assaults: This section is cross referenced to objectives in the VAWG strategy and includes the Women's Safety Charter.
6. Public Realm / Planning: This section focuses on the built environment and the impact this has on NTE crime / ASB. It incorporates S17 of the Crime and Disorder Act, and also takes design and layout (physical environment and of venues) into consideration. It ensures that the Community Safety Partnership Plan is also taken into consideration for any planning decisions in affected areas.
6. Analysis, Intelligence Requirement and Performance Monitoring. This section ensures that the plan is on track, and that changing patterns in crime /ASB are taken into consideration and to help ensure gaps in knowledge are filled.
7. Information Sharing: This is to ensure the legal basis of sharing data (often without consent) for the purpose of preventing/detecting crime and ASB, and also working with businesses and sharing information under Common Law.

4.26 In addition to the NTE Action Plan, the Intelligence Hub is now producing a weekly update which is shared with partners based on the NTE feedback from the Police, and combining it with any NTE commercial noise reports, crime and ASB reports, and Enforcement Officer's report which will help services to focus attention where ongoing issues are identified and addressed.

4.27 Public Spaces Protection Orders (PSPO): A PSPO was approved by Cabinet on 29th 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.

- 4.28 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. While the PSPO has expired a consultation exercise currently being undertaken in relation to a revised PSPO and extending it to cover Hackney Marshes, Millfields Park, Mabley Green Daubeney Fields and other areas.
- 4.29 On 17th March 2021 Cabinet approved the making of a Public Spaces Protection Order in relation to dog control under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and requirements in the proposed Order in this report for a period of three years following a consultation exercise which took place in 2020.
- 4.30 The PSPO makes it an offence not to clean up after a dog in a public place, to prevent dogs being exercised in specific areas including children play areas, sports courts, multi-use games areas and marked pitches. Dogs are also required to be kept on a lead on roads, churchyards, communal areas on Estates etc and an authorised Officer can require a person to put a dog on a lead where the dog is not under the appropriate control of their owner, or where they are causing damage or acting aggressively. A link to the PSPO can be found on the Council website at <https://hackney.gov.uk/dog-control-orders>
- 4.31 Council Community Safety and Enforcement Officers have an existing record of responding to concerns about dog fouling and other dog nuisance issues. Appropriate enforcement action will be taken in accordance with the Enforcement Policy, largely this will be by education and encouragement, though formal action will be taken when required.
- 4.32 In relation to alcohol control in a public place on 18th October 2021 Cabinet approved the making of a Borough wide PSPO in relation to the control of anti- social behaviour associated with the consumption of alcohol in public places in Hackney. A consultation exercise was undertaken between 24th May and 4th July 2021 to gauge support on having a PSPO in place, including for a ban on the consumption of alcohol in London Fields Park. It asked whether residents were concerned about ASB associated with street drinking, the type of behaviour that had been witnessed, whether/and how often they had witnessed this behaviour.

- 4.33 In summary, there were 1,527 responses to the consultation with 48% of those who responded in favour of the proposed PSPO with 48% against it. Even though the responses were evenly split, Officers are recommending that the proposed PSPO be approved because there was a sufficient number of respondents who have witnessed and been detrimentally affected by alcohol related anti-social behaviour to justify making a PSPO to place controls on this type of behaviour .
- 4.34 In relation to the proposed on the consumption of alcohol in London Fields Park 77% of respondents were opposed to this with 20% in favour. Based on this it was recommended that Cabinet approve the making of a borough wide PSPO in relation to the control of alcohol in a public place and it was not recommended that the proposed ban on the consumption of alcohol in London Fields Park was approved at that time.
- 4.35 **London Fields:** Following the ban of all barbecues in the Parks and open public spaces in the Borough in 2019, and the need to apply for a High Court Injunction in June 2220 following unprecedented levels of anti-social behaviour due to barbecues returning, drug use, extremely heavy use of the Park at levels not experienced previously, growing number of cafes/restaurants/ licensed premises around the area selling takeaway food and /or alcohol, increased number of licensed premises around the area selling take away alcohol, littering, noise/sound systems, public urination and defecation (in and around the Park in residential areas), social gatherings / drinking, vandalism and verbal abuse / harassment / intimidation of staff during the initial lockdown in Spring 2020, it was considered essential to have a dedicated Team dedicated team of Enforcement Officers, and security staff were in place working from April through to September. 2021.
- 4.36 The Council engaged the services of a security company with experience of working in a parks environment to patrol London Fields alongside Hackney Enforcement Officers and a Team of twelve Officers covering 7 days a week, in different shift patterns to help deal with the increased service requests and complaints from London Fields and the enforcement activity undertaken in detailed in Table 1 below.

Table 1 -Enforcement Activity in London Fields

Littering FPN issued	275
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Urinating FPN issued	112
S/Trading FPN issued	3
Highways FPN issued	24
ASB Warning Issued	345
persons prevented from urinating	1388
persons prevented from smoking cannabis	462
groups directed to turn off amplified music	401
BBQs prevented from being lit	194
aggressive beggars targeting park users directed to leave park	228
persons directed to collect litter	314
Referral - Street Link	31
Referral - MPS	46
Referral - LAS	46
Referral - Social Services	3
Referral - Hackney Recovery Service	2
Weapon Sweeps	143
Joint Police Patrols	35

- 4.37 There are no easy answers to the challenges in the London Fields area. The recent levels of anti-social behaviour, both actual and perceived, on sunny /warmer days is exclusionary to families and to some local residents. However, we also know for many people, especially those in overcrowded accommodation and without outside space, our parks and wider public realm are the only places where meeting with friends is possible and has been permitted during the pandemic.
- 4.38 It is important therefore that however the Council proceeds, it takes into account these disparate but important views, and builds a narrative based on robust principles of what is and isn't acceptable behaviour in our Parks and wider public realm.
- 4.39 **Dalston Project** : Since the Dalston Project started in December 2021 Officers have achieved a lot of positive outcomes in relation to ASB and disorder in the Dalston area (in particular Ridley Road and Gillett Square)
- 4.40 The area is being patrolled intensively by an Enforcement Team Leader (ETL) who dedicates four days a week exclusively to the area. The aim is to provide high visibility and deterrence, but also intelligence gathering. She

has been accompanied by another Enforcement Officer from the core team, but often undertakes joint patrols with a Market Inspector or the Police. The first has provided very positive in regards to obtain more intelligence in regards to street users, drug users and dealers who are impacting on the market trade, but moreover the ETL has assisted markets in dealing with oversizing issues or highway obstructions from their own traders, reinforcing the cooperation between the two departments.

- 4.41 The ETL has also been dealing with commercial waste caused by commercial premises bordering the Market, investigating potential illegal waste disposal which is impacting heavily not only on Waste Services but also on Markets who end up paying for that waste collection not produced by their own traders.
- 4.42 With regards to anti-social behaviour and criminality, the constant deployment of the ETL has reduced ASB and criminality in the area and to obtain intelligence to be able to analyse problems and names so action plans can be designed, as until now, it was impossible to have a database of names or specific issues.
- 4.43 Consequently, Officers have built an intelligence picture which is being fed to the Police and fortnightly a meeting is held to share information, and coordinate actions; names are discussed, or locations depending where the pressure is at any specific time and actions are shared. The meeting is attended by the Dalston Sgt, a Police Constable, Markets Inspector, Street Population Coordinator, CCTV Manager, SWIM and the NTL manager and the PEO for Dalston, the ETL assigned to the project and chaired by the Enforcement Team Manager (North).
- 4.44 An additional Enforcement Officer has been recently recruited to complement the work of the ETL and moreover, High Impact Patrols are being designed to approach the area with a higher number of Enforcement Officers for high impact and visibility to disrupt drug taking/ drug dealing at Ridley Road and to address street drinking loud music played at Gillett Square.
- 4.45 Engagement with the street population is an important part of the project, in order to engage individuals with support services and this has produced positive outcomes; Currently, a person referred is being successfully housed and this has only been possible due to the perseverance and hard work from ETL, who referred him, found out all the necessary details and pushed the referral.
- 4.46 Apart from joint patrols with support services including Turning Point, SWIM(Amalia what is this),Street Link and the Street Population Coordinator, nine individuals have been referred to support services.

- 4.47 With regard to Enforcement, the outcomes have also been very positive including images collected by the Officers body worn camera which CCTV cannot reach, and this has led to vital intelligence for the Police. Beyond that, venues and business have facilitated intelligence and evidence that has led to the arrest of individuals. In addition to this 124 FPNs have been issued and over 700 tasking undertaken.

Equality impact assessment

- 4.48 In undertaking any enforcement Officers are required to comply with the requirements of the Public Sector Equality Duty which was created by the Equality Act 2010.

- 4.49 The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Sustainability and climate change

N/A.

Consultations

N/A

Risk assessment

- 4.50 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.

- 4.51 **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.

- 4.52 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.

- 4.53 **Administering the enforcement process** – Mobile ICT working solutions and business intelligence software are currently being managed through 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(FPNs).
- 4.54 The service is looking to implement a different system for issuing FPNs from October 2022.
- 4.55 **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.
- 4.56 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.
- 4.57 Other priorities for the service include issues associated with the Night Time Economy which is the biggest market economy in the borough, and as already outlined, has a high impact on crime particularly violence, theft, hate crime, sexual offences, drug use/supply which has also increased demand on the service.
- 4.58 Nuisance neighbours and domestic noise are still the greatest source of ASB reported to the service. 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.
- 4.59 In January 2022 NoiseWorks was launched and has the objective ‘to develop a fully integrated case management solution to effectively manage noise complaints in Hackney. Society Works, a registered charity, has been

working with Hackney to develop a secure, cloud-hosted product called "NoiseWorks". They have built all the features for a 'beta' release - including customer views, staff views, and staff case management functionalities. Whilst the system requires improvements e.g. reporting system, it provides all of the features the service requires to receive, assign and manage noise reports and there will be further opportunities to enhance the solution later.

4.60 Noiseworks benefits residents in a number of ways including;

- Enabling Officers to work more efficiently and provide a better service to customers e.g. by moving teams away from spreadsheets preventing duplication and reducing human error, enabling them to work on more cases and reduce recurring reports.
- Officers can also merge cases easily, which means if several people have reported the same issues, the team can effectively manage the case.
- Residents can log reports and reoccurrences directly into NoiseWorks securely.
- Residents can view their cases within NoiseWorks, reducing their dependency on reliance on call the contact centre or emailing teams to make updates.

4.61 Residents now report noise through the NoiseWorks rather than Fix my Street (Report a Problem). The look and feel of the system is very similar to the previous, as it maintains the same branding and asks similar questions to capture reports. Residents will still have to access view only reports prior to this date through the old system. However they will no longer be able to log updates or add new reports on "Report a Problem". If a resident has reported a noise report prior and they want to provide an update, they will need to report it on the new system to NoiseWorks.

4.62 As the system is being further developed, Officers are capturing improvements and additional development requests. These will feed into the scope for the next phase of work.

4.63 Environmental enforcement continues to be a priority for the service. A significant number of formal notices have been served in relation to this area of work, being Fixed Penalty Notices (FPNs). 2780 FPN's were issued in 2021/22 compared to 1279 in 2020/21, (the number was considerably reduced due to lockdown restrictions being in place), which is due to 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

previous years 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 2 - FPNS issued 2019/20, 2020/21 and 2021/22

Mobile FPNs issued	FY19_20	FY20_21	FY21_22
ASB Act 2003, amended by s. 28 of CNE Act 2003	4		
ASB Act 2003, amended by s. 28 of CNE Act 2003 Various	4		
ASB, Crime and Policing Act 2014		1	
ASB, Crime and Policing Act 2014 s. 67		1	
Environmental Protection Act 1990	829	378	1293
Environmental Protection Act 1990 (s. 87) Urination	4		
Environmental Protection Act 1990 s. 33(1)(a)	14	3	9
Environmental Protection Act 1990 s. 34(6)			1
Environmental Protection Act 1990 s. 46	4	3	1
Environmental Protection Act 1990 s. 47	9	7	12
Environmental Protection Act 1990 s. 47(6)			1
Environmental Protection Act 1990 s. 87	596	217	933
Schedule 3A s. 1(5) Unauthorised distribution of literature on designated land			1
s. 33(1)(a) Waste Deposit – Fly Tipping	22	7	17
s. 34(6) Person has failed to comply with a duty to furnish documents	1		10
s. 46 Duty of Care – Household Waste			2
s. 47 Duty of Care – Commercial/Industrial	5	6	13
s. 87 Littering	145	75	179
s. 87 Littering from Vehicle		1	
s. 87 Urination	29	59	114
Highways Act 1980	779	832	1285
Highways Act 1980 s. 137(1)	30	26	54
Highways Act 1980 s. 138	2		
Highways Act 1980 s. 139(3)	4		1
Highways Act 1980 s. 139(4)	2		1
Highways Act 1980 s. 139(4)(d)	2	6	
Highways Act 1980 s. 148(a)			2
Highways Act 1980 s. 148(c)		5	25
Highways Act 1980 s. 148(d)			1
Highways Act 1980 s. 161(1)		1	
Highways Act 1980 s. 169(5)	5	3	18
s. 137(1) Wilful obstruction of highway	308	368	416
s. 137(1) Wilful obstruction of highway	11		
s. 138 Erecting a building, fence or hedge on highway	24	32	43
s. 139(3) Depositing builder's skip on highway without permission	38	25	45
s. 139(4) Failure to secure lighting or other marking of building's skip	45	39	45
s. 139(4) Failure to secure marking of builder's skip with name and address	4	10	14
s. 139(4) Failure to secure removal of builder's skip	1		5
s. 139(4)(d) Failure to comply with conditions of permission	53	49	90
s. 141(3) Failure to comply with notice requiring removal of tree or shrub		1	2
s. 148(a) Depositing material etc. on a made up carriageway	24	54	66
s. 148(b) Depositing material etc. within 15 feet from centre of carriageway			4
s. 148(c) Depositing anything on highway to the interruption of user	40	60	208
s. 148(d) Pitching of booths, stalls or stands or encampment on highway	1	2	3
s. 151(3) Failure to comply with notice requiring works		1	3
s. 153(5) Failure to comply with notice requiring alteration of door etc	1	4	
s. 161(1) Depositing things on highway which cause injury or danger	4	8	23
s. 169(5) Erecting scaffolding or other structure without licence etc	180	138	216
London Local Authorities Act 1990	42	20	175
London Local Authorities Act 1990 s. 34(1)	1	4	9
London Local Authorities Act 1990 s. 38(1)	33	4	60
s. 34(1) Contravention of condition of street trading licence or temporary licence	1		16
s. 34(4) Failure to produce street trading licence on demand			2
s. 38(1) Illegal Street Trading	7	12	88
Town and Country Planning Act 1990	52	9	27
s. 244(3) Displaying advertisement in contravention of regulations (flyposting)	50	7	26
Town and Country Planning Act 1990 s. 244(3)	2	2	1
Grand Total	1706	1240	2780

Table 3 Total FPNs issued paper and mobile

LBH Enforcement Issued FPNs	FY19_20	FY20_21	FY21_22
Mobile			
ASB Act 2003, amended by Section 28 of CNE Act 2003	4		
ASB, Crime and Policing Act 2014		1	
Environmental Protection Act 1990	829	378	1293
Highways Act 1980	779	832	1285
London Local Authorities Act 1990	42	20	175
Town and Country Planning Act 1990	52	9	27
Total Mobile	1706	1240	2780
Paper			
34(6) FPN	45	19	
47ZA FPN for Section 47 Notice	12	4	
ASB CPN FPN	1		
Community Protection Penalty Notice	1		
Fly Posting FPN	3		
Fly Posting FPN (without advisory)	6		
Highway Obstruction FPN	27	8	
N2U Community Protection FPN	1		
Section 33za FPN (N2U)	54	7	
Section 33za FPN (SRU)	6	1	
Section 38 Illegal Street Trading FPN	2		
Section 88 Litter FPN	41		
Unauthorised Marks on the Highway FPN	1		
Vehicles Repairs on Highway FPN	1		
Total Paper	201	39	0
Total Mobile & Paper	1907	1279	2780
Paper FPNs FY20/21 are Apr to Oct. None issued on paper following the Cyberattack			

- 4.64 Officers use the powers available to them to address ASB, specifically the use of Community Protection Warnings/Notices, 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.
- 4.65 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.
- 4.66 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.
- 4.67 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
- 4.68 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.
- 4.69 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.
- 4.70 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 4 Overall Formal Enforcement Activity (3 year comparison)

	2019 -2020	2020- 2021	2021- 2022
Fixed Penalty Notices	1907	1279	2780
Anti-Social Behaviour Warnings	292	446	521
Community Protection Warnings	73	41	48
Community Protection Notices	20	21	10
Noise Abatement Notices	26	19	13
Injunctions	1	2	-
Prosecutions & Formal Cautions	53	3	7
Closure Orders	5	5	12

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 2021/22 financial year.

5.2 The report is retrospective and has no immediate financial implications.

5.2. 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, Democratic and Electoral Services**

6.1. The content of this report informative purposes and advises on the annual performance across the enforcement remit for the 2021/22 financial year.

6.2 There are no legal implications arising from this report

Appendices

None

Background documents

None

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Title of Report	Enforcement and Environmental Protection Service Delivery Plans 2022/23
For Consideration By	Corporate Committee
Meeting Date	28th June 2022
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Strategic Director</u>	Aled Richards

1. Introduction

- 1.1. The Enforcement Service Delivery Plan sets out the objectives of the Service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy.
- 1.2. It also sets out the key areas relating to the service of environmental enforcement, addressing anti-social behaviour including the Night Time Economy and statutory nuisance, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.3. Enforcement in Hackney continues to receive a holistic 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. The service area brings together a wide range of enforcement services providing greater resilience and ability for specialists to collaborate and cases to be prioritised.
- 1.4. The Environmental Protection Service Delivery Plan sets out the objectives of the Team and demonstrates how they are linked to the Mayor's Priorities and Hackney's Community Strategy.
- 1.5. The Plan sets out the key areas relating to Environmental Protection; addressing statutory nuisance including commercial noise and odours, artificial light nuisance and construction noise, the management arrangements and resources that have been allocated for this work including key targets and performance indicators.

1.6. In fulfilling its duties both Teams provide support to individuals, communities and businesses in Hackney.

2. **Recommendations**

2.1. **There are no recommendations set out in this report, it is for information purposes. The Corporate Committee can consider both the level and scope of work being carried out to meet the requirements of both the Enforcement and Environmental Protection Service Plans.**

3. **Reason(s) for decision**

3.1. It was previously agreed that the Service Delivery Plans are presented to the Corporate Committee to ensure local transparency and accountability in relation to Enforcement and Environmental Protection.

3.2. The Plans ensure that there is a programme of enforcement activity undertaken to address issues relating to environmental enforcement, anti-social behaviour (ASB), statutory nuisance, being a responsible authority with regard to Licensing applications and preventing issues such as noise and other nuisance associated with proposed developments by providing comments to Planning on the implications on such proposals..

4. **Background**

Policy Context

4.1. The Plans have been prepared in accordance with Council guidelines and set out how the Council is going to discharge its responsibilities in relation to Enforcement and Environmental Protection.

4.2. The performance of each of the Teams is measured against its fulfilment of the Plans.

4.3. Both the Enforcement Service and Environmental Protection were established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and the plans detail the scope and activities of both services and provide detail on the expected performance of the service for 2022/23.

4.4. The Enforcement Service is split into two Teams, North and South, each headed by a Manager. Each Team comprises six ward based Principal Officers (non-uniformed), two Technical Support Investigation Officers and fourteen uniformed Enforcement Officers together with two apprentices, one in each Team.

4.5. The ward based Principal Officer service deals 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, Housing, Environmental Protection Service and Adult and Child Safeguarding. Principal Officers are Ward based and act as single points of contact for their Ward areas.

- 4.6. The uniformed service has no formal limits other than those imposed by legislation and by its own resources. 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.
- 4.7. The Service is also expected to 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.
- 4.8. 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.

Enforcement Service scope and activities

Functions	Activities & Comments
Proactive area coordination and forward deployment of resources through the coordinated management arrangements with Business Regulation	This is achieved through having a shared common management structure where common objectives and working can ensure coordinated 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	The SLA is vital to the functionality of the service and regular contact with the Housing ASB team ensures that the work is

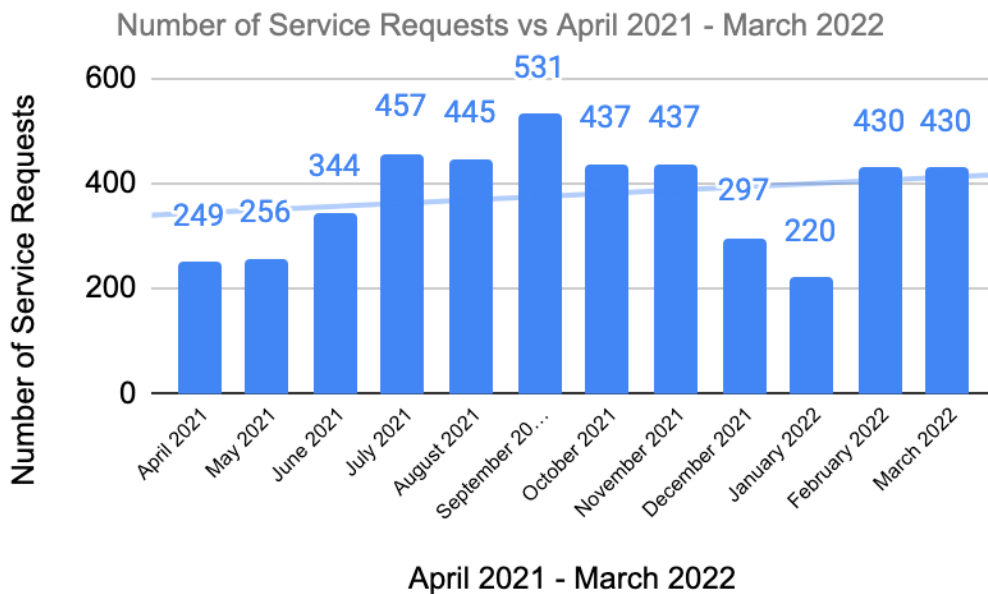
<p>Department, primarily focused in dealing with unauthorised waste disposal, ASB, and ingrained noise problems other smaller matters and issues such as the removal of pirate radio aerials and paraphernalia whilst providing a uniformed patrolling deterrent.</p>	<p>relevant and is adjusted to need. It 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 Hackney Housing Tenants.</p>
<p>Preventing and managing complex and local cases through enforcement case management (for all areas of non-compliance but especially noise and ASB).</p>	<p>This is ongoing work that concerns complaint resident derived cases, for example include dog barking to extreme cases of continual noise pollution from one individual playing amplified music at all times. 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.</p>
<p>Preventative 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 localised cultural events or on street dealing of nitrogen dioxide.</p>	<p>Joint operations have targeted issues such as kerb crawling or weapon sweeps planned through tasking or eliminating noise pollution through entry and seizure of noise emitting equipment arranged on the night.</p>
<p>The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise abatement issues</p>	<p>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.</p>
<p>Dealing with and preventing environmental ASB and waste including fly tipping, street urination and littering through intelligence based tasking and formalised patrolling. This will include issuing FPN and prosecution offenders and publishing this.</p>	<p>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 business outside authorised times and limits</p>

Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and Licensing	Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age-controlled products (e.g. Alcohol) to juveniles.
Highways Licensing Enforcement including unlicensed skips and scaffolding undertaking patrols and intelligence received from Street Scene	The Uniformed Service will 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 patrolling service dealing with other non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards.	These non-compliances are usually generated by businesses and are proactive in nature, operations can be set up relatively quickly.

- 4.9. 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.
- 4.10. Both services provide the staffing for the out-of-hours noise service, which is challenging as the demand is unpredictable and at times of peak fluctuation can result in up to twenty service requests in an hour. In each reported case research needs to be done, prior to responding to establish past history which could impact the risk to Officers attending reports of noise.
- 4.11. Equally the time taken to attend a service request and deal with it can range enormously from fifteen minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift spent dealing with for a complex rave in a remote area such as Hackney Marshes or a derelict industrial building, often in liaison with Police. In the case of the latter, there would be no further Officer availability to deploy to other calls received on that shift.
- 4.12. In relation to commercial noise, the initial triage process when new service requests were 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.
- 4.13. 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.

- 4.14. The activities of the Environmental Protection Officers, 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 Licensing and are routinely involved in all Licensing consultations and applications. Officers also lead on taking licensing reviews through Licensing Committee and the Courts where appropriate.
- 4.15. In summary, this approach balances a need to have a service that can respond to service requests for Officer attendance at incidents, with a proactive approach that appoints Officers to investigate often complex cases that have high risk or vulnerability attached and/or involve persistent perpetrators or premises.
- 4.16. In July 2021, the government fully removed the restrictions on the hospitality industry and premises were allowed to return back to similar service levels prior to the lockdown. As a result, the Environmental Protection Service experienced a surge in the number of new service requests. Whilst this was welcoming for the service in terms of returning back to normal work, it also caused a delay to addressing the complaints due to the backlog of complaints awaiting for inspection that came through during the lockdown. The two graphs below show a monthly breakdown of service requests in relation to commercial premises from April 2021 to the end of March 2022. December and January have always historically been low in service demand.



Equality impact assessment

- 4.17. In undertaking any enforcement, all Officers need to comply with the requirements of the Public Sector Equality Duty, which was created by the Equality Act 2010.

The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

- 4.18. A service-wide Enforcement Policy was approved by Cabinet on 21st January 2019.

- 4.19. Officers recognise that whilst businesses want to maximise margins, they also seek in most instances to comply with legal requirements, without incurring excessive expenditure and administrative burdens. In considering enforcement action, Officers will assist businesses to meet their legal obligations in the first instance, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who knowingly disregard the law or act irresponsibly.

- 4.20. Officers are committed to the principles of good enforcement and take account of the principles of the Enforcement Concordat, the Regulator's Code, and have regard to Crown Prosecution Service guidelines and Equality Impact issues.

Sustainability and climate change

- 4.21. N/A

Consultations

- 4.22. N/A .

Risk assessment

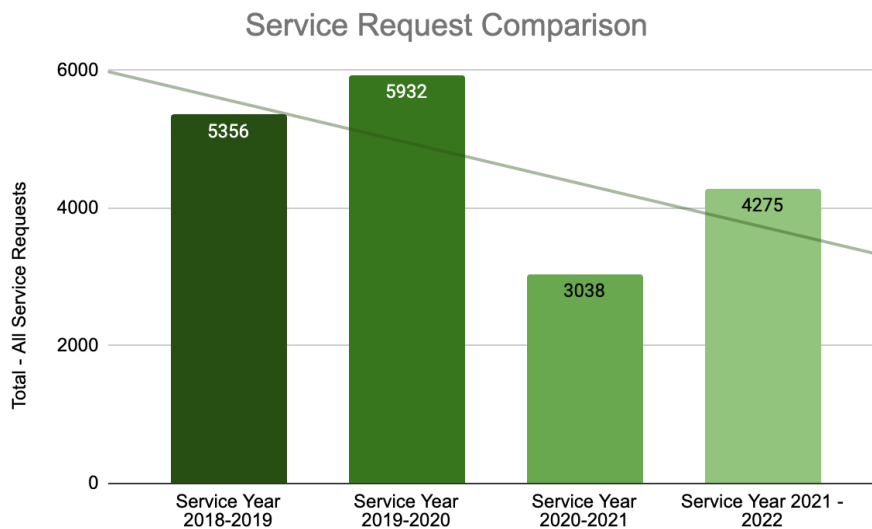
- 4.23. The Enforcement and Environmental Protection Service Delivery Plans sets out how both Teams take actions that contribute to achieving corporate priorities and desired outcomes. Without these being agreed, (that being clearly stated priorities and this plan), the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

- 4.24. During the lockdown as a result of the pandemic, Environmental Protection Officers were prohibited from entering residential properties to carry out an internal assessment as part of their nuisance investigation. The requirement for an internal assessment is set in legislation in order to serve an abatement notice. Therefore in order to proceed onto legal enforcement action and to witness a breach of a notice, officers are required to assess from within a residential property. As a result of the lockdown, internal visits were temporarily put on hold to prevent the spread of Covid-19. This prohibition was only lifted in May 2022 and as a consequence, there is a large backlog of assessments which are awaiting an internal assessment.
- 4.25. In order to further existing investigations (backlog) with visits and to completion, any new report received by the Team will have to experience a delay in the investigation due to Officers working on their backlog and ensure they respond to all consultation applications (Planning, Licensing & Section 61 Applications). For new reports to be addressed within the service target period, it was proposed that the initial stage of the investigation would be investigated by a First Response Officer (FRO). The role of the FRO is to filter and triage all new complaints received by the service. An agency staff was recruited in November 2021 to cover this role so that the ward Officers can continue to investigate complaints received in the pandemic period and to also respond to consultation applications.
- 4.26. The role of the FRO is to address all new and incoming service requests received by the Environmental Protection Service. The officer will instigate the initial complaint, send out acknowledgement letters and emails, carry out site visits and refer any complaints onto the ward officer should a statutory nuisance be witnessed or require further complex investigation. This process will save the time ward officers would have spent on new complaints and thus can work on all their backlog of service requests.
- 4.27. The data below shows a monthly breakdown of the service requests carried out by the First Response Officer since the role was created in November 2021.

	Nov 2021	Dec 2021	Jan 2022	Feb 2022	March 2022	April 2022	May 2022
Total Complaints	101	84	91	99	78	89	107
Total Warnings	22	17	23	25	21	17	21
Total Referrals	14	11	9	12	9	10	7
Total Visits	37	42	39	52	41	48	56
Total Cases Closed	33	23	39	36	28	27	31

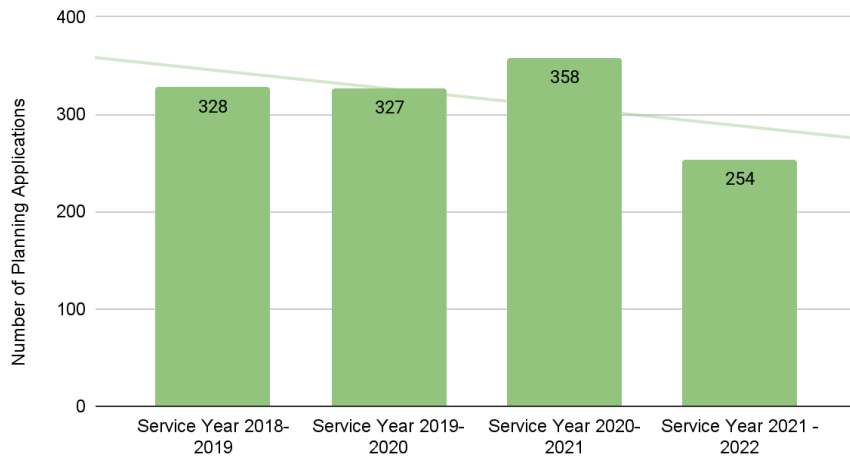
4.28. From November 2021 to May 2022, the FRO has received on average 93 Service Requests. In the table above, total referrals are reports where the FRO has witnessed nuisance amounting to a statutory nuisance. The investigation is then referred to the original ward Officer to move forward with the next stage of enforcement action. On average, the FRO is carrying out 45 site visits a month and from those visits, an average of 10 investigations are referred onto the ward Officer for further enforcement action. From the number of reports received each month, on average, 31 reports are closed by the FRO. The introduction of the FRO not only has reduced the number of new Service Requests being taken on by the ward Officer, it has given the ward officers the time and tools to address ongoing and complex complaints, Planning, Licensing and Section 61 applications.

4.29. The graph below presents a comparison of service requests to previous years highlighting the extent of the reduction of service requests received during the pandemic.

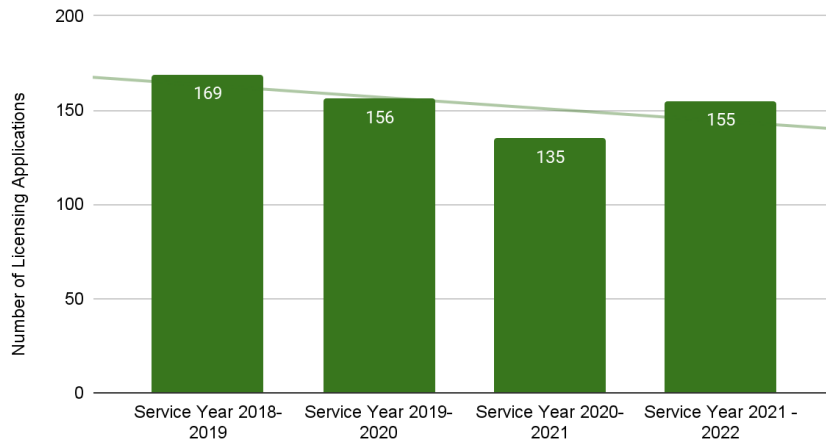


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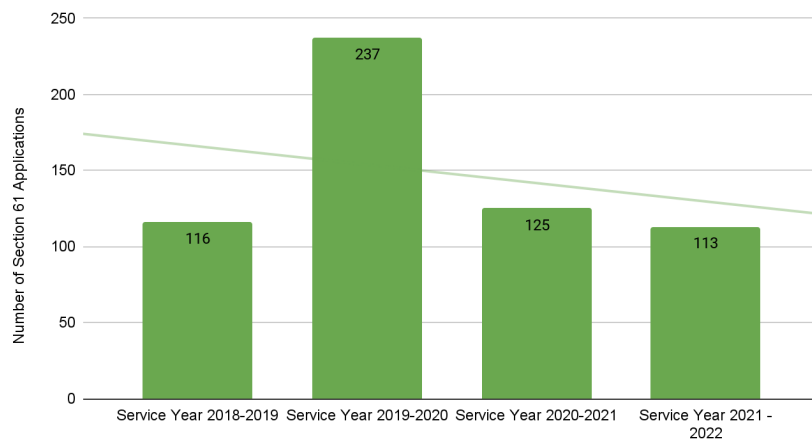
Planning Applications - Service Year Comparison



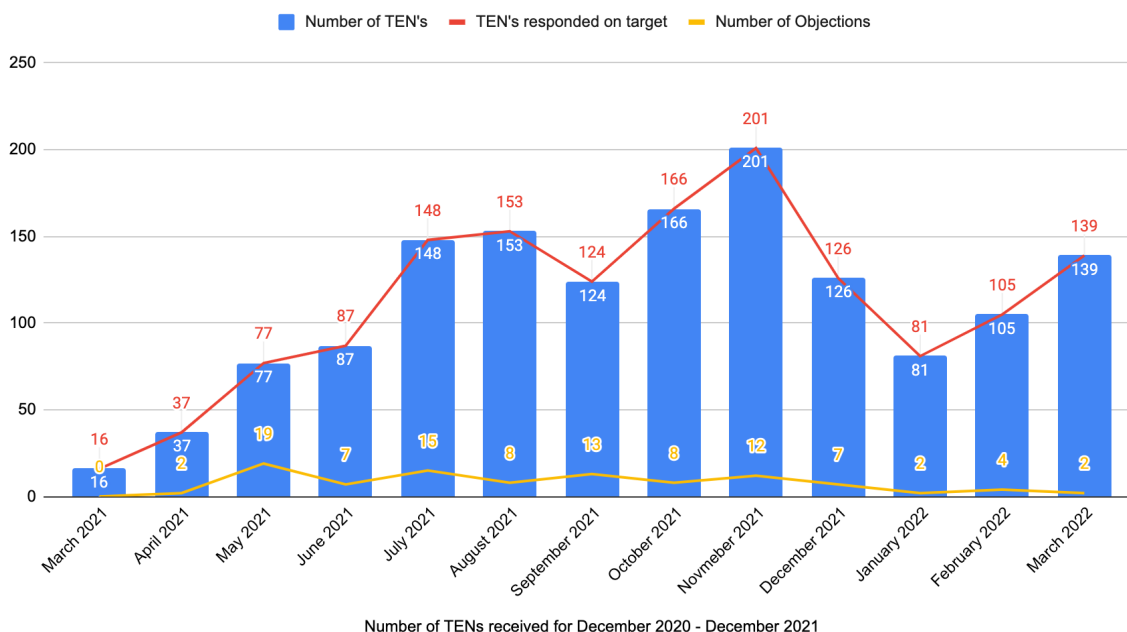
Licensing Applications - Service Year Comparison



Section 61 Applications - Service Year Comparison



Number of TEN's, TEN's responded on target and Number of Objections - March 2022



- 4.31. The above graph provides a more detailed breakdown of Temporary Event Notices (TEN's) received by the service. The number of applications started to increase slowly from April 2021 and have continued this trend. Please note that Historically December and January have the lowest number of TEN's due to applications being submitted in the build up to the festive season.
- 4.32. As part of a service improvement, a new procedure was introduced to the Temporary Event Notice(TEN) process which included more stringent checks on documentation and the requirement for Noise, Dispersal, Covid and Smoking Policies to be submitted with the application. This allowed the service to be in a better position to approve TEN's as there was concern that the return to TEN' would cause much disruption to residents living areas with significant night time economy activity who had experienced a lengthy quiet period.
- 4.33. The Environmental Protection Team (EPT) also supported the Covid Response Team (CRT) by temporarily providing three officers to the team. Officers who are registered with the Environmental Health Registration Board (EHRB) can be legally authorised under the new Covid legislation to instigate enforcement action. Please note that the EPT did not experience a loss of function as a result of this support to the CRT primarily due to the reduction in service demand in the EPT. It should also be noted that this support is only possible due to the EHORB status of officers in the team which is a very limited resource in the Council. The service returned to full Officer numbers in April 2022 when the secondment ended and the Officers II returned back

to the service though only two Officers returned as external funding for the other Officer ceased on 31st March 2022.

5. Comments of the Group Director of Finance and Corporate Resources

5.1. This report requests that the Corporate Committee note work being carried out to meet the requirements of both the Enforcement and Environmental Protection Service Plans. There are no financial implications arising from this report.

6. Comments of the Director of Legal, Democratic and Electoral Services

6.1. The Enforcement and Environmental Protection Service Delivery Plans set out the organisational structure of both services, their aims and objectives and the scope of both services.

6.2. The Service Delivery Plans make reference to the Council’s Enforcement Policy, which was approved on the 21st January 2019.

6.3. When considering any enforcement action in line with the Enforcement and Environmental Protection Service Delivery Plans, Offices should ensure that they act in accordance with the Council's Enforcement Policy, together with any other relevant legislation and the Regulators Code, Crown Prosecution Service Guideline and Equality Act 2010.

6.4. There are no legal implications arising from this report.

Appendices

Appendix 1 - Enforcement Service Delivery Plan

Appendix 2 - Environmental Protection Service Delivery Plan

Background documents

None

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London Borough of Hackney

Enforcement Service Plan 2022/23
Community Safety, Enforcement and Business Regulation
Climate, Homes and Economy Directorate

Contents:

1. ENFORCEMENT SERVICE AIMS AND OBJECTIVES
2. CORPORATE LINKS
3. BACKGROUND
4. SERVICE DELIVERY
5. RESOURCES
6. KEY PERFORMANCE INDICATORS

APPENDIX COVID

ENFORCEMENT SERVICE AIMS AND OBJECTIVES

INTRODUCTION

This plan identifies the objectives, priorities, actions and measures for the Enforcement Service.

1. ENFORCEMENT SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

An integrated area and ward-based enforcement service with Officers empowered to enforce a range of legislation, including street scene enforcement, anti-social behaviour (ASB), noise nuisance, integrated with Business Regulation to enhance the priorities of the specialised legislative areas enforced by licensing, trading standards and environmental health.

To provide through comprehensive casework a system to ensure that all relevant complaints are taken through from inception to completion, including enforcement action where necessary.

To work closely through an intelligence led tasking process, with other sections of the Council particularly Housing, Waste, Highways, Markets and Street Scene.

To work in partnership via intelligence led operations with the Police and other emergency services where appropriate.

To fulfil the tasking requirements of the 'out of hours' enforcement service, to deal with inter alia; allegations of anti-social street-based behaviour (ASB), residential noise (including some commercial noise), street urination, littering, routine licensing matters, fly tipping and other environmental issues.

To provide a highly visible street enforcement service to ensure public reassurance especially within the night time economy and to work closely with Police resourced by the Late-Night Levy.

Create single points of contact for customers and partners for ward-based issues.

To provide, through an agreed Service Level Agreement, a service to deal with all aspects of ASB in LBH estates. This is directed through an intelligence-based approach via weekly tasking meetings and will include activities ranging from public reassurance patrols through to obtaining Closure Orders on properties due to ingrained drug consumption and ASB in communal areas.

To contribute to and provide support for street user panels and meetings (SUOM) and for the service to provide as agreed and directed backstop enforcement activities once all attempts to resolve issues with particular street users have been exhausted. To therefore work closely with services and providers directed at dealing with the issues of homelessness.

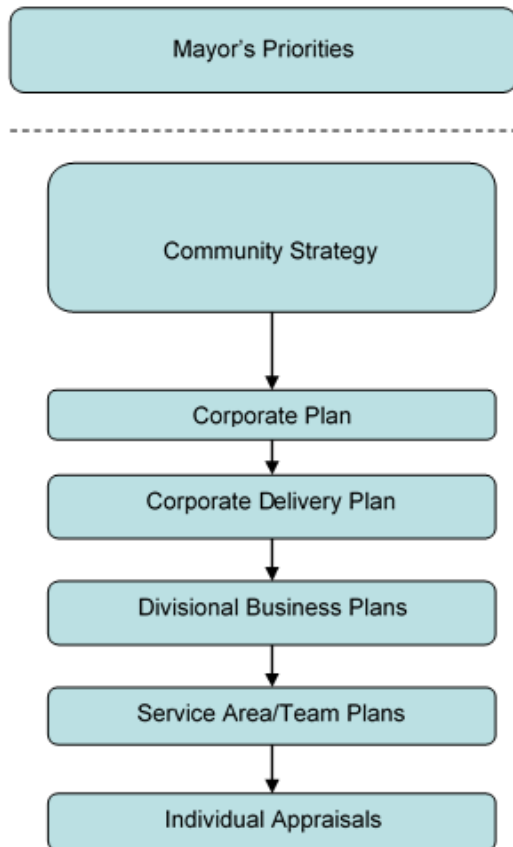
To lead and organise 4 area defined Anti-Social Behaviour Panels, meeting monthly across the borough to determine solutions with partners particularly in social housing and Police to counter ingrained issues of ASB to an individual level.

To provide reactive enforcement activities connected to the disposal of unregulated commercial waste on public land. This will include the issuing of Fixed Penalty Notices on individuals and businesses and will include prosecutions on repeat offenders and or larger scale fly dumping. Street-based patrols will control and sanction members of the public who carelessly drop litter or who urinate on public land.

Recently through the previous Lockdown periods as dictated by the Government to react and support all council wide activities in relation to maintaining a safe public environment and as tasked through the intelligence unit – having a particular focus on London Fields and the other green spaces across the borough.

To lead on providing legal measures (Injunctions) and spearheading the implementation and consultation of Public Space Protection Orders across the Borough.

2. Links to Corporate Objectives and Plans



Mayor's Priority 1: Poverty Reduction

Mayor's Priority 2: Inclusive Economy

Mayor's Priority 3: Lasting solutions to London's Housing Crisis and Homelessness

Mayor's Priority 4: Supporting children and young people to thrive

Mayor's Priority 5: Community Wellbeing and Tackling Health Inequalities

Mayor's Priority 6: Reducing Harm

Mayor's Priority 7: Climate Emergency

The **2018-2028 Community Strategy** has five cross-cutting themes:

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

2.2 Mayor's Priorities

REVISED CORPORATE PLAN PRIORITIES

As a result of the Covid-19 Pandemic, priorities from the 2018 corporate plan have been simplified and consolidated into the following priorities:

FAIRER

1. Poverty reduction
2. Rebuilding an inclusive economy
3. Lasting solutions to London's housing crisis and homelessness
4. Supporting children and families to thrive
5. Community wellbeing and tackling health inequalities

SAFER

6. Reducing harm

GREENER

7. Responding to the climate emergency

3. BACKGROUND

3.1 Organisational Structure

The Enforcement Service is nominally divided into North and South divisions and each Team is headed by an Enforcement Manager. The service is then managed alongside the Community Safety Team by the Community Safety Partnerships Manager Regulation Manager, who in turn is overseen by the Head of Community Safety .Enforcement and Business Regulation.

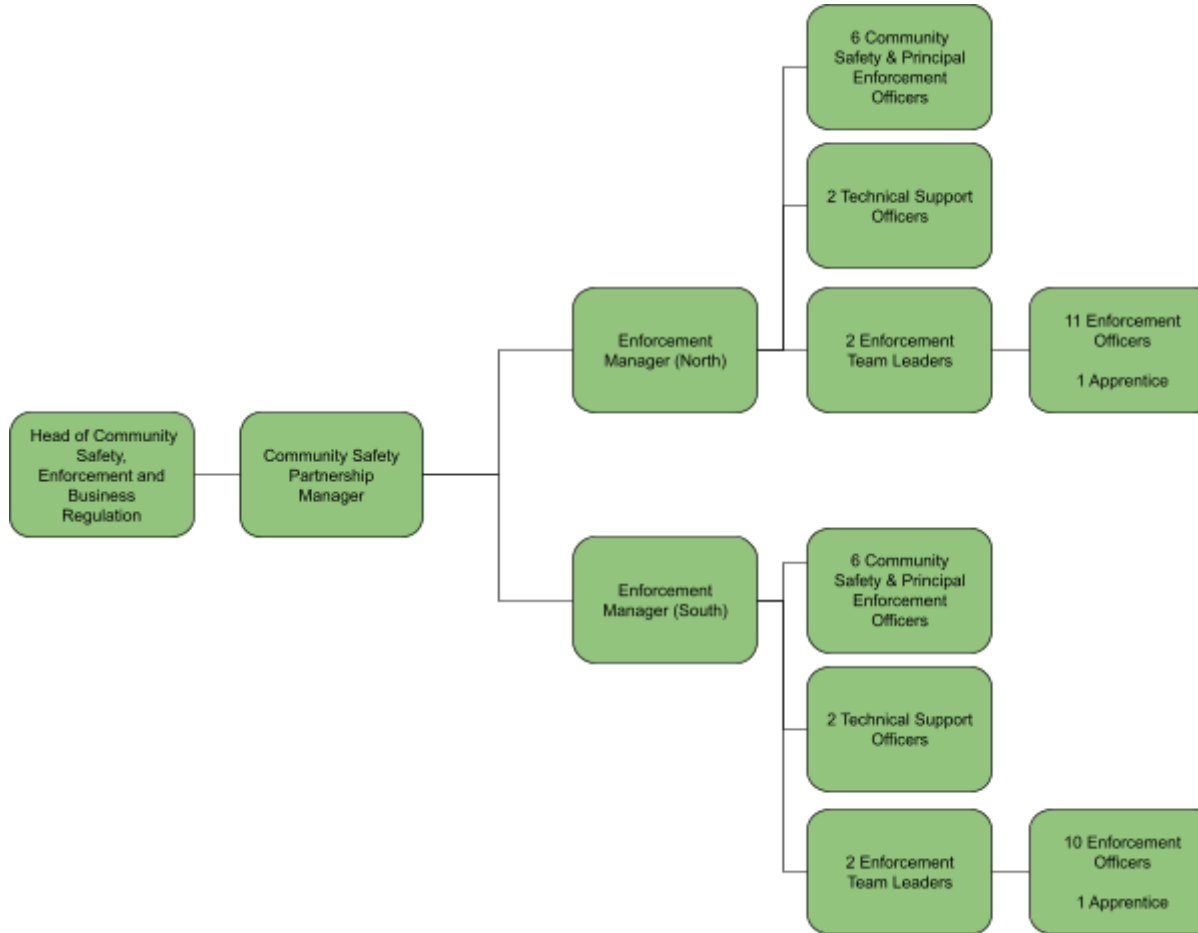
There are two area based teams each comprise of six ward based Principal Enforcement Officers and two Technical Support Investigation Officers.

The uniformed Enforcement Service which consists of twenty-two Enforcement Officers, two Apprentices and four Team Leaders. The uniformed Officers have responsibilities across the whole Borough and are not tied to individual wards. This team is split into 4 units each headed by a Team Leader and are managed by the Enforcement managers above.

All staff with the exception of the Managers work on a rota basis which includes night time and weekend working.

As of 1st April 2022, the service hours are 08:00 to 18.00 Monday to Wednesday, 08:00 to 02:00 Thursday, 08:00 to 05:00am Friday, 16:00 to 05:00am, Saturday 16.00 to 02.00 on Sunday. During the COVID pandemic and the closure of the NTE these times were altered to ensure better early afternoon and evening cover.

3.2 Service Structure:



3.4 Accessing the Enforcement Service

The Service is accessed by the public, residents and businesses in a number of ways principally via the council service number during normal office hours and a dedicated line after these hours on those days that the reactive service operates. The service can be contacted at all times via email and via the Councils website. Key elements of the service can also be accessed through Fix My Street which is a more recent development and which over time is likely to be the principal conduit for the Public.

3.5 Scope of the Enforcement Service

The Principal Enforcement Officers(PEOs) operate across the Borough on a ward-based distribution where they act as single points of contact for their ward areas. They have the responsibility of dealing with all ASB and unauthorised waste disposal complaints (fly tipping) within their nominated wards. They intimately know their wards and are aware of all the relevant local issues including begging and homelessness as they present and develop. 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 conduct routine enforcement actions which can include obtaining entry warrants and closure orders from the Magistrates' Court.

As opposed to the uniform service described below PEOs deal with a variety of complex cases and casework including; eliminating ingrained ASB activity by closing property and larger defined areas (public land) and investigating and sanctioning repeated large-scale fly tipping activity. Most of this type of complex activity is delivered in close co-operation with a number of other services mainly the Police, Community Safety, Housing, Environmental Protection, Housing and Adult and Child Safeguarding as well as the Uniformed Service.

The PEOs also work out of hours on a rota basis covering Borough wide issues concerning either reactive or proactive issues as above but also include such activities like unlicensed street trading, through concerted action with other agencies and parts of the Council. They also regularly work on the out of hours noise abatement service as an additional activity.

The Uniformed Service has no formal limits other than those imposed by legislation and by its own resources. The mainstay of the service is to provide a highly visible, protective and proactive service that can be deployed easily and quickly within the envelope of its core hours according to need. Naturally this is constrained through law on employment and particularly on health and safety grounds. For example, the service and its staff cannot respond directly to those activities concerning crime more properly dealt with by the police e.g., violent knife crime and the criminal supply of drugs. Additionally, the COVID pandemic produced extra constraints in respect of team working and interaction with the public on grounds of social distancing. These were minimised due to having detailed risk assessments.

The Service is also expected to support some of its financial requirements through its own enforcement activities such as administering Fixed Penalty Notices (FPN's) in preventing and tackling ASB, fly tipping, littering, highway obstructions and other environmental matters. FPN's are not merely monetary as they also act as a tool for behaviour change, where they can have considerable impact on the casual disposal of litter on the Boroughs streets.

The Enforcement Officer Interactions will usually concern 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 described above. 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.

During out of hour's deployment the Uniformed Service also works in two critical service areas; these are the out of hours noise service and in patrolling the priority NTE areas across the Borough. Given the above, both elements of the service work together and through a proactive and reactive intelligence-based tasking process which is continually adjusted to ensure that resources are directed and managed to the best and most efficient effect.

3.6 Proactive and Reactive Service Elements

Functions	Activities & Comments
Proactive area coordination and forward deployment of resources through the coordinated management arrangements with Business Regulation	This is achieved through having a shared common management structure where common objectives and working can ensure coordinated 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 deterrent.	The SLA is vital to the functionality of the service and regular contact with the Housing ASB team ensures that the work is relevant and is 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 Hackney Housing Tenants.
Preventing and managing complex and local cases 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, for example include dog barking to extreme cases of continual noise pollution from one individual playing amplified music at all times. 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.
Preventative 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	Joint operations have targeted issues such as kerb crawling or weapon sweeps planned through tasking or eliminating noise

can include planned activity in controlling the noise and ASB issues in localised cultural events or on street dealing of nitrogen dioxide.	pollution through entry and seizure of noise emitting equipment arranged on the night.
The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise abatement 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, street urination and littering through intelligence based tasking and formalised patrolling. This will include issuing FPN and prosecution offenders and publishing this.	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 business outside authorised times and limits
Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and Licensing	Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age-controlled products (e.g. Alcohol) to juveniles.
Highways Licensing Enforcement including unlicensed skips and scaffolding undertaking patrols and intelligence received from Street Scene	The Uniformed Service will 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 patrolling service dealing with other non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards.	These non-compliances are usually generated by businesses and are proactive in nature, operations can be set up relatively quickly.
Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated traveller camps.	Following the transfer of resources and responsibilities Environmental services are leading the proactive side of this work and the Enforcement service will concentrate on reactive elements.

Dealing with and preventing sources atmospheric pollution and other detriments to air quality	This is a developing area of work and there will be a focus on reactive and proactive work on problems such as idling vehicles and the use of unauthorised fuels.
Special activity focused on particular local areas of concern for example the prevention of ASB, noise and pollution in the Borough Parks and if require via the use of PSPO's, Injunctions and other powers	A specialised team to be set up and tasked with this during the Spring & Summer months
Leading and Co-ordinating Anti-Social Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB officers.	This is regular monthly specialised cross departmental activity led by Enforcement Managers to ensure individual cases are dealt with.
Public reassurance achieved through regular visible proactive 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 incoming complaints and enquiries which need to be researched and responded to. This is actioned in the main by Enforcement Managers and Principal Officers.

3.7 Enforcement Policy

An Enforcement Policy was implemented for the Service and was approved by Cabinet on 21st January 2019 and remains highly relevant.

Officers recognise that whilst businesses want to maximise margins, they also seek in most instances to be on the right side of legal requirements, without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist businesses to meet their legal obligations in the first instance, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who knowingly disregard the law or act irresponsibly.

All authorised Officers will take a graduated approach when making enforcement decisions. Any enforcement action undertaken takes account of the principles of the Enforcement Concordat, the Regulators Code and has regard to Crown Prosecution Service guidelines and Equality Impact issues.

4. SERVICE DELIVERY

4.1 Operational Context

The model adopted for the service includes an Intelligence Hub and an evidence-based tasking process. This has brought together partnership support and intelligence capabilities for the service, creating a joined-up approach to its delivery. The hub co-ordinates and enables effective joint tasking based on current intelligence. The hub also enables proper data management processes and ensures that all functions benefit from analytical expertise.

This service has brought together the previously disparate frontline enforcement response services and has increased capacity to address volume offences such as street urination, dog fouling, domestic noise nuisance, fly tipping etc. whilst also increasing

visibility and public reassurance. This has enabled a better platform to achieve required behaviour change and a reduction in the volume of Anti-Social Behaviour (ASB) crime. The creation of the unit has simplified the triage of more serious offences and problems to allow higher level case management for resolution. This unit has also provided greater capacity to address out of hours demand.

The management of out of hours service has been overhauled, as prior to the implementation of the new structure, the out of hour's service provision was insufficient and struggled to meet the needs of residents especially with regard to managing noise complaints and the demands associated with the night time economy. The current structure aligns more resource to out of hours service provision through a mixture of shift-based working (primarily the Enforcement Team) and on-call resilience to provide additional specialist resources as it is required or in the event of a Civil emergency (Uniformed staff can act as Local Authority Liaison Officers) .

4.2 Service Requests

These are received through normal Council routes and after triage are distributed on type and ward area for further investigation. Complex matters will be dealt with by Principal Officers whilst other perhaps more basic issues requiring one off intervention are tasked to the Enforcement Teams.

4.3 Advice to Businesses

The service is not formally established to provide legal or technical advice to business although in the normal course of service it is expected that Enforcement staff will always be ready to give general advice or signpost business (and residents) to sources of specialist advice offered by the Council. This has been especially relevant during the COVID pandemic.

4.4 Additional Priorities and Partnership Working

The weekly tasking of Enforcement Officers is a vital component in ensuring that the service is on top of the problems and concerns that residents and other departments (especially Housing) are experiencing. These meetings determine the following:

- Coordination 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 will include planning for upcoming events, and seasonal peaks of activity that require action on a cyclic basis (e.g. Summer peaks, Christmas, 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 premise and
- 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.

In addition a Partnership Tasking takes place 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 Officer 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 responses back to the group.

In addition to this Partnership Tasking has a responsibility to review and identify some of the more problematic ASB repeat locations and victims over a one week period (identified through intelligence) and determine what if any action including strategies should be taken.

4.5 Late Night Levy

The Enforcement Service has always been involved with 'Policing' the night time economy. Since the introduction of the levy 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. Dealing with issues some 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.

4.6 Housing

A Service Level Agreement has been agreed with the Housing with the individual responsibilities and expectations have been set out. The majority of work is dealt with through the ASBAP meeting outlined above and then the uniformed service through patrolling and other enforcement activities as requested and prioritised by housing through weekly tasking. This is a significant area of work for the Service and the partnership work with housing is vital to the success in controlling ASB throughout the Borough. KPI's have been established to assist in Housing's need to report to their senior management.

4.7 Proactive Work Developments

The current projects are completed or under development:

- A revised Public Space Protection Order (PSPO) in relation to alcohol control and dog control has been implemented across the borough. These orders enable Officers to take enforcement action where there is ASB associated with the consumption of alcohol in public spaces and poor dog control. Enforcement activities are now underway.
- Subject to consultation it is proposed that the PSPO for Wick Woodland will be extended. We are proposing that the conditions of the PSPO are extended across public spaces in the borough such as Hackney Downs, Daubeney Fields, Mabley Green and Millfields Recreation Ground. These areas represent hotspots for which multiple complaints have been received by the service in relation to unlicensed music events, playing of loud amplified music, unauthorised gatherings and anti-social behaviour. A PSPO will ban these unauthorised activities. The service will engage in an open and public consultation to give users of the public space the opportunity to comment on whether the proposed restrictions are appropriate, proportionate or needed at all.
- There will be focus, given new resources from the Late-Night Levy to reduce the incidence of on street drug sales in the NTE. This will focus on the pervasive availability of this product and the ASB it causes. This will commence in May and commercial activity has increased throughout the NTE following the relaxation of Covid restrictions.

- Due to increased growth of ASB in London Fields and other green spaces in the Borough there will be a dedicated team of Officers working throughout the Summer of 2022 to ensure that order is maintained and that the minority of Park users who cause ASB and prevent the majority of users enjoying the Park are prevented from doing so. Additional resources have been provided to implement this and a dedicated team of Enforcement Officers will be created. This is additional work but seen as vital in ensuring that there are minimal levels of ASB. Officers work in conjunction with the Parks Service to ensure smooth running and it is anticipated that the clear message will be easier to explain and enforce than in earlier years.
- Dalston Project - Gillett Square and Ridley Road Market are hot spots for ASB related to street drinking, and additionally drug taking, drug dealing and high levels of other street crime. This has required dedicated extra resources principally in the form of dedicated Enforcement Offices to provide a permanent presence in the area to ensure increased visibility and reassurance, gather intelligence and evidence and coordinate actions with the local SNT as well as with Markets and Support agencies. From December 2021 to April 2022, around 220 ASB tasks in the area and in excess of 100 FPNs have been issued for various ASB related offences. It has been very positive in providing coordination approaches between services and ensuring that support is given to vulnerable individuals whilst balancing with enforcement requirements.
- Over the year there are regular large religious festivals celebrated by the Orthodox Jewish Community in the North East Part of the borough that require the Enforcement team's attention and extra resources, namely, Puriim, Passover, Lag B'omer and Sukkot. On the dates that those celebrations take place we coordinate with other agencies if needed, coordinate our deployment and response and provide intensive presence to ensure reassurance to the community and also to prevent negative impacts on the wider community and actively respond to queries and complaints.
- During the year there will be continued focussed activity on various hot spots which requires cross border coordination with other Councils, Police and other activities. A key area for this will be Blackstock Road and its environs, where there is a mixture of drug dealing, drug taking and allegations of intimidation by various individuals and groups that congregate around businesses in the area; Finsbury Park and Finsbury Park Stations as transport hubs being a driver for those activities but cross managed by another two local authorities. Enforcement Officer Patrols are required as well as extra work from the Ward Principal Enforcement Officer officer. Wireless Festival is an annual festival that is returning to Finsbury Park in July 2022 after the pandemic and this will be prioritised.

- Resources are also dedicated to assist dismantling Pirate Radios and the work is coordinated by the Enforcement Team by Principal Enforcement Officers, led by one of them. Principal Enforcement Officer will carry out site visits when new illegal masts have been installed, will liaise with Hackney Housing as he landlords and responsible for securing the buildings and will attend meetings with OFSTEAD and housing to coordinate operations.
- Closure Orders, Injunctions and Criminal Behaviour Orders have been obtained by the team as a way to give respite to neighbouring residents in respect of the first, and to deal with problematic individuals in the street, imposing conditions to stop their behaviour in the case of the two latter.

The service will continue to strive for more efficiency in delivery which will not impact on overall responsiveness. These will include a review of current levels and distribution of staffing particularly in technical services and in seeking cost improvements and efficiencies in IT capabilities. This already included the implementation of the Fix My Street which has created a much more nobile noise prevention service where Officer are mobile in the Borough and can pick up live referrals without the need to return to the office or await calls from Technical Staff. As a result of the IT ransom attack a new and more modern IT system has been brought in to assist in the proper functioning of the Community Safety Section and with this it will assist in obtaining greater efficiencies and an increased level of mobile working.

5. RESOURCES

5.1 Financial Allocation

The total budget for the service is £2,269,744

5.2 Staffing Allocation

The Staffing Allocation for the service is as follows:

0.33 FTE x Head of Community Safety, Enforcement and Business Regulation
 0.5 FTE x Community Safety Partnership Manager
 2 FTE X Enforcement Managers
 12 FTE X Principal Enforcement Officers
 4 FTE X Technical Services Officers
 4 FTE X Team Leaders
 21 FTE X Enforcement Officers
 2 FTE X Apprentices

5.3 Staff Development Plan

A comprehensive training programme is provided for all staff working in the service on a continual programme basis according to need and as the service requires ranging from dealing with Aggressive Situations, Noise Nuisance and all aspects of ASB law.

All Officers have been through a series of training opportunities to bring them up to speed with the range of legislation and tasks that the service covers. This is a very broad and diverse range but allows Officers to deal with a wide range of enforcement duties. As there is a relatively high turnover of staff within the uniformed element of the service the training programme will need to continue as new members join the teams.

5.4 Resource Allocation

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

1 year	52 weeks (260 days)
Annual Leave / Bank holidays	6 weeks (35 days)

Training / briefings etc	2 weeks (10 days)
Sick leave / dependency / special leave etc.	1 week (5 days)
Number of working weeks	42
Number of working days	210 days
FTE	210 days (1512 hours)

Principal Enforcement Officers (PEOs)

Noise and Nuisance complaints

This is undertaken by the PEOs and it is not possible to accurately calculate how much time is spent on each nuisance complaint as

it depends on the complexity of the case. For example some may only require a phone call and a letter sent out whilst others may require multiple visits to the complainant and to the perpetrating premises. Some domestic noise complaints can take a significant time to resolve particularly if the perpetrator has mental health issues. Therefore, a total of 19.5 hours is allocated to each service request to counter the different hours/time spent on each case. This can be broken down further into the following, 2 hours initial call and letter preparation to complainant, 2 hours for obtaining details of perpetrator and dealing with Hackney housing/RSL etc, 9 hours for the installation of and analysis of recording of noise monitoring equipment, 1 hour for preparation and service of a notice, 4 hours for attending Court to obtain a warrant and 1.5 hours to prepare prosecution papers. This is based on 282 live cases throughout the year

Noise and Nuisance investigation time = 5499 (3.6 FTE)

High Risk ASB Cases

These cases are triaged and are those which have a score of 26 or more on a matrix. Officers need to undertake case research which takes 0.5 hours, visit to the person suffering ASB taking 1 hour, interviewing the alleged perpetrator taking one hour, administration associated with both the complainant and perpetrator taking 2 hours. Liaising with Police, Hackney Housing, RSL and attendance at ASBAP taking 4 hours and preparation of legal notice and prosecution if required 2.5 hours giving an average total of 14 hours per case with approximately 312 cases per year.

High Risk ASB = 4386 hours (2.9 FTE)

Low Risk ASB

As for high risk cases but allowing for 780 cases per annum taking 13 hours of Officer time per case

Low Risk ASB = 10140 hours (6.7 FTE)

Licensing visits

PEOs undertake out of hours proactive visits to assess compliance with Licensing conditions at weekends based on 624 visits each taking one hour.

Licensing Visits = 624 hours (0.41FTE)

Reactive pre-planned work

This includes applications for Closure Orders based on 10 applications per year each taking 14 hours, applications for Injunctions based on 5 applications each taking 24 hours, planning for the introduction of a PSPO 150 hours and undertaking investigations in relation to pirate radio stations based on 27 cases at 2 hours each.

Reactive Planned Work = 454 hours (0.3FTE)

Enforcement

This includes dealing with fly tipping based 625 cases taking 8 hours each, Graffiti based on 48 cases taking 1.25 hours each and Organised Street Trading based on 3 cases each taking 30 hours each, Fly Posting based on 14 cases each taking 1.25 hours.

Enforcement = 5168 hours (3.4 FTE)

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

A total of 4 hours is allocated to each type of request or enquiry. However, it must be noted that some take significantly longer, but to balance the numbers an average of 10 per week with 4 hours allocated to each = 2000 hours

Members, Mayoral enquiries, Freedom of Information requests and Corporate Complaints time = 2400 hours (0.22 FTE) Enforcement Officers.

Out of hours Noise

EOs are on duty Thursday, Friday, Saturday and Sunday specifically dealing with noise complaints received with a total of 6084 hours per year allocated to this task.

Out of hours noise =4836 hours (3.19 FTE)

Enforcement

This includes dealing with littering based on 1,062 cases taking 1.25 hours each, fly-tipping based on 625 cases taking 4 hours each, Highway obstructions based 1,010 cases taking 2.5 hours each, Graffiti based on 48 cases taking 1.25 hours each, illegal Street trading based on 28 cases each taking 2 hours each, Fly Posting based on 14 cases taking 1.25 hours each, dog control based on 38 cases taking 2 hours each and nuisance vehicles based on 22 cases taking 2.5 hours each.

Enforcement = 6778 hours (4.5FTE)

Total = 11614 hours (7.68 FTE)

Proactive Tasking Duties

Undertaking patrols in response to requests received at the weekly tasking meeting including on Housing Estates, ASB, drug related test purchases and is based on each EO undertaking one hour of tasking duties per week. There are an average of 25 tasking requests each week giving a total of 18,200 hours.

Tasking Duties= 18,200 hours (12FTE)

Enforcement Patrols

A number of proactive patrols are undertaken and are calculated on 300 patrols being undertaken per year each taking two hours giving a total of 1200 hours.

Enforcement Patrols = 1200 hours (0.8 FTE)

Night Time Economy

Patrolling out of hours at weekends in NTE are particularly Dalson and Shoreditch based on six Officers being on duty for six hours a night every weekend giving a total of 4992 hours.

NTE= 5616 hours (3.7FTE)

LALO Duties

This is difficult to quantify as it depends on the number of Emergency Incidents Officers need to attend and based on 20 incidents with a requirement to be on site for 7 hours giving a total of 105 hours.

LALO=140 hours (0.09 FTE)

Waste Operations

Undertaking proactive visits with Waste Operations fortnightly with four Eos on duty for four hours

Waste = 384 hours (0.25FTE)

London Fields

Enforcement in London Fields on Thursdays, Friday, Saturdays, Sundays and Bank holidays from June to September based on 4 Officers being present from 13.00pm -11.00 pm on Saturday, Sunday and Bank Holiday giving a total of 2,488 hours.

London Fields= 2488hours (1.55FTE)

Proactive= 27892 hours (18.4 FTE)

Total estimated hours required for carrying out the Enforcement Function 2022/23 is 39506 hours (26.12 FTE).

6. KEY PERFORMANCE INDICATORS

	2019 -2020	2020- 2021	2021- 2022
Fixed Penalty Notices	1907	1279	2780
Anti-Social Behaviour Warnings	292	446	521
Community Protection Warnings	73	41	48
Community Protection Notices	20	21	10
Noise Abatement Notices	26	19	13
Injunctions	1	2	-
Prosecutions & Formal Cautions	53	3	7
Closure Orders	5	5	12

APPENDIX

COVID Update

1.1 Introduction

The purpose of this Appendix is to give a brief overview of the impacts and the response to those impacts of the current Pandemic by the Enforcement service. The service has continued running during this period and although there was significant disruption, programmed work both reactive and proactive work continued in a business as usual approach. This appendix only concerns those aspects of the work that were directly affected by the pandemic and the various and changing restrictions that have been put in place to contain it.

The COVID outbreak significantly disrupted the work of the section, and as a result staff needed to adapt quickly to a host of new challenges which began to emerge as a result of the abrupt lockdown announced on 23rd March 2020. Staff have responded to every challenge the pandemic has put on the service with Officers working in often challenging circumstances under pressure.

Non-uniformed staff Technical Services Officers (TSO's), Principal Enforcement Officers (PEO's) and Managers combined working from home and being in the office whilst Uniformed Officers EO's and SEO's continued working from the HSC to ensure that service operated as normal including Officer attending Court as necessary and the out of hours noise service operating every weekend.

1.2 Equipment & PPE

All staff that needed to work from home, in the main, were equipped to do so and those that weren't were eventually supplied with this. At the outset little was known as to what PPE should be worn and by whom, but this was relatively quickly resolved and staff were kept apprised and ultimately supplied with the necessary PPE and the work instructions on how and when to use them.

The uniformed staff have had to work in some very difficult circumstances as they have been in a public facing role throughout the pandemic. Detailed risk assessments have been created and approved by Public Health and Corporate Health and Safety staff are now operating with these in place with managers keeping themselves updated to ensure that the assessments are being continually updated and staff informed.

As the advice changed so have staff been supplied with the necessary PPE. Initially for example face coverings were not required however these are now mandatory in certain circumstances. There has been little or no difficulty in obtaining all the PPE required to conduct their normal duties. Staff have been fully briefed on the social distancing requirements and sanitising routines.

1.3 Work Patterns

The most immediate change to work patterns was that risk assessments identified that staff were unable to enter residential or domestic premises in any circumstance. This presented a problem for the noise service as to enforce noise nuisance staff needed to enter the premises from where the complaint emanated (at the relevant time) and witness the nuisance. Officers did manage this by witnessing outside and then used best endeavours to reduce the nuisance and this worked in most cases.

There was also a significant change in the pattern of noise complaints, because there was lockdown, noise complaints tended to be reported much earlier than usual with most coming in before midnight. This change in demand was responded to by changing the hours and staff shifts to increase the number of staff in these earlier hours. The staffed service was reduced from 5am to 2am on Saturday and Sunday mornings. After the lockdown and particularly after the licensed premises were allowed to trade the usual pattern reasserted itself and the service hours were restored. These were altered yet again back to a 2am close following the further restrictions placed on licensed premises which are still in place.

Work continued in relation to combatting ASB and although naturally affected by working restrictions it was not severely hampered and there were some notable successes for example in removing ingrained activity by obtaining Closure Orders where appropriate Patrols have continued throughout the Borough as informed by the weekly taskings.

1.4 Public Spaces

Early on during the first lockdown in 2020 there were serious problems in Hackney's open spaces particularly in London Fields. Due again to the lockdown and the hot weather there was serious overcrowding and local amenities were overwhelmed. Local residents and normal users of the park were severely impacted by the social noise and drunken behaviour of the crowds which were widely reported to the local media. Enforcement and Park services at this point could barely cope particularly with the numbers of people who were choosing to urinate and sometimes defecate in the park and on bordering streets. Officers served Fixed Penalty notices to deal with this and borough totals were 221 in May, 231 in June and 159 in July and 149 in August. Ultimately, It was agreed that an injunction would be the only sure way of controlling the unbridled activity.

On 3rd July 2020 an interim injunction was granted which included the prohibition of certain activities on London Fields:

- Organising, attending or participating in an unlicensed music event and/or rave(s) playing loud music;
- Urinating and/or defecating other than when making use of toilet facilities designed for this purpose;
- Lighting fires, fireworks, stoves, barbecues and/or naked flames (with the exception of a cigarette lighter), including on any equipment or entertainment device;
- Consuming or selling of nitrous oxide (laughing gas) save when used for a valid and demonstrable medicinal purpose;
- Uprooting, destroying or damaging any tree, shrub or plant;
- Bringing vehicles, including any engine or generator, onto any part of the prescribed area, with the exception of vehicles/engines/generators belonging to the emergency services or employees, agents or contractors of the council;
- Leaving litter in the prescribed area;
- Threatening or using violence, or engaging in abusive behaviour towards members of the public or employees or agents or contractors of the claimant who question or challenge their engagement in any of the behaviour described above.

On 10th July 2020 the injunction was made firm and applied for 3 months, a clause preventing the consumption of alcohol however was removed. Additionally, 3 additional temporary EO's were employed just to patrol London Fields. The messaging and signage could not be clearer and from that point on the crowds did not return and Park returned to normal.

The results of the 2021 London Fields Summer Deployment can be found below.

Littering FPN issued	275
Urinating FPN issued	112
S/Trading FPN issued	3
Highways FPN issued	24
ASB Warning Issued	345
persons prevented from urinating	1388
persons prevented from smoking cannabis	462
groups directed to turn off amplified music	401
BBQs prevented from being lit	194
aggressive beggars targeting park users directed to leave park	228
persons directed to collect litter	314
Referral - Street Link	31
Referral - MPS	46
Referral - LAS	46
Referral - Social Services	3
Referral - Hackney Recovery Service	2
Weapon Sweeps	143

A similar although quite not so severe situation had arisen in Hackney Marshes and an injunction had been granted on 9th June 2020 to last one year prescribing similar activities.

Wick Woodland has also benefited from a Public Space Protection Order that has been in place since 2019 and this also allowed better enforcement with police, in removing and preventing raves and other activities that started to occur as a result of the midnight curfew even after licensed premises were allowed to open. As such we are proposing that the conditions of the PSPOs are extended across public spaces in the borough such as Hackney Downs, Daubeney Fields, Mabley Green, Millfields Recreational Grounds and Shoreditch Park. These areas represent hotspots for which multiple complaints have been received by the service in relation to unlicensed music events, playing of loud amplified music, unauthorised gatherings and anti-social behaviour. A PSPO will ban these unauthorised activities.

The Borough wide Public Space Protection Order (PSPO) in relation to the control of dogs was approved by Cabinet on 17th March 2021.

1.5 Unlicensed Musical Events

Unlicensed Musical Events, raves or parties, became increasingly more prevalent during the late summer and the service alongside the police were actively preventing and stopping the events from going ahead. These were identified through and by the intelligence hub and directed from the weekly tasking meeting and concerned keeping a watching brief on virtually all public spaces in the Borough. This meant that when certain intelligence pointed toward a particular space, EO patrols would be mounted. The principal areas were Gillett Square, Hackney Marshes, Hackney Downs, Daubeney Fields, North Millfields Park, Shepherdess Park, Hoxton Square and Mabley Green.

Gillett Square has become a principal focus of work for the section in combating ASB however this was not in itself a response to COVID, although the social pressures and issues that COVID has produced have contributed to an increased need in policing the Square.

1.6 Markets

The service was also called to support in ensuring that social distancing measures put in place by Markets in Ridley Road once lockdown commenced although this role was ultimately taken over by private contractors the Service has continued to patrol the immediate areas to prevent any ASB.

Similar proactive and visible patrolling also took place as Broadway Market opened and started trading.

1.7 The Night Time Economy

Working in the Night Time Economy, particularly Shoreditch has been a consistent focus for the enforcement service . The lockdown and the subsequent reopening presented new challenges. Initially there were issues with new surges in activity particularly Broadway Market, this was linked to the situation in London Fields outlined above as this commercial area is immediately adjacent to the park and which provided the food and drink that the park users were consuming. Although many of the premises abided with the requirements a number took advantage of selling alcohol as off-sales. This was legal but the consequences of this meant large crowds building up outside premises, with consequential issues especially street urination and social noise nuisance. Although the Service was able to issue FPN's for illegal urination and littering it was unable to deal with the breakdown of social distancing in these areas and Police themselves were at the time reluctant to intervene in a forceful way. Eventually agreements with the premises were made and the situation eased as more premises were allowed to open and customers were allowed to take seats inside.

1.8 Illegal Street Trading and Car Parties

Illegal street trading also saw a minor increase especially in Shoreditch but this was quickly suppressed and prevented by EO's. However, as the Night Clubs and Bars had to close at Midnight problems arose with 'car parties' where people gathered around parked cars consuming alcohol and playing loud music. This was a particular problem as the cars tended to be parked in nearby residential streets in the Tower Hamlets, The Enforcement service responded by supporting the Parking service in policing the

existing parking restrictions on Calvert Avenue and Boundary Road. This was followed up by advocating for further parking restrictions in the same area (Zone B) and this being followed up by Parking to increase the time at which non residents can park. This would match the time restrictions in the Tower Hamlets. As enforcement measures increased and the weather changed this became less of an immediate problem.

Environmental Protection Enforcement Service Plan 2022/23



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1.0 INTRODUCTION

Hackney Council as a Local Authority has a statutory obligation to investigate and take action on noise and nuisance reports. The Environmental Protection Team investigates all nuisance complaints which emanate from commercial premises or are linked to a commercial activity.

After the surge in the number of Covid-19 related deaths and infections, government lockdown rules were implemented in the UK which not only required 'non-essential' commercial premises to close their doors but also limited social gatherings. Covid-19 impacted the Environmental Protection Service directly as a large percentage of nuisance reports and consultation applications were reduced due to 'non-essential' commercial premises in the borough closing their doors. Please refer to section 3.0 for further detail .

The cyber-attack on the entire Council in October 2020 also affected the service as the database used to store commercial complaints and premises history records were no longer available. For information please refer to section 3.0 for further detail.

What is a Statutory Nuisance?

A statutory nuisance is 'an unlawful interference with a person's use or enjoyment of land (including their home) or some right over, or in connection with it'. Statutory Nuisance is defined by Part Three of the 1990 Environmental Protection Act. Section 79 of the Act lists the following matters which constitute to a 'statutory nuisance' :

- (a) Any premises prejudicial health or nuisance
- (b) Smoke
- (c) fumes or gases
- (d) dust, steam or smell arising from industrial, trade or business premises
- (e) Any accumulation or deposit which is prejudicial to health or a nuisance
- (fa) Insects emanating from relevant industrial , trade or business premises
- (fb) Light
- (g) noise from a premises
- (ga) noise from vehicle, machinery or equipment
- (h) any other matter declared by any enactment to be a statutory nuisance

Noise is the primary cause of all nuisance complaints and amounts to more than 90% of all nuisance complaints in Hackney.

What is Noise?

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

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

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

The Environmental Protection Team

As the number of residents grows in the borough and business activity intensifies especially within the night time economy zones, demand for a service to address statutory nuisance complaints will also increase. As a result, the Environmental Protection Team was established to address statutory nuisance complaints specifically emanating from commercial premises and activities in the borough. Noise and Nuisance is an issue of concern for both Hackney residents and workers and it is agreed by all parties that a remedy to reduce its impact is sought and imposed. Therefore, a sustainable long term approach must be found to investigate the increasing number of noise and nuisance complaints without being impeded by financial constraints, allocation of resources and directorate restructure/reorganisation.

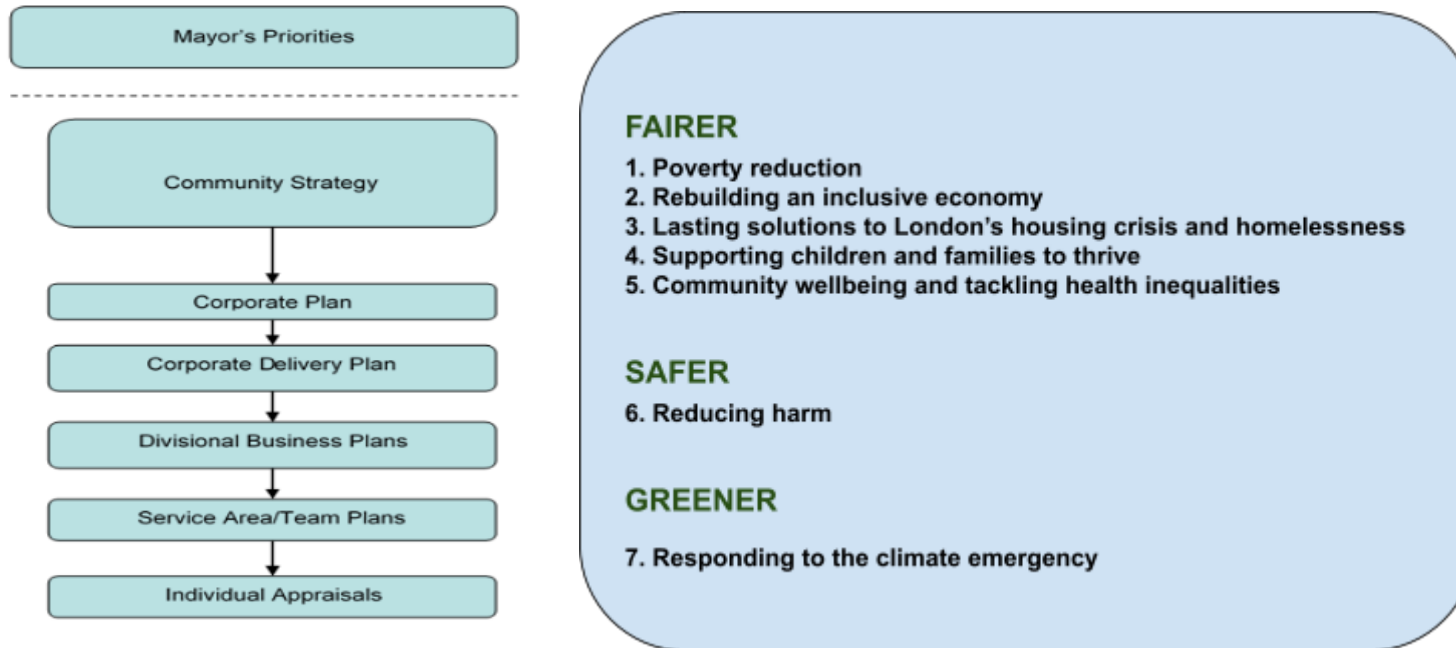
This service plan aims to provide such an approach and demonstrate new strategies enacted by the service to overcome obstacles and other impediments faced by the department. However, it also identifies areas that will need to be addressed for 2022-2023 in order to maintain the current level of service being provided.

1.1.0 How the Service Links to Corporate Priorities

1.1.1 Corporate Priorities

How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone



The corporate plan refresh document can be found at the following link: <https://hackney.gov.uk/corporate-plan>.

1.1.2 The Service aims to:

- Respond and Investigate noise and nuisance reports to ensure that residents and businesses in the borough are not disturbed by Statutory Nuisances.
- Work with commercial premises to abate and prevent the cause of nuisance. This will be in the form of general advice and guidance.
- Act as the Responsible Authority for Licensing Applications and Temporary Event Notices with regards to the 'Prevention of Public Nuisance' objective of the Licensing Act.
- Provide recommendations for Planning Applications with regards to noise
- Appraise and grant Section 61 Applications
- Approve Local Authority Agreements for Statutory Undertaking works
- Work in partnership with both internal departments and external agencies such as the Police and Statutory Undertakers, as relevant.

1.1.3 Profile of the Local Authority

The Environmental Protection Service is now in its 6th year of development since its creation in 2016. In this short period the number of service requests and consultation applications have increased exponentially. The main cause for this surge in service demand is due to Hackney becoming a nightlife hotspot in London. As a result there has been a substantial increase in the number of commercial premises providing late night regulated entertainment in the borough. These are primarily located in the South and North West of the borough with new premises being registered each week providing similar late night entertainment. Attraction of the night life has also witnessed large scale gentrification in Hackney resulting in an increase in the number of new residents to the borough. This in combination with derelict land being redeveloped for mixed residential and commercial use has resulted in the increased number of complaints received by the Environmental Protection Team in regards to nuisance.

1.4 Organisational Structure

The Environmental Protection Department structure is as following:

- 1.0 x Team Leader
- 5.0 x Senior Environmental Protection Officers
- 1.0 x Temporary Event Notice's Officer.
- 0.4 x Technical Business Support

2.0 Scope of the Service

The Environmental Protection Team primarily enforces the following legislation:

- Section 79 of 'The Environmental Protection Act 1990' (EPA 1990). This is the primary legislation which authorises local authority officers to investigate nuisance complaints received from residents within their borough. Section 79 of the Act lists all nuisances which must be investigated by the enforcing local authority. Nuisances such as noise, odour and light are covered in the legislation.
- Section 60 and 61 of The Control of Pollution Act 1974 and
- Licensing Act 2003. The Environmental Protection Service acts as the responsible authority for licensing applications, are consulted for planning applications with regards to noise and also for Section 61 applications received under The Control of Pollution Act 1974.

Environmental Protection provides the following service:

- Respond to and investigate commercial and industrial noise reports
- Respond to and investigate nuisance reports listed under section 79 of the Environmental Protection Act 1990, such as artificial light nuisance, dust, smoke and odour (smell)
- Respond to and investigate reports regarding noise from Construction Sites
- Assess and comments on Planning Applications with regards to Noise and Nuisance
- Comment and act as a Responsible Authority for Licensing Applications
- Comment and act as a Responsible Authority for Temporary Event Notices
- Assess and comment on section 61 applications for consents
- Assess and grant Local Authority Agreements – This covers works that are required to be carried out within short notice such as Statutory Undertakings (road works, gas, water etc.). The agreement grants the applicant consent to carry out a short period of work outside of the permitted hours for noisy construction works.
- Supporting the Out of Hours Noise Service
- Working with commercial, industrial and licenced premises to help them comply with their legal and licensing responsibilities, by providing information, advice and guidance
- Instigate and review Premises Licences – Acting as Responsible Authority

2.1 Performance Indicators

2.1.1 Key Performance Indicators

Key Performance Indicators	Frequency of reporting	Target for Service Year 2021-2022	Target for Service Year 2022-2023
Percentage of First Response to new service requests met within target (10 days)	Reporting Monthly	100%	100%
Percentage of Licensing Application comments made within target (28 days)**	Reporting Monthly	82%	100%
Percentage of Temporary Event Notices met within target (3 days)	Reporting Monthly	100%	100%
Percentage of Section 61 Applications met within target (28 days)	Reporting Monthly	100%	100%
Number of noise abatement notices served under section 80 EPA 1990 in respect of commercial noise and nuisance*	Reporting Monthly	N/A	N/A

2.2 Local Performance Indicator

Local Performance Indicator	Frequency of reporting	Target for 2022-2023
Officer Response to reports of nuisance complaints once assigned	Quarterly	5 working days
Response to general queries (These are questions and concerns raised by members of the public or other agencies)	Monthly	10 working days
Determination of Planning applications	Monthly	21 days
Premises Licence Applications (including variations & minor variations)	Monthly	15 working days
Determination of Section 61 applications	Monthly	21 days
Response to members' referrals/enquiries	Monthly	2 working days
Percentage of compliance from service of COPA section 60 Notice (7 Day Target – Site monitoring will be arranged if further complaints are received)	Monthly	90%
Percentage of compliance from service of EPA section 80 Notice (28 Day Target – However this will be dependent on the nature of the nuisance and its complexity to abate).	Monthly	90%

In order to adhere to government guidelines in relation to social distancing and for the safety and welfare of officers and the public, temporary procedures were implemented at the start of the pandemic for both office presence and inspection procedures. This affected the performance of the service and delays in the resolution of a proportion of complaints.

A new working pattern was temporarily introduced for officers which consisted of limited office presence and working from home. Officers were on a duty rota system and home working hours providing a more flexible system so that it could accommodate evening site visits. This process will continue to be in place until full restrictions (Primarily Office Access) are eased and thus services can be resumed fully again.

March 2022 - Update

As the government released guidelines which recommended a return to work (office), we have introduced a phased return to the HSE building for the service. This entails an officer on duty each day and physically present in the office. One day a week, the entire team is to be present in the office so that work, training and social interactions between the officers can take place. The service also now has face to face team meetings once a month.

Reduction in the number of commercial reports due to lockdown

As a result of lockdown, the majority of commercial premises within the hospitality industry in the borough which were not classed as 'essential services' were required to shut down under government guidelines. This meant that nuisance complaints primarily from bars, clubs and restaurants were reduced significantly. However, as food businesses which were providing a 'takeaway' service which was classed as an 'essential service' continued to operate. The surge in demand for this service resulted in the service receiving a steady number of complaints during this period.

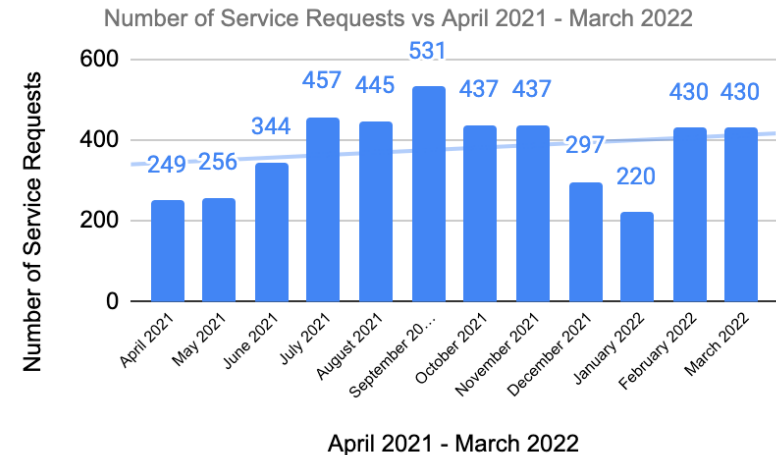
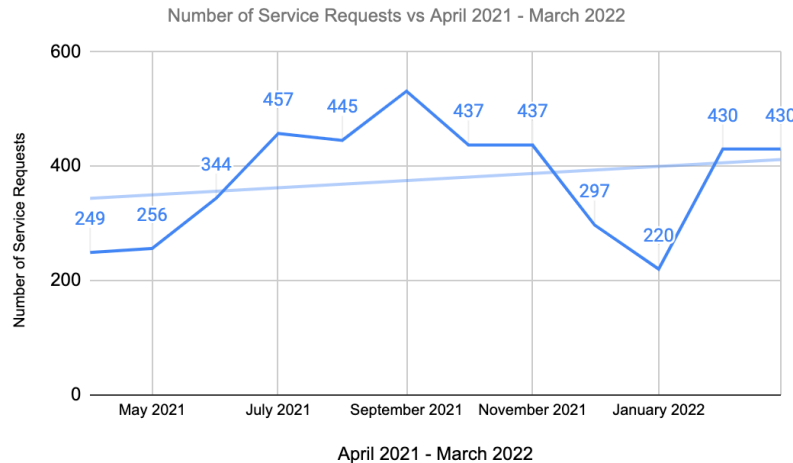
Furthermore, service requests for construction sites continued as normal due to a higher number of the public being at home during permitted construction work hours. Construction work was also supported by the government as 'essential work' and to this end increased the hours permitted for construction work per day from 6pm to 9pm Monday to Friday so that staff on site could be spread across the day and also cover covid related absences.

Enforcement Issues - Unable to carry out statutory requirement for internal assessments

During this period enforcement action was limited due to the strict requirement of witnessing a breach of notice under the enforcing legislation. Therefore, instigating legal enforcement action was not possible as visiting residential properties were prohibited under covid restrictions. As a result, the service used the powers available under the enforcing legislation and served notice from witnessing nuisance externally and then instigating informal discussions with the offending premises. Unfortunately, as witnessing a breach of the notice was not possible, officers were only able to address complaints informally and therefore required to spend an inordinate amount of time investigating complaints compared to pre-covid periods.

Service Request Breakdown Post Lockdown: July 2021 - March 2022

In July 2021, the government removed the restrictions on the hospitality industry and premises were allowed to return back to similar service levels prior to the lockdown. As a result, the Environmental Protection Service experienced a surge in the number of new service requests. Whilst this was welcoming for the service in terms of returning back to normal work, it also caused a delay to addressing the complaints due to the backlog of complaints awaiting for inspection that came through during the lockdown. The 2 graphs below show a monthly breakdown of service requests from July 2021 to the end of March 2022. (Please note that December and January have historically been low in service demand).



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Introduction of First Response Officer

During the lockdown as a result of the pandemic, the Environmental Protection Service (EPS) was prohibited from entering residential properties to carry out an internal assessment as part of their nuisance investigation. The requirement for an internal assessment is set in legislation in order to serve an abatement notice. Therefore in order to proceed onto legal enforcement action and to witness a breach of a notice, officers are required to assess from within a residential property. As a result of the lockdown, internal visits were temporarily put on hold to prevent the spread of Covid-19. Unfortunately, this prohibition was only lifted in May 2022 and as a consequence, there is a large backload of complainants who are awaiting an internal visit.

In order to further existing investigations (backlog) with visits and to completion, any new report received by the Team will have to experience a delay in the investigation due to Officers working on their backlog and ensure they respond to all consultation applications (Planning, Licensing & Section 61 Applications). For new reports to be addressed within the service target period, it was proposed that the initial stage of the investigation would be investigated by a First Response Officer(FRO). The role of the FRO is to filter and triage all new complaints received by the service. An agency staff was recruited in November 2021 to cover this role so that the ward Officers can continue to investigate complaints received in the pandemic period and to also respond to consultation applications.

The role of the FROs is to address all new and incoming service requests received by the Environmental Protection Team. The Officer will acknowledge the initial report, send out acknowledgement letters and emails, carry out site visits and refer any case onto the ward officer should a statutory nuisance be witnessed or require further complex investigation. This process will save the time ward officers would have spent on new reports and thus can work on all their backlog of service requests.

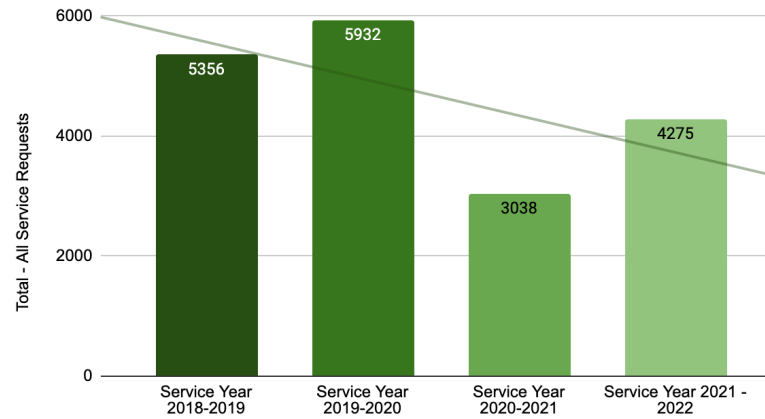
The data below shows a monthly breakdown of the service requests carried out by the First Response Officer since the role was created in November 2021:

	Nov 2021	Dec 2021	Jan 2022	Feb 2022	March 2022	April 2022	May 2022
Total Complaints	101	84	91	99	78	89	107
Total Warnings	22	17	23	25	21	17	21
Total Referrals	14	11	9	12	9	10	7
Total Visits	37	42	39	52	41	48	56
Total Cases Closed	33	23	39	36	28	27	31

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 From the period of November to May 2022, the FRO has received on average 93 Service Requests. In the table above, total referrals are reports where the FRO has witnessed nuisance amounting to a statutory nuisance. The investigation is then referred to the original ward Officer to move forward with the next stage of enforcement action. On average, the FRO is carrying out 45 site visits a month and from those visits, an average of 10 investigations are referred onto the ward Officer for further enforcement action. From the number of reports received each month, on average, 31 reports are closed by the FRO. The introduction of the FRO not only has reduced the number of new Service Requests being taken on by the ward Officer, it has given the ward officers the time and tools to address ongoing and complex complaints, Planning, Licensing and Section 61 applications.

The graph below presents a comparison of service requests to previous years highlighting the extent of the reduction of service requests received during the pandemic periods. Please note that Service Years 2020-2021 and 2021-2022 are both pandemic years.

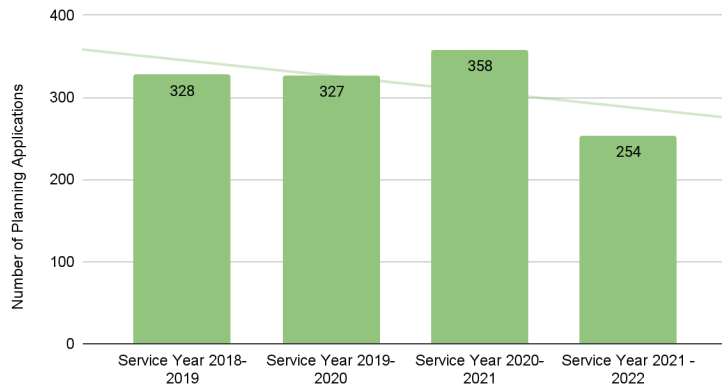
Service Request Comparison



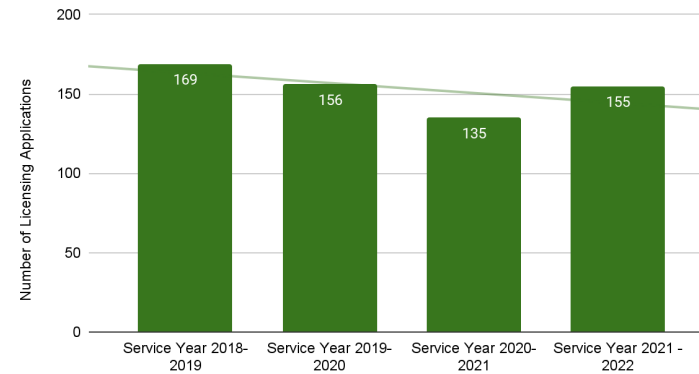
Number of Planning Applications Increased & Licensing Applications reduced significantly

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Planning Applications - Service Year Comparison

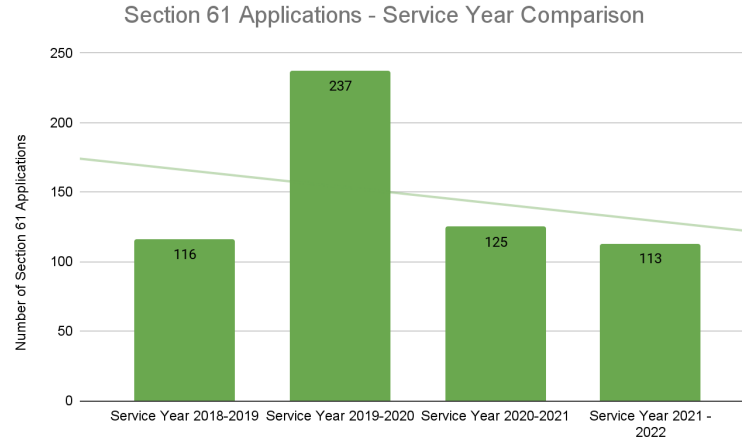


Licensing Applications - Service Year Comparison



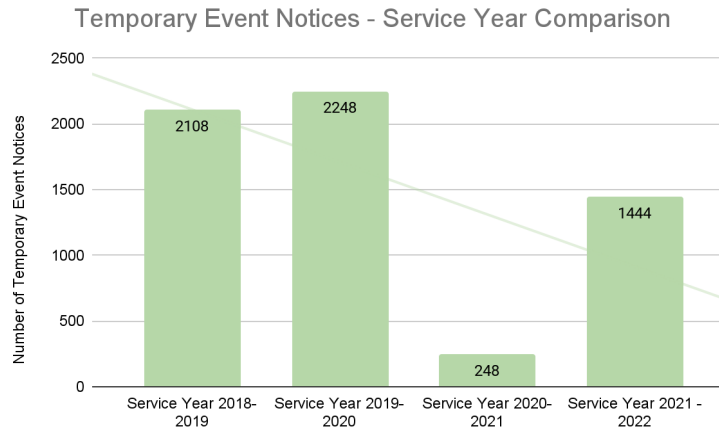
The above two graphs show the number of Licensing and Planning Applications received each service year from 2018. Both graphs highlight the fact that there has been a reduction of each application type for Service year 2021-2022.

Section 61 Applications reduced



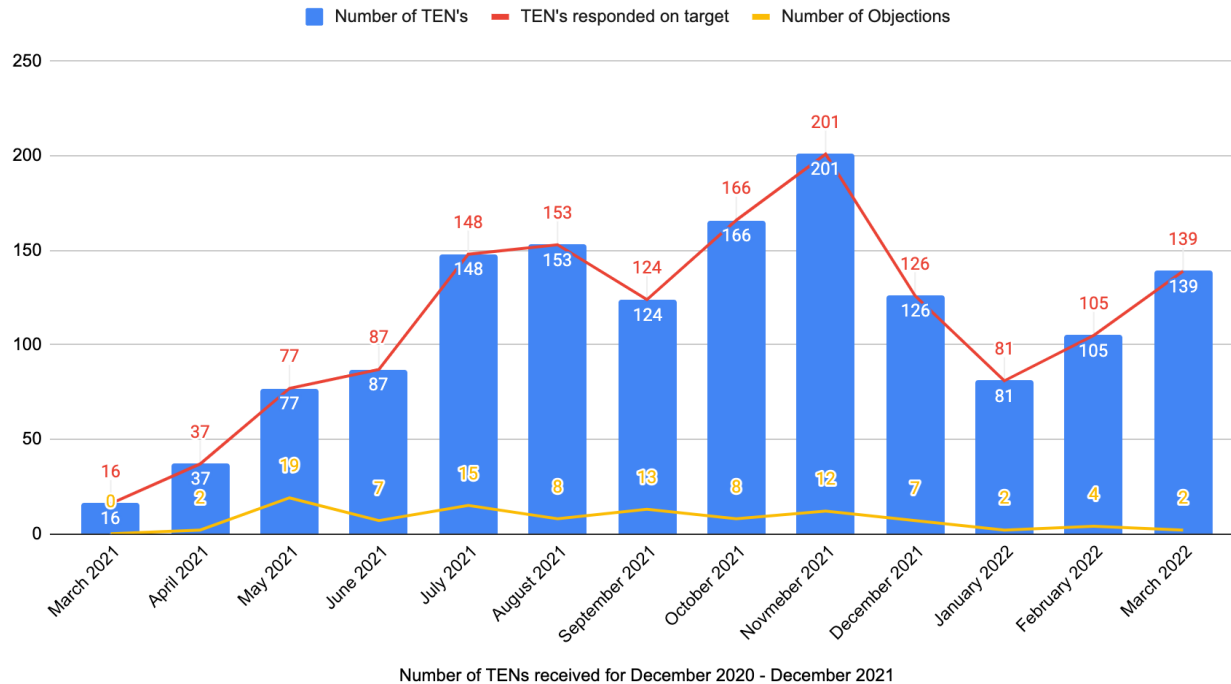
As explained in the Covid Impact statement above, the above graph shows the reduction in S61 Applications received for service year 2021-2022.

Temporary Event Notices



The above graph shows the reduction in the number of TEN applications for the Covid affected service years. During the first pandemic year, service year 2020-2021, the level of TEN applications process was reduced to the lowest number experienced by the Council since the introduction of TEN's. As the restrictions were lifted in July 2021, the service experienced a surge in the number of applications for Temporary events. This is highlighted in the increase in application for service year 2021-2022.

Number of TEN's, TEN's responded on target and Number of Objections - March 2022



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The above graph provides a more detailed breakdown of Temporary Event Notices (TEN's) received by the service. The number of applications started to increase slowly from April 2021 and have continued this trend. Please note that Historically December and January have the lowest number of TEN,'s due to applications being submitted during the build up to the seasons period.

As part of the Service Development, a new procedure was introduced to the TEN's process which included more stringent checked ion documentation and the requirement for Noise, Dispersal, Covid and Smoking Policies to be submitted with the application. This allowed the service to be in a better position to approve TEN's as there was concern that the return to Ten's will cause much disruption to residents who have experienced a lengthy lul period.

Support to the Covid Response Team (CRT)

The Environmental Protection Team (EPT) also supported the Covid Response Team (CRT) by temporarily providing three officers to the team. Officers who are registered with the Environmental Health Registration Board (EHRB) can be legally authorised under the new Covid legislation to instigate enforcement action. Please note that the EPT did not experience a loss of function as a result of this support to the CRT primarily due to the reduction in service demand in

the EPT. It should also be noted that this support is only possible due to the EHORB status of officers in the team which is a very limited resource in the Council.

The service will return to full Officer number in April 2022 when the secondment will end and the officers will return back to the service.

Cyber Attack

As a result of the cyber attack on Hackney in October 2020, all online portals were unavailable to the public. This resulted in a drastic reduction in the number of complaints received by the service. Residents were able to send an email through to the pollution support inbox with the nature of their complaint but unfortunately this process was not being widely used. However, the cyber attack has also affected the service operation as we are not able to access our internal complaints database. This has not only affected our ability to investigate noise and nuisance complaints but it also had a knock on effect on other services that we provide such as Planning, Licensing and Section 61 application consultation.

As a service, we have been heavily impacted by this attack and therefore the Service had to find new ways of addressing nuisance complaints.

In order to maintain the service and manage individual officer caseloads, a temporary spreadsheet was created to log all incoming complaints and service requests. However, due to the rudimentary nature of the spreadsheet and its temporary use, the spreadsheet had limited data analysis capabilities. Therefore, it was not possible to obtain detailed information from each service request that is logged.

Arcus Database (Delivery July 2022)

As a result of the cyber attack in October 2020, all databases used by the Council were lost therefore new database systems were explored. Business Regulations decided to use Arcus Global as their main database and training for the software started with all teams in early January 2022. The planned delivery of the database is July 2022. The new database will provide the much required access for the service to store premises history and officer actions.

It is hoped that the limitations presented by the cyber attack will be addressed and all services and functions are returned back to normal by April 2022.

Further to the easing of all restrictions will be lifted, it is envisaged that there will be a significant rise in the number of reports during this period. This also includes Planning, Licensing and Section 61 Applications as they have all been put on hold by applicants during the outbreak. It cannot be accurately confirmed when this surge in demand will level out and return back to those experienced prior to the Covid-19 outbreak, however, a period of 6 months is predicted before demand for the service is returned back to normal.

Noise Works

Noise Works is a software developed to manage noise complaints received by the Council. The software is connected to the online noise reporting page. The software was introduced to the Service in late 2021 and is a shared application between the Environmental Protection Service and the Enforcement Team. This is an online working platform incorporating noise complaints, Fix my Street and a holding database allowing officers to access the platform remotely and manage complaints on the go. With the upcoming Arcus database, this platform will be working on top of Arcus and directly connected to the Arcus database.

As a result of the Covid Pandemic, the number of service requests experienced a significant drop in numbers. This is primarily due to the closure of licensed and commercial premises. However, due to the cyber attack in October 2020 a significant portion of data for Service Year 2020-21 was also a major factor in the low level of service demand. The number of service requests increased significantly further to the July 2021 lifting of restrictions and is highlighted in the service demands for 2021-2021 data.

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Breakdown of Service Demands 2021-2022 (Jan 2022)

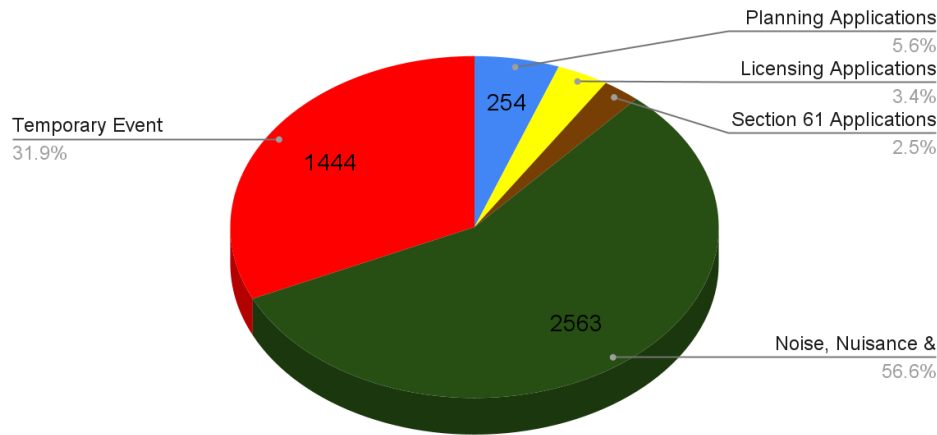


Fig.01

Comparison of Service Demands between 2019-20 (Pre-Covid Period), 2020-21 (Main Covid Period) and 2021-22 (Final Covid Period)

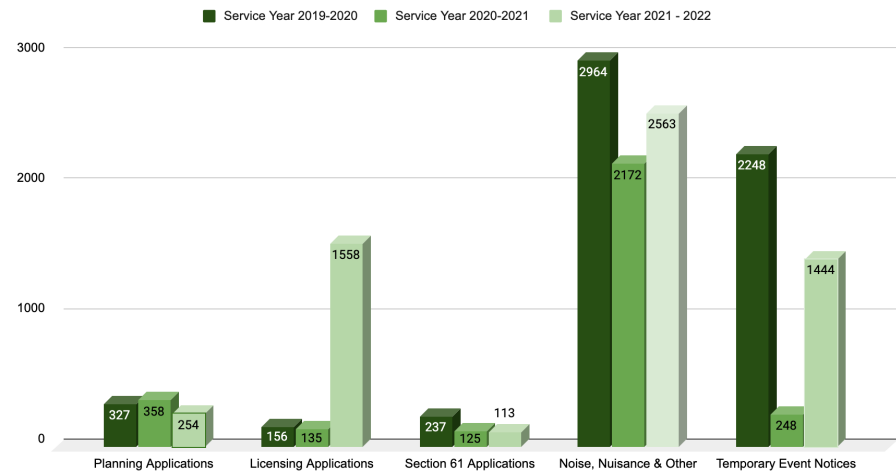


Fig.02

Fig.01 above shows the breakdown of service demands for Service Year 2021-22. Fig.02 shows a direct comparison between the number of Service Demands for Service Years 2019-20, Service Year 2020-2021 and Service Year 2021-2022.

Further data analysis to be completed at the end of March 2022 when the service year ends.

4.1.1 Service Request by Service Year

	Service Year 2019-2020	Service Year 2020-2021	Service Year 2021-2022	Percentage Difference from previous year (2020 - 2021 vs 2021 - 2022)
Noise & Nuisance Complaints	2964	2172	2563	-5.8%
Temporary Event Notices (TEN's)	2248	248	1444	+383.9%
Section 61 Applications	237	125	113	-25.6%
Planning Applications	327	358	254	-38.7%
Licensing Applications	156	135	155	+1.5%
Members & Mayoral Enquiries, Corporate Complaints	66			
Total	5932	3038	4529	+32.5 %

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The above table breaks down the service requests received for each request type by the Environmental Protection Team and compares the data with previous service years.

4.1.2 Temporary Event Notices(TENs).

	Service Year 2019-2020	Service Year 2020-2021	Service Year 2021-2022	Percentage Difference from previous year (2020 - 2021 vs 2021 - 2022)
Total Number of TEN's Received	2248	248	1444	+383.9%
Total Number of TEN's responded on target	2162	248	1444	
Percentage of Temporary Event Notices met within target (3 days)	96%	100%	100%	

Further data analysis to be completed at the end of March 2022 when the service year ends.

4.1.3 Enforcement Action – Notices Served

	Service Year 2020-2021	Service Year 2021-2022	Percentage Difference from previous year (2020 - 2021 vs 2021 - 2022)
Number of Section 80 EPA 1990 Notices Served	17	50	+194%
Number of Section 60 COPA 1974 Notices Served	51	46	-9.8%

5 Service Delivery

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5.1 Noise reports

Residents and businesses can contact the service through the online e-form platform. This has recently been updated and streamlined for each type of noise report either residential or commercial and now includes a map option for residents who are unable to locate the source but can identify a possible position or source. Reports can also be made by telephone or via the Environmental Protection email address. It should be noted that a large number of service requests for commercial premises are received via the Out of Hours Noise Service. Consultation applications such Planning and Section 61 Applications are all received via the email address. Due to the pandemic, the number of visits to assess nuisance complaints have been reduced. This is primarily for the protection of both residents and officers from exposing them to the outbreak.

5.1.2 Visits

As a result of the pandemic outbreak, visits are only being made to the source of the nuisance complaints and addressed informally at this time. Visits to witness nuisance internally from within residential properties is not currently being made due to the health and safety concerns. This restriction will be lifted further to the February 2022 notification.

5.1.3 Proactive Visits

Proactive visits will be arranged by Officers to sites for which prior intelligence has already been received. This can be regarding a premises on which a noise abatement notice has been served or information received by the service for a potential illegal rave. Proactive visits are only being made to the source of the nuisance complaint and not to residential properties.

5.1.4 Consultation Meetings (External & Internal)

Consultation meetings will be held with applicants for both Licensing and Planning Applications if required via video conference. Meetings will also be held with the relevant service in the Council to discuss any relevant application via Google Meet which is an internal video calling app.

5.1.5 Out of Hours Service (Including pro-active visits)

The Environmental Protection Service supports the Enforcement Team providing the 'Out of Hours Noise Service' and primarily investigates and responds to all commercial noise and nuisance reports. The 'Out of Hours Service' provides the Officers the best opportunity to carry out visits to assess nuisance. This is due to the fact that the majority of complaints emanate from premises which operate during the evening. Pro-active visits will also be arranged by Officers for the Enforcement Team and the Environmental Protection Officer working on the service. However, during any lockdown period, no visit will be made internally to residential properties.

5.1.6 Sunday Construction Patrol

This will be on a referral basis from sites which have operated on the previous Sundays.

5.1.7 Tasking

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

5.1.8 Licensing Operational Enforcement Group

This is a monthly meeting chaired by the Licensing Team to bring together all agencies involved in the consultation of Licensing Applications and the enforcement of Licensed Premises, this includes the Police, Trading Standards and Public Health. Concerned licensed premises are discussed in the meeting and action points are drawn up for each responsible authority regarding enforcement.

5.2 Enforcement Policy

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

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

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

5.2.4 The new Hackney Enforcement Policy has been approved and plans are in place to make it available on the Hackney Council website.

Officer Time Breakdown	52 weeks (260 days)
Annual Leave / Bank Holidays	7 weeks (35 days)
Training / Briefing etc	2 weeks (10 days)
Sick leave / dependency / special leave etc	1 week (5 days)
Number of working weeks	42 weeks
Number of working days	210 days
Total hours	210 days (1512 hours)

6.1.2 Staffing for Environmental Protection function for 2022-23 is as follows:

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- 0.3 FTE – Regulatory Services Manager
- 1.0 FTE x Environmental Protection Manager
- 5.0 FTE x Senior Environmental Protection Officers
- 1.0 FTE x First Response Officer (Agency funded until September 2022)

- 1.0 FTE x Temporary Event Notice’s officer.
- 0.4 FTE x Technical Business Support officer

Total staffing resources = 8.7 FTE Available

6.1.3 Total Resource Required

Noise and Nuisance Reports

It is not possible to accurately calculate how much time is spent on each nuisance complaint as it depends on the complexity of the case. For example some may only require a phone call and a letter sent out whilst others may require multiple visits to the complainant and to the perpetrating premises. Therefore, a total of 7.0 hours is allocated to each service request to counter the different hours/time spent on each case. This can broke down further into the following, 1 hours initial call and letter preparation, 2.5 hours for visit (1.5 hours for journey and 1 hour for assessment and intervention), a further 1 hour for follow-up call and letter preparation, finally a further visit taking 2.5 hours for confirmation of compliance: **3.5 Officers Required**

Licensing Application Consultation

Applications are assessed and then the impact of the proposed activities are evaluated against the 'Prevention of Public Nuisance' objective of the Licensing Act. Depending on the nature of the premises and the activities sought, the time spent on each application can vary significantly. For larger complex cases, multiple site visits and meetings take place, this includes letters, emails and telephone calls between applicants and other agencies acting as Responsible Authorities such as the Police. Acoustic reports can also be submitted as part of the application, this can take a significant time to review by the officer. Therefore, each case is allocated 9 hours to counter the difference in time spent between each application: **1 x Officers Required**

Planning Application Consultation

The time spent on each application can vary depending on the size of the application. Some applications can take a number of weeks to assess. Whilst others may submit more than one acoustic report which takes a significant amount of time to assess and evaluate. Therefore, to counter the difference in time spent on each application, 9 hours is allocated for each consultation: **2 x Officers Required**

Section 61 Applications

Applications can vary in complexity, for example some applications may require complex acoustic calculations to be carried out and continued monitoring, whereas others may be for short small projects, therefore, 4 hours is allocated to each application: **1 x Officers Required**

Temporary Event Notice Consultation

A total of 3 hours is allocated to each application as a thorough interrogation of the database is required for the premises history and administrative time is allocated to phone calls and emails. A further scrutiny check was introduced after the July 2021 restrictions were lifted to account for Covid-19 and external noise management: **2 x Officers Required**

Total Number of Officers required to meet Service Demand : 9.5

Total Number of Officers Available: 8.7

2022-2023 Requirement

The current number of staff is sufficient to meet the demand on the service, this is primarily due to the support provided by the role of the First Response Officer. Unfortunately, funding for the officer is only until September 2022. However, a business case to extend the funding or to make the role permanent will be made with the data provided during the Summer.

7.0 QUALITY ASSESSMENT

7.1.1 Internal Arrangements

- Monthly 'check-in' will be carried out with each officer to monitor case workload, assess the quality of enforcement work and to make sure that officers are meeting their targets and expectations. This will also provide the opportunity for officers to feedback on the service performance and case load allocations. Development needs and training plans will be reviewed at each check-in as part of the check-in process and officers will be required to demonstrate adherence to the competency framework.
- Monthly team meetings are held with the Regulatory Service Manager to discuss service performance and to address other issues.
- A 6 months review will be carried out for each officer to monitor performance against local targets.
- The service will also be measured on a monthly basis to make sure that KPI's and local targets are being met. This will be provided to the Head of Service to review each month.
- Material obtained from external and internal training will be cascaded to the the team
- Accompanied/validation inspections will be carried out by the Team Leader to confirm adherence to Policy.

8 KEY SERVICE DEVELOPMENT

8.1 Key Developments for Service Plan 2022 - 2023

The following Key Developments are from Service Plan 2021-2022 which were not met due to major ICT issues and the Covid-19 Pandemic. As a result, they will be carried forward to the Service Plan 2022-2023.

Key Activity	Objective	Target
Digitisation of Section 61 approvals on website via Earth light	The aim of the 'Digitisation Process' is to provide location sites within the borough of approved Section 61 Works, Street Works and Statutory Undertaking Works on an interactive map available on the Council web site. By making this information available to the public, it is envisaged that complaints regarding out of hours noisy works from construction works will be reduced. Members of the public will be able to check on the website if the works have been approved and will have all the information regarding the works such as completion time and date. Complainants will be directed to the map when they access the website to make a complaint.	End of Q4
Noise Limiter Certification Programme	The Noise Limiter Certification Programme will address complaints emanating from premises which have a Noise Limiter installed to control their noise and to prevent disturbances to nearby residential properties. This chargeable service will provide certification on agreed sound levels for premises which will also assist addressing future complaints.	End of Q3

Deliveries and Collections Policy	The London Borough of Hackney currently does not have a Policy for deliveries and collections from commercial premises in the borough. Therefore, the only way a noise complaint for early morning or late night delivery/rubbish collection can be investigated is by physically witnessing the noise amounting to a statutory nuisance in the complainant's property. As most of these incidents occur outside of service hours, the logistics required to witness the nuisance is very difficult. The introduction of a unified policy for early morning and late night collections and deliveries will remove this obstacle in addressing these complaints.	End of Q3
Outdoor Events Guide	There is currently no working guidance available for outdoor events being held in the borough. Agreements to noise levels and additional conditions are currently made with event organisers, Hackney Events team and the Environmental Protection Team each time an event is held in the borough. However, a written guidance is required which not only provides information to the event organisers about the chosen site but also provides monitoring points and boundary noise levels. The guidance will also have an application for the event organisers to submit to the Environmental Protection Team which will provide a summary to the service regarding what the event will entail and also make the service aware of the event so that adequate resources for monitoring is in place.	End of Q3
Section 61 Administrations Charge	A benchmarking exercise will be carried out by the service to look into other Local Authorities charging applicants for additional administration when a Dispensation or Variation is received for an existing S61 Consent. This will lead onto the service developing a similar administration charge process for dispensations and variations.	End of Q4
Online Submission of Section 61 Applications	Develop an online application submission portal to process Section 61 Applications. This will work inline with the Digitization Process mentioned above. This was a key development in the Service Plan for Year 2019-2020. However, development was delayed to the new Hackney Website prioritising more front line services for development.	End of Q4
Income Revenue Generation	Methods of income generation will be explored further. For example, Nuisance Training for Enforcement Officers (External).	TBC
Construction Code of Practice - Air Quality & Planning Inclusion	The draft Construction Code of Practice will be revised to include sections from the Air, Land and Water (ALW) Department and the Planning Department. The ALW will insert a section for Air Quality and Dust Suppression/Management. The Planning Department will insert a section in regards to Construction Management Plans. Once completed and approved by senior management, the document will be made available on the Council website primarily for developers and construction companies, but also for residents who wish to know our policy in regards to construction work.	End of Q3

8.1.2 Projects

Activity	Objective	Target
Seasonal Operations (Christmas 2022)	Carry out joint site visits with Licensing and Trading Standards to concerned premises prior to the start of the Christmas festive period. The aim of the visit is to make sure that the premises are prepared for any events they may have during this festive period.	End of Q3 (December 2022)
River Lee - Bank Side Enforcement	Carry out joint patrols of the banks of the River Lee with officers from the Enforcement Team. Issues have been raised in previous years regarding Noise and ASB being caused by moored boats.	Summer Period (Post June 2022)
Licensing and EP Joint Visits	Carry out joint visits with the Licensing Team on a monthly basis to concerned premises, events being held in the borough and to also unlicensed sites.	Monthly (Post February 2022)
Police Operations	Participate in Police Operations in the Borough such as the recent Operation TYBO and LAGANA. These were joint projects with the Police, Licensing and The Enforcement Team to address commercial premises in the borough with late night licences for regulated entertainment.	As required

9. REVIEW

9.1.1 Review against the Service Plan 2022-2023

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



Title of Report	Business Regulation Service Delivery Plans 2022/23
For Consideration By	Corporate Committee
Meeting Date	28th June 2022
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Strategic Director</u>	Aled Richards

1. Introduction

1.1. This report relates to the service delivery plans for 2022/23 for the Business Regulation Teams that sit within the Community Safety, Enforcement and Business Regulation Service.

1.2 The Business Regulation Division consists of the following areas:

- Environmental Health : Food Safety
- Environmental Health : Occupational Health & Safety
- Environmental Protection (noise and other nuisance)
- Trading Standards
- Licensing

1.3 This report relates to service delivery plans for three of these areas:

- Environmental Health Service: Food Safety
- Environmental Health Service: Occupational Health & Safety
- Trading Standards

1.4 The service delivery plan for the Environmental Protection is within the Enforcement Service Delivery Plan Report.

Environmental Health Service: Food Safety

1.5 The Food Law Enforcement Service Plan (FLESP) is a statutory plan which sets out how the Council will undertake enforcement of food safety legislation.

- 1.6 The Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement template April 2010, and is an important part of the process to ensure that national food safety priorities and standards are addressed and delivered locally. It also focuses on key deliverables; provides an essential link with financial planning; provides objectives for the future including identifying major issues that cross service boundaries; and provides a means of managing performance and making performance comparisons.
- 1.7 The Food Law Enforcement Service Plan sets out the objectives of the service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy. It also sets out the key areas of food law enforcement, the management arrangements, the resources that have been allocated for this work by the local authority and the key targets.
- 1.8 The performance of the Food Safety Service is measured against its fulfilment of the Plan and the percentage of broadly compliant premises within the Borough. The FSA continues to monitor the performance of the Service through the annual enforcement data returns made to the FSA via the Local Authority Enforcement Monitoring System (LAEMS).
- 1.9 With regard to Health and Safety, responsibility for the enforcement of Health and Safety law is split between the Health and Safety Executive (HSE) and the Council, depending on the activity being undertaken by the duty holder. Officers in Hackney ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities.
- 1.10 Hackney is an enforcing authority in its own right, and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles the Council should follow in a consistent, proportionate and targeted approach to regulation based on risk.
- 1.11 The Health and Safety Service Delivery Plan fulfils the Council's obligations under s18 of the Health and Safety at Work etc. Act 1974 and the Enforcement Code. The format and content of the Plan provides the basis upon which the service operates in order to ensure that it is providing an effective service to protect those working in Hackney.
- 1.12 The HSE collects and publishes data annually on the enforcement activities of all local authorities.

Trading Standards

- 1.13 In relation to Trading Standards, the Plan sets out the objectives of the service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy. It also sets out the key areas of law enforcement, the management arrangements, the resources that have

been allocated for this work by the local authority and the key targets for the Team

- 1.14 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough to enable people to buy goods and services with confidence and security, and by offering advice to businesses to help them to comply with the law.
- 1.15 The Service also fulfils an important role in relation to public safety and health, for example through ensuring safe storage of dangerous items and by preventing the sale of dangerous products including the supply of age-restricted products to minors.
- 1.16 The Service also seeks to ensure there is a fair trading environment and helps businesses comply with legislation in order to protect consumers from unfair trading practices.

2. **Recommendations**

- 2.1 **Corporate Committee is recommended to review and agree the contents of the Food Law Enforcement Service Plan for 2022/23.**

There are no further recommendations set out in this report, but Corporate Committee can also:

- 2.2 **Consider the level and scope of work being carried out to meet the requirements of the plan.**
- 2.3 **Note the level and scope of work being carried out to meet the requirements of the Health and Safety and Trading Standards Service Delivery Plans.**

3. **Reason(s) for decision**

- 3.1 The Food Standards Agency recommends that food service plans are submitted for Member approval to ensure local transparency and accountability.
- 3.2 The Health and Safety Plan ensures that there is a programme of health and safety enforcement activity undertaken in order to instil confidence that the Council protects those employed in the Borough.
- 3.3 Trading Standards have a duty to ensure consumer protection law is enforced fairly and proportionately.

4. **Background**

Policy Context

- 4.1 **Food Safety:** The Food Safety Service Delivery Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement

(2010). The FSA requires all local authorities to produce and approve an annual plan that sets out how it is going to discharge its responsibilities.

- 4.2 The performance of the Food Safety Service is measured against its fulfilment of the Plan.
- 4.3 The Food Law Enforcement Service Plan (FLESP), sets out the inspection programme for the Borough's food premises for 2021/22. This year's programme currently (as of 1st April 2022) has 1074 food hygiene and food standards interventions due. The number of inspections is based on the premises risk rating and which is determined at a primary inspection.
- 4.4 The service has prioritised the highest risk category inspection (category A and B), with 100% of category A and B premises due for inspection within 28 days of the due date, along with 95% of service requests and consumer complaints about food and other businesses actioned within 10 working days and 100% of new premises registered with the Council inspected within 28 days excluding those not yet trading.
- 4.5 The 2021/2022 FLESP identified a staff resource deficit of 2.3 FTE at the beginning of the reporting period. This, coupled with long term staff sickness (some related to covid-19) and the relevant inactivity during the lockdown periods, due in the main to the direction issued by the Regulators, has resulted in a considerable backlog of food hygiene and food standards inspections.
- 4.6 The FSA obtained government permission to temporarily deviate from the inspection programme and suspend all routine food hygiene inspections to reduce footfall within food businesses permitted to remain open. This decision was also taken to recognise local authority environmental health departments may need to divert human resources to public health functions to cope with the demands of the pandemic.
- 4.7 Directions issued by the FSA placed emphasis on three key priority areas:

High priority

- Ongoing surveillance to identify businesses trading and change of ownership or activities.
- Interventions of establishments with a known history of non compliance.
- Urgent reactive work including food incidences, food poisoning outbreaks, serious complaint investigations.
- Overdue enforcement visits (service of Hygiene Improvement Notice, follow ups of Hygiene Emergency Prohibition Notices etc).

Medium priority

- All category A, B and non complaint category C rated premises.
- Newly registered food businesses.

- Establishments applying social distancing which may impact food safety or the ability for LA to conduct a physical visit (care homes, voluntary organisations).

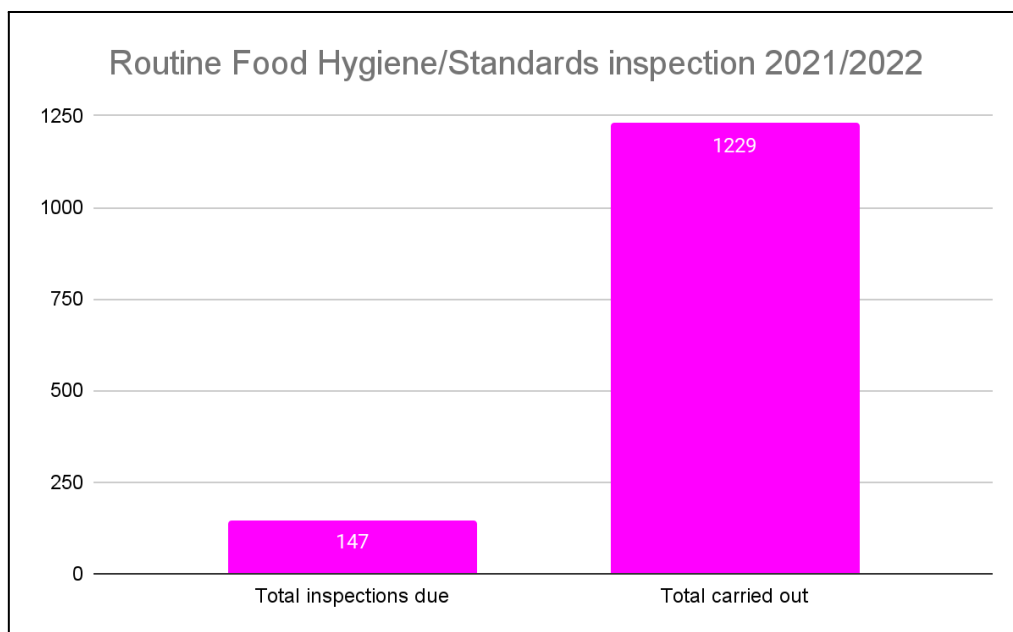
Low risk

- Compliant category C, all D and E for hygiene.
- Category B or C/ medium or low risk for standards.
- overdue/due interventions not already captured above.

4.8 The FSA stipulated that Officers were permitted to carry out remote inspections; however, they were prohibited from risk rating and scoring.

4.9 To comply with the FSA issued directions, Officers initially carried out remote inspections; however, the risk rating remained unchanged as the FSA stipulated ratings could not be awarded via remote inspection.

4.10 Officers undertook 1229 inspections in comparison to 147 allocated. This was due to the service concentrating on clearing the backlog of unrated premises inspections, completion of FHRS reinspections which were not deemed a priority in accordance with the FSA's Guidance and diversion of human resources to the Covid Response Team



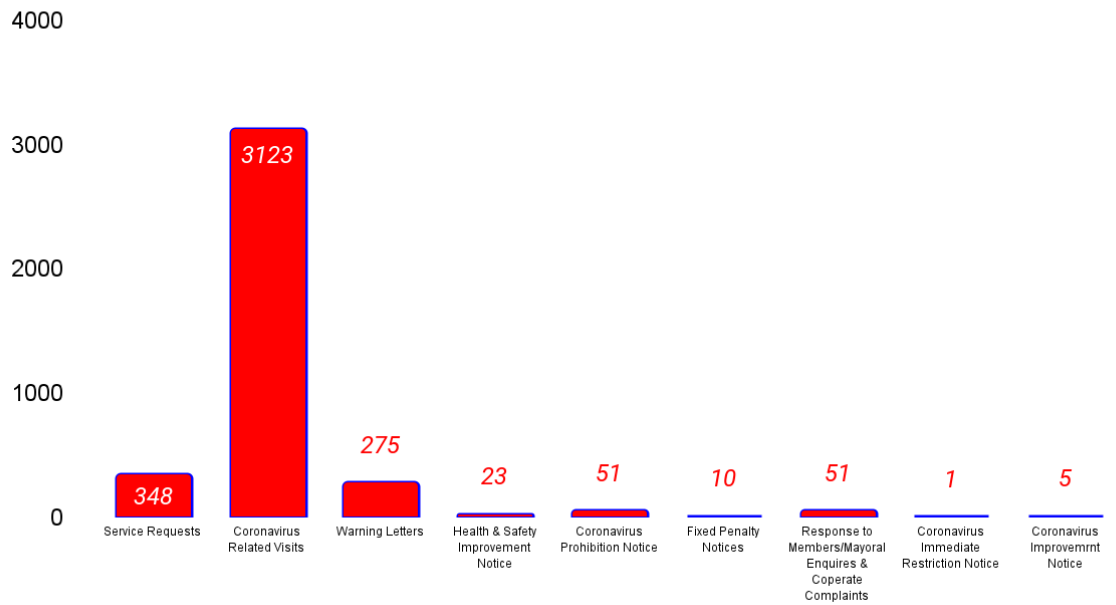
4.11 Local authorities across the North East London Sector have seen a substantial increase in newly registered businesses aiming to diversify their businesses' model and establish domestic catering businesses in a bid to remain open during government restrictions on businesses permitted to trade.

- 4.12 In the 2021/22 FLESP it was estimated the Service would receive 600 registration forms. The total number of registration forms received from 1st April 2021 to 31st March 2022 currently stands at 814, with 433 being inspected. It should be noted that whilst the actual inspection figure remains low in comparison to the figure of registration forms received, all newly registered businesses up to 1st October 2021 were contacted as part of the Food Standard Agency's (FSA) Recovery Plan-Phase to establish whether the businesses were ready to trade, the vast majority of which were not at the time of initial contact.
- 4.13 When contacted later, the vast majority of businesses had ceased trading. There was also an element of duplicated registration forms from businesses wishing to escalate their ratings appearing on the FSA's Food Hygiene Rating Scheme website. Businesses registered after 1st October 2021 were contacted in April 2022 to establish whether they are currently trading and those which are due to be inspected by the end of June 2022.
- 4.14 The increase in the number of registration forms is largely due to the conflicting advice issued by the government regarding the definition of essential and non-essential businesses permitted to remain open during lockdowns. Businesses with main activities which did not meet the loose definition of essential aimed to diversify to meet the criteria.
- 4.15 The Food Standards Agency is planning a fundamental review of the way that food safety is delivered within the UK, which will have a significant impact on all local authorities through the Regulating Our Future programme, and there may be significant implications for food law enforcement in the UK as a result of Brexit. Implementation of this has been delayed by the pandemic and may need to be reassessed in light of the backlog of inspections all local authorities will need to conduct in 2021/22 and beyond to get the inspection programmes back in cycle.
- 4.16 **Health and Safety:** In fulfilling the Health and Safety Service Delivery Plan Officers use a number of intervention approaches to regulate and influence businesses in the management of health and safety risks, including provision of advice and guidance to individual businesses or groups, proactive interventions including inspections and reactive interventions e.g. to investigate accidents or complaints.
- 4.17 Hackney Officers may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty-holders to account for failures to safeguard health and safety.
- 4.18 Proactive health and safety has diminished over the years in line with Government direction and guidance. Hackney has traditionally focused on food safety, whilst the health and safety service has been more reactive. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health

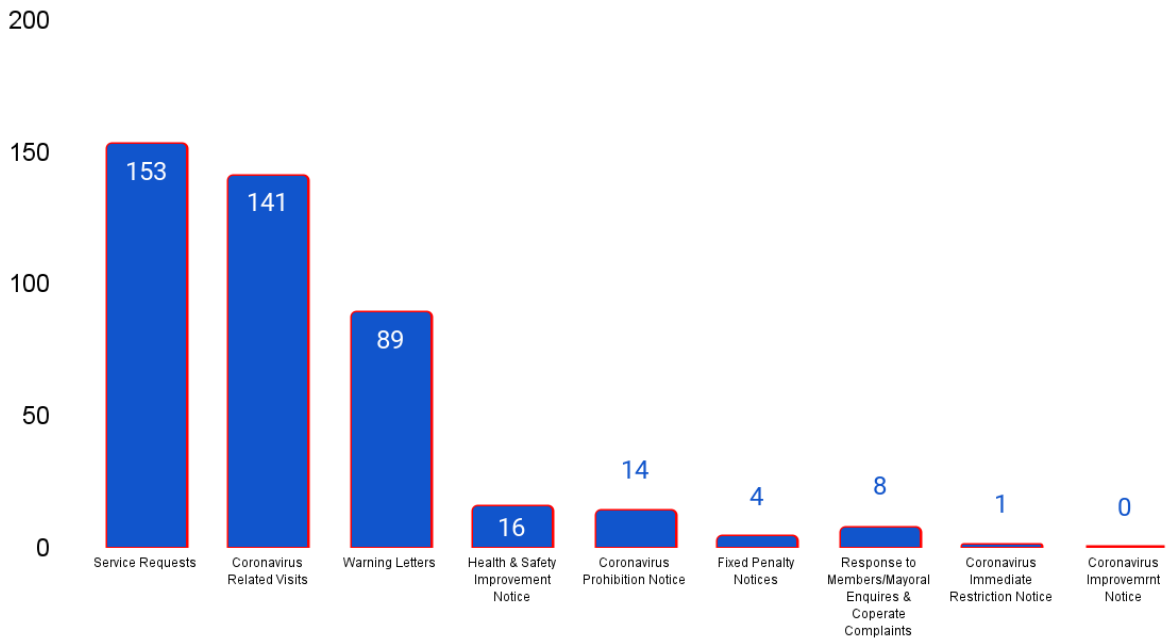
and safety issues in Hackney. As such the Health and Safety Service Delivery Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney.

- 4.19 Health and safety inspections are prioritised with the highest risk category (Category A) inspections to be undertaken. The risk rating for this is set out in a HSE Local Authority Circular - 67/2 (revision 11). For 2022/23 no high risk, category A, premises have yet been identified as the HSE has not published a revised circular. The Service will also take part in any projects initiated by the all London Boroughs Health and Safety Committee.
- 4.20 The work of the team, in relation to health and safety enforcement, has been severely disrupted due to two major events in 2020. The first is the global pandemic. Due to the volume of work created by the increased number of enquires and the reliance on other council services on the expertise of the environmental health staff, a Covid Response Team (CRT) was formed in July 2020. This team was staffed with three Environmental Health Officers, one Trading Standards Officer, one Environmental Protection Officer and one Senior Enforcement Officer.
- 4.21 This team has been very successful, with members of the team representing a wide range of internal and external meetings and taking the lead on educational and enforcement matters. The service has also forged an excellent partnership with the Metropolitan Police Service, working together on numerous joint action days. Some of the highlights are represented in the graphs below:

CRT Statistics: July 2020 to March 2022



CRT Statistics: April 2021 to March 2022



- 4.22 The second major factor has been the cyber attack which deleted the premises database and all historical information. This has had a detrimental effect on the service as proactive inspections have not been carried out in a timely manner. A new database is in the process of being implemented.
- 4.23 Trading Standards: In fulfilling the Trading Standards Service Delivery Plan Officers provide support to individuals, communities and businesses in the borough to enable people to buy goods and services with confidence and security, and by offering advice to businesses to help them to comply with the law.
- 4.24 The Team also fulfils an important role in relation to public safety and health, for example through ensuring safe storage of dangerous items and by preventing the sale of dangerous products including the supply of age-restricted products such as knives, alcohol, cigarettes and fireworks to minors.
- 4.25 The Team also seeks to ensure there is a fair trading environment and helps businesses comply with legislation in order to protect consumers from unfair trading practices.
- 4.26 The Team focuses on the highest risk premises, categorised as Upper and Upper Medium inspections. In 2021/22 there were 149 High Risk, 190 Upper medium Risk and 267 (37 by alternative enforcement action) Low Medium inspections undertaken. In 2022/23 163 high risk, 209 Upper Medium and 293 (73 by alternative enforcement action) Low Risk inspections due to be undertaken.

Equality impact assessment

- 4.27 In undertaking any enforcement, all Officers need to comply with the requirements of the Public Sector Equality Duty, which was created by the Equality Act 2010.
- 4.28 The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 4.29 A service-wide Enforcement Policy was approved by Cabinet on 21st January 2019.
- 4.30 Officers recognise that whilst businesses want to maximise margins, they also seek in most instances to comply with legal requirements, without incurring excessive expenditure and administrative burdens. In considering

enforcement action, Officers will assist businesses to meet their legal obligations in the first instance, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who knowingly disregard the law or act irresponsibly.

4.31 Officers are committed to the principles of good enforcement and take account of the principles of the Enforcement Concordat, the Regulator’s Code, and have regard to Crown Prosecution Service guidelines and Equality Impact issues. The service delivery plans allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.

4.32 A key element of the activities carried out by the Service is to facilitate and encourage economic growth and wherever possible the service will work in partnership with businesses, particularly small traders and the voluntary/community organisations to assist them with meeting their legal obligations without unnecessary expense.

Sustainability and climate change

N/A

Consultations

N/A

Risk assessment

4.33 The Business Regulation service delivery plans set out how its services will take actions that contribute to achieving corporate priorities and desired outcomes. Without these agreed, clearly stated priorities and this plan, the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
The Service Plan is not reviewed and agreed	The Council would receive a directive from the Food Standards Agency (FSA)	Low	Review and agree the Service Plan
The Service Plan involves the carrying out of statutory duties -failure to deliver the service plan	Increase risks: - to consumer safety and the most vulnerable consumers; - to public health and increased risks of spread of infectious diseases and food poisoning and;	Medium	Review and agree the Service Plan

	<ul style="list-style-type: none"> - to employee and public safety with increased risks of incidents and fatal accidents - of failure to administer and regulate licensable activities and premises 		
Increasing reactive workload or other significant service incidents	The lack of available resource to deliver the plan	High	This will be carefully monitored.
Poor performance against the plan	Could potentially result in the reputational damage and directions to the Council from the National Measurement Office (NMO), Food Standards Agency and the Health and Safety Executive (HSE)	High	This will be carefully monitored.
Lack of resources	If additional resources are not assigned to the service, this could result in the service plan not being met, resulting in reputational damage and/or potential intervention by the Regulator.	Medium/High	This will be carefully monitored.

5. Comments of the Group Director of Finance and Corporate Resources.

5.1. This report seeks the Corporate Committee to review and agree the Food Law Enforcement Service Plan (FLESP) for 2022/23. The report notes the level and scope of work being carried out to meet the requirements of the FLESP and the Service Delivery Plans for Occupational Health and Safety and Trading Standards.

5.2 This report is for noting and has no direct financial implications. The aims and objectives described in the FLESP for 2022/23 will be delivered within the approved budget for Business Regulation.

6. Comments of the Director of Legal, Democratic and Electoral Services

6.1. The Food Law Enforcement Service Plan 2022/23 should contain information in accordance with the Food Standard Agency Codes of Practice and the Feed and Food Law Enforcement standard set out in the Framework Agreement on Official Feed and Food Controls by Local Authorities.

6.2 Within the Council's Constitution, the Corporate Committee is responsible for the following:

'To develop, review, monitor and maintain a strategic overview of the Council's regulatory function.'

And 'To consider the functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer'.

6.3 There are no immediate legal implications arising from this report.

Appendices

Appendix 1 - Food Safety Service Delivery Plan 2022/23

Appendix 2 - Health and Safety Service Delivery Plan 2022/23

Appendix 3- Trading Standards Service Delivery Plan 2022/23

Background documents

None

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Food Law Enforcement Service Delivery Plan 2022/23



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1. INTRODUCTION

This is the London Borough of Hackney's mandatory annual plan for the effective enforcement of food safety legislation, and follows the national template as directed by the Food Standards Agency (FSA), through the Framework Agreement with Local Authorities. This plan refers to the food law enforcement functions undertaken by Hackney's Neighbourhoods and Housing Directorate.

The objective of the plan is to demonstrate how the service ensures food safety in the borough. The Environmental Health Service provides the Food Safety function and aims to deliver an intelligence-led, risk-based approach to business regulation that achieves a high level of consumer protection.

It sets out the aims and objectives of the direction for the delivery of food safety in Hackney for 2022 – 2023, in line with the Mayoral and Corporate priorities.

In 2020 two major incidents had a substantial impact on the delivery of the Services objectives set out in the 2020/2021 Food Law Service Enforcement Plan (FLSEP), the emergence of Coronavirus (Covid-19) and the cyber attack on the council's network systems which continue to have an impact on service delivery in 2021/22.

The 2021/2022 FLESP identified a staff resource deficit of 2.3 FTE at the beginning of the reporting period and this, coupled with long term staff sickness (some related to covid-19) and the relevant inactivity during the lockdown periods, due in the main to the direction issued by the Regulators, has resulted in a considerable backlog of food hygiene and food standards inspections.

The FSA obtained government permission to temporarily deviate from the inspection programme and suspend all routine food hygiene inspections to reduce footfall within food businesses permitted to remain open. This decision was also taken to recognise local authority environmental health departments may need to divert human resources to public health functions to cope with the demands of the pandemic.

The suspension of the inspection programme enabled local authorities to prioritise demands on their service however, it should be recognised LBH is one of the few local authorities where Food Safety and Health and Safety functions are combined, as such the pandemic placed a substantial demand on the service resulting in the need for staff in Environmental Health to be disaggregated and form the Covid Response Team CRT) .

The Covid Response Team (CRT) was formed to investigate complaints received regarding breaches of covid legislations in commercial businesses.

Directions issued by the FSA placed emphasis on three key priority areas:

High priority

- Ongoing surveillance to identify businesses trading and change of ownership or activities
- Interventions of establishments with a known history of non compliance
- Urgent reactive work including food incidences, food poisoning outbreaks, serious complaint investigations
- Overdue enforcement visits (service of Hygiene Improvement Notice, follow ups of Hygiene Emergency Prohibition Notices etc)

Medium priority

- All category A, B and non complaint category C rated premises
- Newly registered food businesses
- Establishments applying social distancing which may impact food safety or the ability for LA to conduct a physical visit (care homes, voluntary organisations).

Low risk

- Compliant category C, all D and E for hygiene
- Category B or C/ medium or low risk for standards
- overdue/due interventions not already captured above

The FSA stipulated that Officers were permitted to carry out remote inspections; however, they were prohibited from risk rating and scoring.

To comply with the FSA issued directions officers initially carried out remote inspections; however, the risk rating remained unchanged as the FSA stipulated ratings could not be awarded via remote inspection.

As a result of the cyber attack the service had approximately 800 overdue category A-E inspections, as of September 2020. All historical Food Standards intervention data was lost. As a result of the cyber attack the Service is unable to accurately calculate the exact overdue figures going forward.

The overdue inspection figures will be updated at the end of the financial year once the annual inspection programme has been completed.

Local authorities across the North East Sector have seen a substantial increase in newly registered businesses aiming to diversify their businesses' model and establish domestic catering businesses in a bid to remain open during government restrictions on businesses permitted to trade.

In the 2020/21 FLESP it was estimated the Service would receive 600 registration forms; however, 699 were received as of February 2022, an average of 58 per month.

The influx of registration forms is largely due to the conflicting advice issued by the government regarding the definition of essential and non-essential businesses permitted to remain open during lockdowns. Businesses with main activities which did not meet the loose definition of essential aimed to diversify to meet the criteria.

The cyber attack had devastating consequences on EHS ability to deliver an effective Service during the pandemic and for a short time after which was compounded by the loss of all our policies, procedures, premises database and premises history being unavailable, the service was at a standstill and still continues to suffer the consequences.

This also had far reaching consequences on food businesses permitted to remain open during government restrictions as many attempted to register with online delivery platforms and were subsequently rejected as their Food Hygiene rating schemes scores were removed from the Food Hygiene Rating Scheme website. The Service worked closely with the FSA to find an interim workaround enabling the uploading of scores to the FHRS website, permitting businesses to register with online delivery platforms.

However, the service continues to suffer as a result of the data breach, losing all premises history and information will require all businesses being reinspected in order to rebuild our premises database, being unable to respond to FOI's and being unable to submit our annual statutory returns, Local Authority Enforcement Monitoring System (LAEMS).

At the end of each financial year each local authority is legally required to submit a summary of their food law enforcement activities at food establishments including a summary of statistics on the numbers of inspections conducted and their outcomes. Due to the data breach the Service has developed temporary methods of recording interventions carried out; however, the

information gathered was too limited to submit a full LAEMS return; additionally missing figures for Q1 and Q2 in 2020/21 resulted in an incomplete return.

The FSA has recognised many local authorities have been unable to carry out their inspection programs due to the pandemic and have suspended LAEMS submission however, each local authority is required to report the number of inspections completed in each category, the number of service requests completed and the number of overdue inspections.

The FSA have been notified and the Service has a new premises database. The onboarding process is currently underway with a view to going live on the 1st July 2022.

It should also be noted that due to the cyber attack the Service has been unable to accurately calculate due/overdue inspections which subsequently has had an impact on the FTE calculations. However, it is evident the current staffing levels required bolstering to meet the demands placed on the service in the next two years.

It is predicted, due to the cyber attack and the pandemic, the service may not make a full recovery until 2023/24 due to the work required to rebuild a food premises database, inspect all newly registered businesses within 28 days and inspecting overdue premises from 2019/20 & 2020/21 with reduced resources.

The Service will have a number of challenges in 2022/23 and over the following two years, managing the very different and growing demands of Government agencies and changes in central government financing of local authorities and the fallout of Covid 19 with regards to planned inspections, enhanced health and safety inspection in relation to social distancing and risk assessments and the backlog of inspection from Q1 in 2021/22. The Food Standards Agency is planning a fundamental review of the way that food safety is delivered within the UK which will have a significant impact on all local authorities through the Regulating Our Future programme and there may be significant implications for food law enforcement in the UK as a result of Brexit.

The rate at which the Service recovers is largely dependent on the efficiency of a new premises management database, its provision for mobile working and the continued hard work and dedication of the EH team.

Throughout the pandemic EHS officers quickly and continually adapted to changes in legislation, guidance and new ways of working. All offices adapted to working from home, working remotely and utilising new technology to carry out routine inspections, revisits, investigation of service requests, infectious disease and accidents.

Due to the dedication and hard work from the team and seconded officers from Environmental Protection the service was able to complete 325 more than the typical number of inspections usually carried out in addition to clearing the backlog of overdue category D inspections totalling in 1,225 inspections.

Along with the cross cutting review and local priorities the service will be challenged to ensure the provision of safe food, evaluating how to use resources differently and deliver the work innovatively and collaboratively in order to maintain and increase inspection levels. Better use of more focussed inspections and interventions (as permitted by the Food Law Code of Practice) targeted on key food safety elements of businesses will also help to improve efficiency while maintaining a high level of public protection.

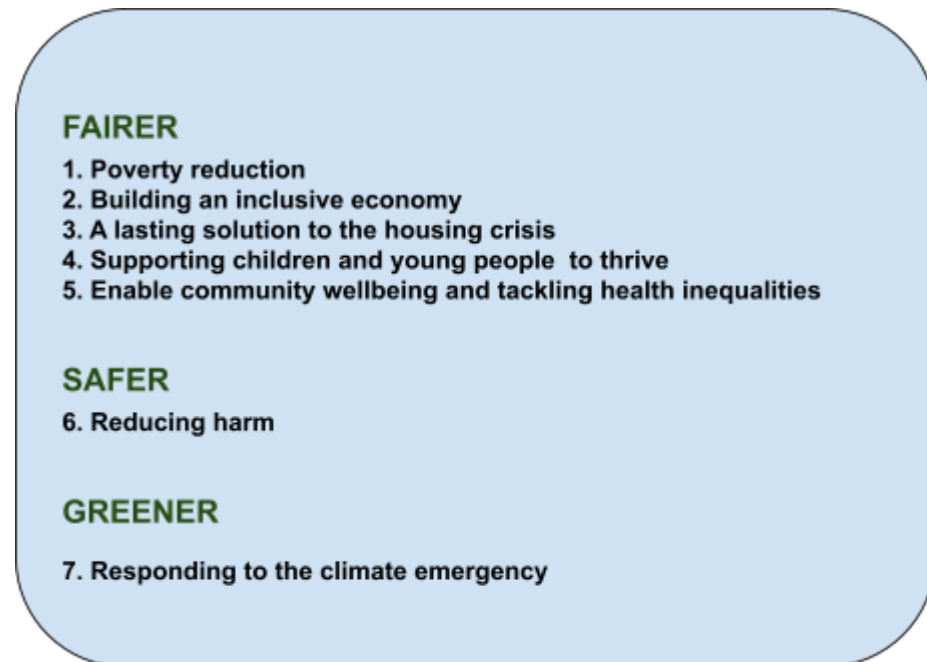
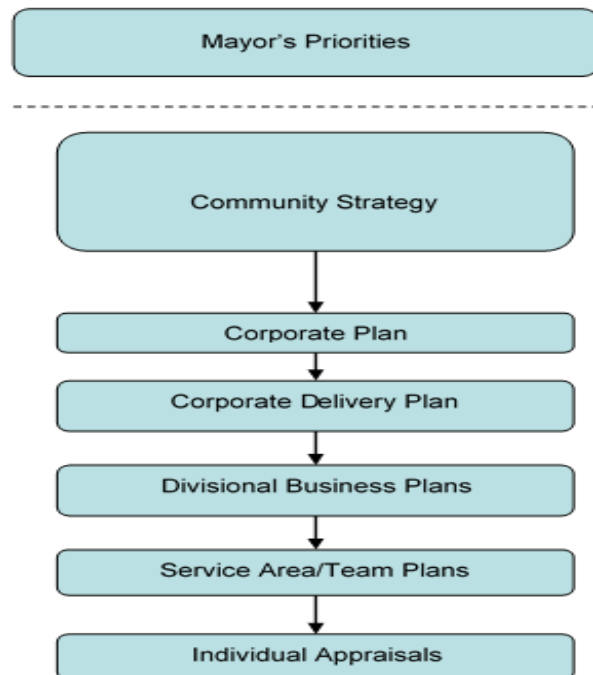
The continued need to find savings from the Service will also have a bearing on the effective delivery of this service and previous restructuring of the Service the staffing resource was reduced by 20%.

2. FOOD LAW SERVICE AIMS AND OBJECTIVES

2.1. Aims and Objectives

How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone



The corporate plan refresh document can be found at the following link: <https://hackney.gov.uk/corporate-plan>.

Environmental Health Service: Food Safety Service - undertakes a range of food hygiene, food standards and health and safety interventions across all Hackney food businesses including the provision of advice and information. The team also carries out infectious disease investigations, investigation of food complaints and food sampling work.

- Ensure all the backlog of newly registered businesses during the pandemic have received a physical inspection.
- Work with businesses to protect consumers from harm by ensuring that food produced, distributed and marketed in the borough is safe and wholesome for the consumer to eat. This will be measured by an increase in broadly compliant businesses, increasing the number of FHRs rated 3-5 premises and a reduction in FHRs rated 0-2 premises.
- Work with businesses to ensure that food produced, distributed and marketed in the borough meets labelling and compositional requirements and is presented so that consumers are not misled as to its nature, substance or quality. This will be met by raising issues highlighted during visits to premises, acting on service requests and complaints, through promotional material where relevant and increasing enforcement for non-compliance following a graduated approach.
- Deter, detect, investigate and disrupt fraudulent activity involving food, including the illegal importation of food. This will be measured by taking an active role in local, regional and national food fraud initiatives and meetings, by organising intelligence-led action days to disrupt potential fraudulent activities and increasing enforcement for non-compliance following a graduated approach.
- Prevent the spread of infectious disease and food poisoning and to investigate outbreaks by working with Public Health England and the Covid Response Team investigating notifiable disease in line with agreed protocols, participating in local, regional and national initiatives and meetings.
- Provide advice and education to all sectors of the community on food safety matters and to meet the training needs of the businesses in Hackney with the promotion of in-house training courses and participation in national initiatives such as Food Safety week.

- Work with other Services, local authorities and agencies with common objectives to provide effective enforcement. This will be achieved by attending local, regional and national meetings, benchmarking with neighbouring authorities and by taking part in internal and external partner-led initiatives.
- Protect businesses from economic disadvantage caused by competitors not complying with food safety legislation and by following a graduated approach to enforcement.

2.2. Food Safety Service Performance Indicators for 2022-23

The service has a number of key performance indicators and the performance of the service is measured against the following:

PI Code	Short Name	Frequency of reporting	Directorate	Annual Target 2022/2023	Achieved (as of 31/03/22)	Data Only PI	2022/23 Target
NH PRS 030	% of service requests/consumer complaints about food businesses actioned within 10 working days	Quarterly	Neighbourhoods & Housing	95%**	100%	No	100%
NH PRS 032	Percentage of category A and B (food hygiene) risk premises inspected within 28 days	Quarterly	Neighbourhoods & Housing	100%**	*	No	100%

NH PRS 034	% of Broad Compliance for food hygiene (accumulative)	Quarterly	Neighbourhoods & Housing	89%	*	No	TBC****
NH PRS 036	Number of unrated food premises	Quarterly	Neighbourhoods & Housing	Less than 70	840	Yes	Less than 200****

*due to the cyber attack and the pandemic we have been unable to calculate our 2022/2023 annual target.

**due to the cyber attack and the pandemic we have been unable to reach our 2020/2021 targets.

****unable to predict as unrated premises greatly reduce BC figure. Unable to calculate without a database.

*****as of March 2022 unrated premises remain unrated. Aims to reduce this to <200 in Q1 and Q2. Unrateds will be allocated for inspection in Q1 and Q2 of 2022/23

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3. BACKGROUND

3.1. Scope of the Food Safety Service

3.1.1. The Food Safety Service is responsible for food hygiene, food standards, public health activities and health and safety in all food premises, and involves both planned and reactive work.

3.1.2. Food Safety Service officers hold dual warrants for food safety and health and safety, so when appropriate, health and safety hazard spotting (matters of evident concern) and food standard inspections are carried out at the time of the primary food hygiene inspection.

3.1.3. The Food Safety Service provides the following services:

- Conducting official controls and other interventions at a frequency determined by Food Law Code of Practice and taking appropriate enforcement action as necessary;
- Working with local food businesses to help them comply with their legal responsibilities and good hygiene practice, by providing information, advice and guidance;
- Prevention, control and investigation of infectious diseases, outbreaks, and food-related infectious disease and food poisoning associated with food businesses in Hackney in accordance with the joint infectious disease protocol, London Outbreak Management Plan 2012 and advice from the Consultant for Communicative Diseases Control (CCDC) and the Public Health Laboratory Service (PHLS), within Public Health England (PHE), now UKHSA;
- Undertaking sampling in accordance with our sampling policy;
- Control of imported foods in accordance with centrally issued guidance;
- Investigating complaints about food premises and food purchased/provided by consumers in Hackney;
- Initiating and responding to food alerts about unsafe or unwholesome food and taking appropriate action as necessary;
- Processing applications for approval relating to the production of meat products, minced meat & meat preparations, dairy products, egg products and fishery products;
- Carrying out activities with regard to a food safety enforcement policy in line with the central government issued guidance;
- Undertaking food safety initiatives (Food Hygiene training and community events etc.); and
- Delivering the Healthier Catering Commitment project in conjunction with Public Health to increase healthier food options available at independent catering outlets in Hackney. This project plays a key role in Hackney's Weight Strategic Partnership.

3.1.4. The Trading Standards Service is responsible for Feed Law enforcement to ensure that any feed used is safe and does not adversely affect the human food chain.

3.2. Demands on the Food Safety Service

3.2.1. Premises Profile

As of March 31st 2022 there were approximately 3,440 food businesses registered within Hackney, an increase of 501 from 2021/22 and an increase of 17%. Due to the pandemic we have seen an exponential increase in domestic catering, public houses and retail establishments in efforts to diversify their business model to fit in with the government's restrictions on premises permitted to remain open for trade.

Historically the majority of food businesses in Hackney are catering premises at 62%. These are mainly sole trading micro businesses a number of which require support, advice and enforcement to ensure that the food they supply is safe to eat. This is reflected in the inspection programme and the demand for training. Food retailers make up the second most significant group (30%), with the remaining 8% being made up of food manufacturers, exporters, distributors and importers which are likely to increase as a result of the EU Exit.

However, due to the pandemic we may see a shift in these percentages as businesses have been financially unable to continue trading and we move to more domestic/take away catering establishments to future proof their businesses.

3.2.2. Outdoor Events

Historically the Borough hosted a large number of annual festivals and other outdoor events which attracts community caterers and a large number of temporary caterers, pop-ups and food producers, all of which require vetting and inspecting as necessary. These ranged from several large events such as the Hackney Carnival and events held in Queen Elizabeth Olympic Park to smaller churchyard-style events held throughout the Borough. However, due to the pandemic all outdoor events were prohibited in 2020/2021. They have since resumed.

3.2.3. Imported Food

As well as responding to complaints, referrals and notifications, the service carries out routine inspections and a range of proactive activities in premises across the Borough and in street markets that deal with the trade of illegally imported foods.

The Food Standards Agency has placed greater emphasis on local authority Food Safety Services to ensure controls on third country imported food (i.e. food currently imported from countries outside of the European Union) however this has changed since the EU Exit: now all EU countries are treated as third countries'. As a result, as food from the EU will be deemed imported from

'third countries', and all imported/exported foods must comply with the laws, regulations and other legal and administrative procedures of the importing country.

Similarly, there have been changes for businesses supplying food to EU member states in terms of labelling requirements and export requirements. Since Hackney has a number of exportation manufacturers we will be required to provide health certification for exports and provide support and guidance to businesses regarding changes post-EU exit.

There is a high level of imported foods from non-EU countries entering the Borough, either directly imported by businesses or by third parties located elsewhere. Some of these foods can be illegal (i.e. banned from importation, processed in a way that contravenes legislation, or they do not comply with compositional or labelling requirements). Examples of this include fruit, vegetable and nuts that appear on a monthly warning list issued by the Food Standards Agency for investigation principally for chemical contamination such as pesticide residues. This area of work can have a high impact on the Service due to the number of businesses handling low cost imports to meet high consumer demand. This food, however, gives rise to a risk to human health and where necessary it is removed from sale and enforcement action taken. This has led to increased related work activities such as sampling and surveillance activities.

3.2.4. New Businesses

The number of food businesses in the Borough, subject to food hygiene control, stands at 3,440. In 2021/2022 the service received a significant number of new food registrations.

This is a departure from the usual annual increase in new businesses which is largely attributed to commercial and domestic businesses diversifying to continue trading during the pandemic.

It is estimated the Service will receive approximately 600 food business registration forms in 2022/23, this figure is largely dependent on domestic businesses no longer trading and people returning to their normal jobs.

3.2.5. Food Hygiene Rating Scheme

Hackney participates in the national Food Hygiene Rating Scheme (FHRS). The scheme is designed to give the public information about local food businesses so that they can make informed choices about where they eat locally (and nationally). As a result the scheme allows for greater transparency for consumers and businesses due to work conducted by Hackney Food Safety Service. It also recognises those businesses that are operating to a good standard and aims to provide an incentive to those businesses that have not made food safety a priority. However, the display of the rating sticker is still not mandatory in England but the Food Standards Agency is supportive of its introduction and additional legislation may be introduced after the EU exit transition period.

Following an inspection, a business can be given one of the following FHRS ratings and uploaded on the National FHRS website (<http://ratings.food.gov.uk>) which can be accessed by businesses and consumers.

Businesses that obtain a rating of 0 to 2 are re-visited to ensure that they are compliant and they are encouraged to request a re-inspection to improve their rating. The Food Standards Agency has introduced changes to the scheme so that Councils can charge (on a cost recovery basis) for any re-rating inspections and businesses will no longer be restricted to a single re-rating request. Since the introduction of the re-rating charging scheme requests for re-ratings have increased by 253% from 15 requests in 2018/19 to 53 requests in 2019/20. Unfortunately, due to FSA directions, the Service was unable to carry out re-ratings until government restrictions were lifted. In 2021/22 we received 29 requests.

Many businesses permitted to trade during the initial restrictions imposed on them in 2020 attempted to register their businesses with online delivery platforms such as Deliveroo and UberEats. Unfortunately, due to the cyber attack Hackney were unable to upload scores to the Food Hygiene Rating Scheme website which subsequently led to businesses being removed from online delivery platforms. The service has since been able to upload scores weekly.

3.2.6. Broad Compliance with Food Safety Legislation

Unfortunately we have been unable to calculate our broadly compliance figure since August 2020 which stood at 88%. It is envisaged that the broadly complaint figure will decrease in line with the significant increase of newly registered businesses; however, the most appropriate enforcement action will continue to be used to deal with premises that are non-compliant following a primary inspection as a means of driving up full compliance and delivering sustainable improvements.

3.2.7. Food Allergens

Allergy awareness has received widespread media attention in the last few years due to the tragic deaths of customers exposed to allergen; as such the Government has tightened the controls on allergen labelling for non-prepacked foods.

Changes to the Food Law Code of Practice have incorporated allergen controls as a food safety issue and the Service has been placing greater emphasis on allergen controls at food businesses during routine inspections. Issues regarding a lack of staff knowledge, poor communication between kitchen and front of house staff and potential cross-contamination have been found. Test purchasing of foods has also been undertaken from take-away premises which have been analysed for a specified allergen.

In order to ensure that catering premises in particular have robust systems in place to control allergens and can provide accurate information to customers, a specific project is being undertaken to address this aspect of food safety. A detailed assessment of allergen controls will be undertaken during routine food hygiene inspections of catering premises. Sampling (including test purchasing) will also be undertaken to assess controls based on inspection outcomes. Supporting information and guidance will be developed and provided to businesses and enforcement action will be taken where appropriate. Businesses will also be offered places on our Level 2 Food Allergen course once they have resumed.

3.2.8. Additional Priorities and Partnership Working

Joint working with other internal teams will improve following the recent re-organisation of Regulatory Services allowing the Food Safety service to take advantage of the Intelligence Hub and cross-services tasking arrangements to further improve efficiency of service delivery.

North East Sector Food Liaison Group: The authority participates in the North East Sector London Food Liaison Group, part of the Association of London Environmental Health Managers. Information is then exchanged with the London Food Coordinating group. General issues concerning policy, regulation and enforcement are discussed at this forum.

Events and Partnership Group: The Food Safety Service participates in the Hackney Safety Advisory Group (HSAG) and the Queen Elizabeth Olympic Park Safety Advisory Group (QEOP SAG); and will continue to undertake joint working initiatives with

Community Safety, Licensing, Events and Public Realm teams and other internal and external organisations including the Metropolitan Police to tackle emerging issues and regulatory non-compliance.

Mobile Vending Operators: The Food Safety Service will continue to monitor increases of such premises in Hackney via the food premises registration process, complaints, referrals and surveys. In the past year this Service has engaged with the new Markets Manager and both sides agree that a closer working partnership would be beneficial to increase compliance across the markets. The Service will continue to work closely with the Markets and Street Trading Services and deal with non-compliance through existing programmes and initiatives and by developing joint strategies. However, inspections of market traders are outside of programmed inspections and will require additional staffing resources. However, market traders registered outside the borough will not receive an inspection unless instructed by their home authority as per The Food Law Code of Practice. The Service will work with Markets and Street Trading to try and identify additional funding that will enable regular inspections, interventions and project work to be undertaken in relation to market and street traders.

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Healthier Catering Commitment: This is a London-wide project supported by the Association of London Environmental Health Managers, the Chartered Institute of Environmental Health and the Greater London Authority to improve the nutritional quality of take away food across the capital. The project aims to encourage traders to provide healthier options to customers as part of an award scheme and businesses are assessed according to the measures taken to reduce overall calories, saturated fats, sugar and salt on their menus.

As of May 2022 40 businesses have signed up to HCC,. There would have been more but 24 businesses have closed due to the pandemic..

The most noticeable recent trend has been businesses' interest in sustainability with regards to eco packaging and food waste. This is a positive step towards sustainability with the London Food Plan discussing the possibility of incorporating a sustainability aspect to the HCC scheme to encourage businesses to start thinking about making small changes they can easily implement.

In Hackney, the project is being delivered by Environmental Health with financial support from Public Health colleagues and forms a key part of the Council's obesity reduction strategy.

Liaisons with other Organisations: The Council actively participates in liaising with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, share good practice and reduce duplication of work.

3.2.9. Promotional Campaigns

The Service will continue to publish information, to improve food hygiene and safety awareness within the food business community and the local consumer population and maintain a positive relationship with the media to raise the profile of the Food Safety Service.

The Food Safety Service will carry out food safety promotional work through participation in national and local campaigns and local projects, subject to available resources.

3.2.10. Training Centre

Due to the pandemic the training centre ceased due to the lack of resources and ICT support to continue remotely. It is unlikely the training centre will resume until the service has fully recovered and Arucs has been fully implemented. The service will review the need for a training centre in 2022/23 at which time we will review whether training is provided internally or outsourced.

Due to the pandemic the training centre has ceased, due to lack of resources and ICT support we were unable to hold training remotely. It is unlikely these services will resume in 2022/2023 due to the new priorities on the service with overdue inspections. The loss of revenue is estimated at £2,600.

3.3. Enforcement Policy

3.3.1. The Food Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximise profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

3.3.2. The published Enforcement Policy, which follows a graduated approach, outlines all enforcement actions to be carried out by officers in relation to food safety legislation, and seeks to ensure that formal enforcement is focused where there is a real risk to public health and that officers carry out actions in a fair, practical and consistent manner. All authorised officers will follow the Enforcement Policy when making enforcement decisions.

3.3.3. The Enforcement Policy, which was approved by Cabinet on 21 January 2019 and remains highly relevant, takes account of the principles of the Enforcement Concordat, the Regulator's Code, FSA's guidance, and has regard to Crown Prosecution Service guidelines and Equality Impact issues. The Plan will allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.

3.3.4. The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as emergency closures of food businesses).

4.0 SERVICE DELIVERY

4.1. Interventions at Food Establishments

4.1.1. The Food Safety Service will employ a full, partial or range of other official controls (interventions) (as permitted by the Food Law Code of Practice) to assist in raising the compliance rate and achieve broad compliance in food premises. Interventions including sampling, monitoring, surveillance, education or verification visits should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulators' Compliance Code.

4.1.2. Food hygiene inspections are the main driver for performance of the Food Safety Service, as a result of the priority setting and the scrutiny of the performance of the Service by the FSA, and local and national indicators. Inspections are allocated to officers who are appropriately qualified and authorised in accordance with the Food Law Code of Practice.

4.1.3. Following a primary inspection of each food business, a risk category is assigned based on the type of food business and the type of food it handles as well as the conditions found at the time of the inspection. Category 'A' and 'B' rated premises pose the

greatest risk and these are therefore inspected at a greater frequency (6 and 12 months respectively) and always within 28 days of the date due for inspection.

4.1.2. Food hygiene inspections are given priority in accordance with the Food Law Code of Practice and associated Practice Guidance, issued by the FSA and in line with Hackney's Food Safety Service, Food Hygiene Inspections and Food Standards Procedures. Therefore, the majority of resources allocated to food safety are devoted to planned primary inspections for food hygiene purposes.

4.1.3. In accordance with the Food Law Code of Practice, the Service aims to inspect 100% of all food hygiene inspections due within the financial year. Priority will be given to the highest risk premises category A-B premises and all non-broadly compliant category C and category D premises that are due. In addition, new and unrated premises will be inspected within the annual inspection cycle. The inspection of broadly compliant lower risk C, D and E category businesses will be given a lower priority within the programme. As a result of the coronavirus lockdown, a backlog of inspections has inevitably arisen in addition to the predicted backlog of lower risk C and D categories of businesses which remained due during 2019/20. Therefore, given the existing constrained staffing resources, it may not be possible to carry out all inspections due, including the backlogs. Unless additional resources are made available the numbers of the backlog of inspection will increase.

4.2.4. Partial inspections will be conducted on broadly compliant category C and D premises, in line with the Food Law Code of Practice. This will reduce the burden on businesses and concentrate resources on the non-compliant businesses. However, a full inspection will be carried out if a compliant business is not in control of risks or a public health risk is identified.

4.1.5. Due to the cyber attack we have been unable to identify the exact number of due and overdue inspections for 2021/22. These businesses are usually tagged on the premises database, however this is currently unavailable. We have been working closely with ICT to develop a temporary method of identifying and tagging premises due for inspection in 2022/23.

4.1.6. In accordance with the Food Law Code of Practice, the Food Safety Service aims to inspect all food hygiene businesses due for inspection in 2022/23. Due and overdue category A and B premises, all unrated/new premises and not broadly compliant C premises will be inspected as a priority in the months for which they are due. Because of the FSA's directions, in response to the

coronavirus crisis, inspection of missed high risk and unrated food businesses will be re-prioritised in accordance with the guidance provided by the FSA.

4.1.7. New premises will be added to the inspection programme as the service becomes aware of them, as these premises count against the overall broad compliance percentage and hygiene rating. Under the Food Hygiene Rating Scheme, new unrated businesses are deemed to be non-compliant until they are inspected. As such, not inspecting new businesses will reduce the overall broadly complaint figure.

4.1.8. Any complaint, received against a premises risk rated C, D or E may also result in a Food Hygiene inspection. The decision to inspect will be based on the nature of the complaint and the officer's professional judgement.

4.2. Food Standards Inspection Programme

4.2.1. Unfortunately due to the cyber attack we have been unable to identify food standards inspections due in 2022/23. In order to remedy this, Officers will inspect food standards in addition to food hygiene to build up a premises profile for food standards within the borough.

4.3. Secondary visits (Re-visits)

4.3.1. Officers will undertake additional visits to premises where follow-up/formal enforcement action is required as a result of serious contraventions found at the time of a primary (programmed) visit or where a contravention is not remedied through informal measures. A secondary visit will consist of one or more intervention activities. Additionally, all chargeable re- inspection requests will be inspected on average within 2 weeks of receiving the request.

4.3.2. Primary inspections resulting in advice to food business operators about minor technical contraventions will not receive a secondary visit.

4.3.3. Secondary visits will be carried out where significant breaches have been identified. It is anticipated that no more than 30% of planned inspections will result in a secondary visit.

4.5. Complaints and Service Requests

4.5.1. The Food Safety Service aims to investigate all food complaints concerning extraneous matter, chemical or microbiological contamination, unfitness and food alleged to have caused food poisoning, relating to food purchased within Hackney depending on guidance issued by the FSA with respect to the pandemic.

4.5.2. The Service will take receipt of all such complaints in accordance with its food and food premises policy and procedure and will pass on those that are the responsibility of other authorities to investigate.

4.5.3. We are unable to calculate the total number of service requests due to the cyber attack however, from 2nd November 2020 to 12th March 2021, 213 service requests were received and it is anticipated that we will continue to receive an increased number of service requests in 2022/23.

Given the increased number of services requested, a review will be undertaken to determine the type of complaints that the Service can continue to investigate given the reduction in resources available and the other demands on the Service. Consideration will be given to the provision of information to customers and the signposting to self-help and advice resources on the Council's and external websites. Work will be undertaken to further improve the website information for businesses and the content will be reviewed and expanded to provide a better resource for both food businesses and the public. Improved access to relevant information and signposting should help to remove some of the demands on the Service. See Annex 1

4.6. Advice and Training to Businesses

4.6.1. The Food Safety Service has produced standards which along with the Food Safety Enforcement Policy outlines the Service's commitment to advising and supporting businesses to comply with the legal responsibilities and good food hygiene and food standard practices.

4.7. Food Sampling

4.7.1. A programme of food sampling will be carried out based on national, regional and local, intelligence-led priorities. Sampling may also be carried out in response to complaints and referrals but also during or following a primary inspection. All sampling is carried out in accordance with the Food Sampling Policy and Procedure.

4.7.2. The food sampling programme for 2022/23 will be developed to include London Food Co-ordinating Group (LFCG), FSA and Public Health England (PHE) programmes, the North East London Food Sector Group projects and local issues.

4.7.3. The authority has access to two official food control laboratories, one for microbiological examination of food (Food Water and Environmental Microbiology Laboratory run by PHE) and one for food analysis (Public Analyst Scientific Services Ltd).

4.8. Control and Investigation of Outbreaks and Food Related Infectious Diseases

4.8.1. In response to the pandemic and the influx of Covid related complaints to the service the team was split into two effectively forming a separate Food Safety Team and Covid Response Team. The CRT pooled resources from Trading Standards, Protection and the Enforcement service. The team was led by one Team leader and two Senior Environmental Health Officers, six officers in total. The team worked closely with LBH Public Health, Test, Track and Trace and a number of external agencies to investigate incidents of non-compliance with covid restrictions.

Dependent on resources available to the department and further government guidance/restrictions it is envisaged CRT duties will be absorbed in the Service with the addition of two Rapid Responders on call to investigate covid related incidences out of hours. These posts will be funded by LBH Public Health.

4.8.2. The Food Safety Service will investigate all food poisoning outbreaks and notifications occurring in the borough in accordance with the Public Health England/Local Authority Joint Infectious Disease Protocol and internal procedures.

4.8.3. The Consultant in Communicable Disease Control (CCDC) at the North East (NE) and North Central (NC) London, Health Protection Team of Public Health England to act as Proper Officer for the purposes of control and management of infectious diseases.

4.8.4. There have been no contingency resources identified for dealing with any outbreaks for 2022/23

4.9. Food Safety Incidents

4.9.1. The Food Safety Service has arrangements in place to ensure that it is able to implement the requirements of the Food Law Code of Practice in respect of Food Alerts.

4.9.2. A Food Alert 'for Action' will be issued by the FSA where intervention by enforcement authorities is required and is often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. All urgent food alerts receive immediate attention. Outside office hours the emergency contact arrangements will be used.

4.10. Key Areas for Improvement/Development for the next two years

What we will do	Purpose	when
Clear backlog of unrated premises and reduce to <70 per month. Inspect all unrated premises within 28 days of operating for food hygiene and food standards.	Ensure good food safety standards in all unrated premises to reduce the likelihood. Improve overall broadly compliant figures.	2022/23 - 2023/24 Targets to be reviewed and set each quarter
Delivery of a risk-based approach for all A, B, non broadly compliant C overdue from 2022/2023	To ensure good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents.	2022/23 - 2023/24 Targets to be reviewed and set each quarter

inspections for food hygiene and food standards interventions.		
Adopt and Implement new premises database.	<p>Comply with statutory requirements to implement and maintain a food business database with up-to-date and accurate information.</p> <p>Integrate Arcus Global as the new service database</p> <p>Roll out mobile working solutions.</p>	2022/23 - 2023/24
Develop new procedures and processes lost in the cyber attack to ensure consistency with NESFLG and Food Law Code of practice graduated enforcement approach.	<p>Devise procedures lost to ensure all businesses received a graduated enforcement approach where necessary.</p> <p>Ensure officers are aware of LBH enforcement policy.</p>	2021/22 -2022/23
Deliver the Alternative Enforcement Strategy (AES) for low risk premises.	To monitor change of activities and maintain food safety compliance	Targets reviewed and set annually

Effective partnership working	To support the work of FSA, PHE, DEFRA, HMRC, the Police, Immigration and other relevant internal and external partners.	2021/22 -2022/23
	To improve the consultation process for licensing applications for new and change of use premises.	2021/22 -2022/23
	To improve joint working and intelligence sharing within Regulatory Services.	2021/22 -2022/23
Promote the Food Hygiene Rating Scheme	To allow consumers make informed choices, and driving up standards and the economy: Encourage the display of ratings.	2021/22 -2022/23

5. RESOURCES

5.1 Resources for 2022/23 - Staffing Allocations

5.1.2 Resource Allocation per Activity

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

1 year	52 weeks (260 days)
Annual Leave / Bank holidays	7 weeks (35 days)
Training / briefings etc.	2 weeks (10 days)
Sick leave / dependency / special leave etc.	1 week (5 days)
Number of working weeks	42 (27)*
Number of working days	210 days
1 FTE	210 days (1512 hours)

*Due to the coronavirus crisis it is estimated that approximately 27 weeks will be available to carry out programmed inspections.

** increased travel time to permit social distancing on public transport

5.1.3 Programmed Inspections

- Premises due category A (24), B (116), C (100), D (1), E (833) (assume 200 new premises, and 316 unrated premises carried over from 2020/2021) = 1,074 inspections due at 7.0 hours per inspection (including paperwork, notices and 30 minutes journey) . (Due Food Standards inspections will be carried out at the same time) = 9,905 hours (6.55 FTE).

Due to the cyber attack the service has been unable to separately calculate due Food Standards inspections thus the figures for Food Standards and Food Hygiene inspections are the same. All food standards inspections will be carried out alongside food hygiene inspections thus additional inspection hours and FTE have been included in the Food Hygiene calculations.

Therefore, total Food Hygiene and Food Standards inspection time: **9,905 hours (6.55 FTE)**.

- Programmed inspections overdue from 2021/2022*
181 category C
Total 181

Total resources required hours **1,267 hours (0.83 FTE)**

The total staffing resource required for carrying programmed inspections including overdues = **11,172hours (7.38 FTE)**

The total staffing resource required for carrying programmed excluding overdues inspections = 9,905 hours (6.55 FTE).*

Whilst this level of resourcing is not possible, difficult decisions will need to be made regarding the inspection programme. It is envisaged that the Service will concentrate resources on the highest risk activities (unrateds, A, B and overdue non-broadly compliant C). Unfortunately this will lead to a backlog of compliant C, D and E inspections from 2020/21 and 2021/22 going forward into 2022/23.

5.1.4 Re-visits following programmed inspections

Re-visits will be carried out in premises that are not broadly compliant during their initial inspection, and often multiple re-visits are needed at the same address. Calculations are based on the average number of monthly re-visits undertaken in 2021-22. For both food hygiene and food standards, it is estimated that there will be 200 re-visits @ 2 hours each (including paperwork and 30 minutes journey time) plus 10% follow-up visit = 39 @ 2 hrs = 848 hours.

Total resource required for re-inspections = **400 hours (0.26 FTE)**.

5.1.5 Re-inspections requests following programmed inspections (chargeable and non-chargeable)

Based on the 2019/20 figures there will be approximately 60 requests to carry out re-inspection primarily to improve the Food Hygiene Ratings. The figure for reinspection requests in 2021/22 stood at 29 in February 2022. The low number of requests were due to the FSA directions stating reinspection requests were not deemed a priority during lockdown hence EHS did not provide this service. The low numbers are also attributed to businesses closing due to the pandemic.

Total resource required for re-inspections = 60 @ 7 hours = **420 hours (0.28 FTE)**.

5.1.6 Service requests and complaints

It is expected that approximately 550 (based on 2021/22 figures, as of March 2022?) food safety related service requests will be received during the year. These include advice to businesses and members of the public. It is estimated that each will take an average of 1.0 hrs; therefore 964 hrs will be required to deal with these.

Total resource required for Service Requests = **550 hours (0.37 FTE)**.

5.1.7 Infectious Diseases and Outbreak Control

The resource required to deal with an outbreak will depend on the size and complexity of the incident. Based on 2019/20 there will be at least two outbreaks in 2022/23 requiring extensive investigation and actions. Investigation of any additional outbreaks will considerably reduce resources available in other areas. In accordance with the Infectious Disease protocol agreed with Public Health England, certain infectious diseases are not actioned by the Local Authority. It is estimated that further action (investigation, questionnaires, potting etc.) will be required on approximately 25% of all cases notified (28 cases) (based on a total of 110 cases for 2019-20) @ (1 hour each).

Resources required to investigate large outbreaks involving different areas will require at least 7 hours each, for two officers, to contain the outbreak and an additional 7 hours for administration = 21 hours (0.02 FTE)

Total resource required for Infectious disease = 28 + 21= **58 hours (0.03 FTE)**.

5.1.8 Food Sampling

Sampling will be based on the Sampling Programme – which consists of a number of projects co-ordinated by either: FSA, PHE, LFCG or the NE Sector Liaison Group, plus a number of local projects and home authority sampling.

- 150 samples @ average 4 hours per sample (including paperwork and 30 minutes journey time) = 600 hours
- Follow up to adverse results (20% approx.); 30 @ 4 hours per sample = 120 hours.

Total resource required for Food Sampling = **720 hours (0.48 FTE)**

5.1.9 Proactive Action Days and Food Safety

Action days are taken in areas where there are known problems and it is a focused way of ensuring businesses are compliant. We expect to carry out at least 2 action days (minimum 20 premises visits) throughout the year for project and collaborative operations. Each action days involves approx. 8 officers (5 hours per day) = 40 hours per action day

Total resource required for Proactive Action days = **80 hours (0.05 FTE)**

5.1.10 Outdoor Events/Markets

These can occur almost every weekend during the summer months. The Service aims to undertake inspections at approximately 3 events during May to September. Two officers attend per event, for approximately 6 hours each. Preparation time for each event equates to four hours.

Additionally, winter/Christmas themed events may occur during November to December. The service aims to undertake inspections at approximately 2 events during this time, requiring the similar resources as summer events.

Resource required for Outdoor events = 80 hours

Hackney Carnival (6 officers), approx 6 hours each with 4 hours preparation time = 60 hours

Total resource required for outdoor events including the resource for carnival: 140 hours (0.09 FTE)

5.1.11 Enforcement/Prosecution/Legal work (including Hygiene Improvement Notices, seizures, closures).

Estimations of resource requirements for enforcement actions

Type of enforcement	Number estimated based on 2019-20	Estimate of hours	Total hours
Hygiene Improvement Notices	30	1 hour/notice	30
Hygiene Emergency Prohibition Notices/Orders	5 (anticipated)	18 hours	90
Voluntary Closures	10	10 hours	100
Seizures and detentions	5	18 hours	90
Simple Cautions	2 anticipated	72 hours	144
Prosecutions	2 anticipated	72 hours	144
Total estimated time			598

Total resource required for enforcement work = 598 hours **(0.40 FTE)**

Total staff to carry out non-inspection and enforcement work : **1.68 FTE**

Total staffing resources (excluding TBS support) required to carry out FLESP: 9.34 FTE

5.1.12 The staffing for food safety and health and safety function for 2022-23 is as follows:

0.3 FTE x Regulatory Services Manager (RSM)

2.0 FTE x Environmental Health Manager (EHM)

5.0 FTE x Senior Environmental Health Officer (SEHO)

0.5 FTE x Senior Environmental Health Officer (SEHO)

0.5 FTE x Business Support Officer (BSO)

Total staffing 8.3 FTE

Total staffing resources available to carry out functions of EHS = 6 FTE field officers

Staffing resource allocated for Health & Safety functions: 1.2 FTE

Total staffing resources available to deliver this plan: 4.8 FTE

Total resources required for programmed inspections 6.55 FTE

Total resources required to carry out overdue inspections 0.83 FTE

Total estimated re-inspection requests (60) 0.28 FTE

Total non-inspection resources required for Environmental Health functions: 1.68 FTE

Staffing resource required to deliver the FLESP = 9.34 FTE

Deficit of 4.54 FTE staff required to deliver 2022/23 food service plan

5.1.13 Technical Business Support

The technical Business Support team is responsible for supporting officers in their activities and for maintaining back-up systems and specific items of equipment and other resources, managing training courses, maintaining premises databases, running reports for FOIs etc. = 1.5 FTE.

5.1.14 Resource allocation by Activity

Activity	FTE
Programmed Inspections due 2022/23	6.55
Overdue inspections	0.83
Re-inspections requests following programmed inspections	0.28
Re-visits following programmed inspections	0.26
Service Requests and Complaints	0.37
Infectious Diseases and Outbreak Control	0.03

Food Sampling	0.48
Proactive Action Days	0.05
Outdoor Events/ Markets (including Carnival)	0.09
Enforcement/Prosecution/Legal work	0.40
Approximate total <u>EHS</u> resources required to fulfil the plan for 2022/23	9.34
Technical Business Support *	(1.5)
Resources available for this plan	4.8
Deficit	<u>4.54 FTE</u>

*not counted towards service delivery

5.2 Authorisation and Competencies in line with new requirements of CoP

5.2.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.

5.3 Staff Development Plan

5.3.1 Regularly held check-in meetings, for all staff, take place every 4-6 weeks. During these regular meetings personal development needs are assessed and Identified needs and plans for developments are facilitated and progress monitored on a continual basis.

5.3.2 All staff complete a 'competency framework' questionnaire on a periodic basis (as Food Law Code of Practice) to ensure that the officers have acquired the updated knowledge, skills and competencies to perform statutory functions.

5.3.3 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

5.3.4 Officers will be assisted in achieving 20 hours' Continual Professional Development (minimum 20 hours food law related),

5.4 Allocation of resources to deliver the plan

5.4.1 The resources required to fulfil the plan for 2022/23 is approximately **9.34 FTE**. The total resource available is 4.8 FTE: **a deficit of 4.54 FTE**. Unless additional resources are made available, significant numbers of unrated premises may not be inspected within 28 days, broadly compliant premises may remain un-inspected in 2022/23 and this will have a knock on effect for 2023/24 when we will have a backlog of inspections accumulated from this financial year.

However, with the team exceeding their annual inspection target in 2021/22, reallocation of resources may mean the service will not require additional resources to clear the backlog of inspections/influx of unrated businesses. This will be reviewed each quarter.

The overdue inspections arose due to our premises management database being inaccessible due to the cyber attack. Additionally directions issued by the FSA in response to the pandemic to reduce footfall in businesses and divert human resources to public health functions.

As such, the team will not be able to achieve 100% of the 2022/23 inspection programme with the current resources available and the demands placed on the service.

However, carrying out all statutory duties, as per the Food Law Code of Practice, will have to be prioritised as not doing so may result in the FSA carrying out another audit and potentially placing LBH under special measures.

5.4.2 The current inspection backlog for food hygiene which mainly arose due the diversion of resources to fulfilling our undertaking to the Food Standards Agency in clearing the overdue backlog as identified in the FSA audit in 2017 and due to Covid 19 Pandemic.

5.4.3 In calculating the FTE requirement for 2022/23, an estimate of time allocation has been assessed on the previous years' outputs. The estimations make allowance for management time but not for the unplanned arising issues that are not possible to predict.

6. QUALITY ASSESSMENT

6.1 Internal Arrangement

6.1.1 Arrangements include:

- Monitoring arrangements to assess the quality of food enforcement work and compliance with the Food Law Code of Practice and internal procedures.
- 6 weekly team meetings (minuted)
- Development needs assessments and training plan
- Cascade training and team briefings
- Accompanied/validation inspections
- 4-6 weekly Check-In meetings

6.2 External Arrangements

6.2.1 The service will submit an annual return to the FSA - Local Authority Enforcement Monitoring System (LAEMS), as required by the Food Standards Agency.

6.2.2 Hackney's FHRS data is uploaded to the FSA's National platform on a fortnightly basis.

6.2.3 The service participates in activities with other North East London Sector Food Liaison Group to share good practices. Lessons learned will be used to develop a consistent approach across the sector.

6.2.4 The service participates in programmes devised by the FSA, Public Health England, the London Food Co-ordinating Group, and the Chartered Institute of Environmental Health Officers.



London Borough of Hackney

Health and Safety Law Enforcement Service Plan 2022/2023



INVESTOR IN PEOPLE

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INTRODUCTION

In 2020 two major incidents had a substantial impact on the delivery of the Services objectives set out in the 2021/2022 Health and Safety Service Plans: the emergence of Coronavirus (Covid -19) and the cyber attack on the council's network systems which continues to have an impact on service delivery. The direction of the service plan had to be changed in the formation of a Council's Covid Response Team (CRT). The activities of the team were very closely aligned with the Health and Safety principles within the wider remit of the Health and Safety legislation and responsibilities.

Responsibility for the enforcement of health and safety law is split between the Health and Safety Executive (HSE) and Local Authorities (Hackney) depending upon the activity undertaken by the duty holder. Within Hackney the responsibility for the enforcement of health and safety matters is delegated to Environmental Health Officers, under section 18 of the HASAW etc Act 1974 (responsibility of the authorities to make enforcement arrangements for statutory provisions), within the Environmental Health team, who ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce, and those affected by their work activities in retail, wholesale distribution and warehousing, hotel and catering premises, hospitality settings, offices, and the consumer/leisure industries. To achieve this the Service provides advice and guidance on the management of health and safety protections, and the duties to protect the health and safety of people. HSE and Local Authority Representative Bodies have a [Statement of commitment between: Local Authority and HSE Regulatory Services](#) which sets out the joint commitment to ensure provision of adequate standards of working together as co-regulatory partners in order to prevent death, injury and ill health of those at work and those affected by work activities. Hackney is an enforcing authority in its own right and must make adequate provision for the enforcement of relevant legislation. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles that each local authority should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.

This service uses a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:

- provision of advice and guidance to individual businesses or groups;
- proactive interventions including inspection and local intelligence based projects; and
- reactive interventions e.g. to investigate an accident or complaint.

Hackney inspectors may use enforcement powers, in accordance with the council's enforcement policy, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.

Proactive health and safety has diminished over the years in line with Government instruction and guidance. Hackney has traditionally focused proactively on food safety whilst the health and safety service has been more reactive and action is usually taken to prevent injury if the 'matters of evident concerns' presenting a risk to health are noted whilst carrying out inspections of food premises. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health and safety issues in Hackney. As such the Health and Safety Law Enforcement Service Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney. The plan has been drawn in accordance with the Local Authority Circular (LAC 67/2 (rev11)). This Local Authority Circular is guidance under Section 18 Health and Safety at Work etc. Act 1974 (HSWA). This new version of the Circular has updated previous versions and provided LAs with guidance and tools for priority planning and targeting their interventions, enabling them to meet the requirements of the National Local Authority Enforcement Code (the Code). This plan will be amended, if required, to implement the guidance provided by the local authority circular (LAC 67/2 (rev 11)). To fulfil the Council's obligations under section 18 of the Health and Safety at Work etc. Act 1974 and with the Health and Safety Executive (HSE) National Authority Enforcement Code, and will be put before the appropriate member forum for approval. The format and content of the Plan provides the basis upon which the Council's Health and Safety Service will operate in order to ensure they are providing an effective service to protect the safety of people employed to work in Hackney. The HSE collects data annually on the enforcement activities of all local authorities and publishes this data. This data collection is known as the LAE1 Returns.

The objective of this plan is to ensure that a programme of health and safety enforcement activity is carried out, in order to instil confidence that Hackney protects those employed in the borough.

The Health and Safety Law Enforcement Service Plan refers to the health and safety law enforcement functions undertaken by Officers in the Climate, Homes and Economy Directorate under the provisions of the Health and Safety at Work etc. Act 1974 and regulations made there under.

As well as setting out the aims and objectives of the Council's Health and Safety Service, the plan also links the Service's priorities to the Council's core themes.

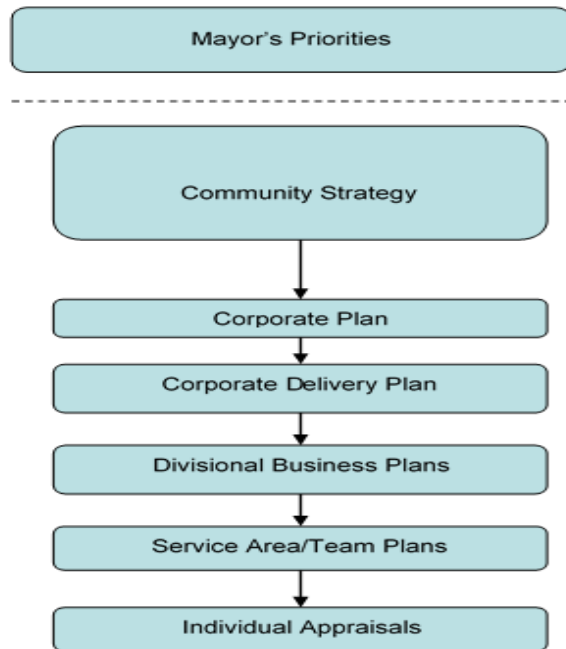
1. HEALTH AND SAFETY AIMS AND OBJECTIVES

The Health and Safety Service is delivered by the Environmental Health Team, part of Business Regulations. The main objectives of the Service are to:

- to assist businesses to meet legal requirements and to raise standards to provide safer workplaces. Improved standards are proven to help businesses to become more prosperous, which can benefit the whole community;
- to use regulatory powers, sensibly and proportionately, and using risk based and intelligence led action.;
- ensure that the environment in which people work is safe and foreseeable risks are controlled;
- inspect premises in the borough that present the highest risk to employees;
- ensure that all reportable accidents are investigated in line with HSE guidance [LAC 22/13 (rev 1)] ;
- ensure that the service delivery is planned in accordance with the HSE guidance (LAC 67/2 (rev11)) ;
- to undertake a number of projects in line with the National Code;
- to increase joint working with other services in the directorate, the council and other external agencies and partners to raise the profile of the health and safety service.

1.1. Links to Corporate Objectives and Plans

How the Service Links to Corporate Priorities



Hackney's Vision: A place for everyone

FAIRER

1. Poverty reduction
2. Building an inclusive economy
3. A lasting solution to the housing crisis
4. Supporting children and young people to thrive
5. Enable community wellbeing and tackling health inequalities

SAFER

6. Reducing harm

GREENER

7. Responding to the climate emergency

The corporate plan refresh document can be found at the following link: <https://hackney.gov.uk/corporate-plan>.

2.BACKGROUND

Scope of the Health and Safety

- 2.1.1. Hackney aims to provide a comprehensive service to all businesses that the service has responsibility for in accordance with Health and Safety (Enforcing Authority) Regulations 1998 and the associated Operational Guidance.
- 2.1.2. The Health and Safety Service is delivered by competent Officers equipped with the required knowledge, skills and experience, but if necessary consultants can also be utilised to provide additional expertise.
- 2.1.3. The Health and Safety Service is responsible for inspections and audits of businesses in the borough, which involves both planned and reactive work.
- 2.1.4. The Health and Safety Service aims to provide a “one stop” service as officers hold dual warrants for health and safety and food safety.
- 2.1.5. The Health and Safety Service provides the following services:
- carrying out planned inspections of businesses at a frequency determined by HSE LAC 67/2 (rev11) and the current priorities contained within the National Code to ensure that businesses comply with health and safety laws, and taking appropriate enforcement action as necessary;
 - working with local food businesses to help them comply with their legal responsibilities by using a range of interventions as set out in LAC 67/2 (rev11) and by providing information, advice and guidance;
 - investigating complaints about businesses in Hackney that present a health and safety risk;
 - initiating and responding to notifications of reportable accidents as defined by the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 (RIDDOR) and guidance provided by LAC 22/13(rev1) and taking appropriate action as necessary;
 - carrying out activities with regard to an enforcement policy in line with the central government issued guidance;

2.1. Demands on the Health and Safety Service

2.2.1. The Health Safety Service is integrated within the Environmental Health Service (EHS) and all of the Environmental Health Officers (EHOs) are also authorised as Health and Safety Inspectors to facilitate interchanging roles. In order to deal with the response to Coronavirus related complaints and service, another team, Covid Response Team (CRT), was established, during the pandemic, by transferring three experienced EHOs and officers from the Business Regulation Unit. Given their comprehensive training, the EHOs were able to deal with the Health and Safety issues contributing to the spread of infection. However, along with the effect of the cyber attack, the EHS had accumulated a backlog of statutory functions as out of the 5.5 FTE field officers 3 had been dedicated to the CRT. 1.2 FTE field officers, from the EHS, are allocated to deliver this plan during 2022/23.

2.2.2. The Service will respond to the key health and safety enforcement directions issued through the publication of HSE guidance updating LAC 67/2 (rev11). This will entail changes in the way the service plans, targets interventions with duty holders' activities and together with the Regulators' Code, the National Code necessitates the development of a different relationship and engagement with businesses to influence compliance.

2.2.3. The focus of the Service will remain to proactively inspect the highest risk premises (category A) and to plan/react to other service demands in accordance with the emerging needs. Some of the hospitality businesses which were categorised as high risk for not implementing relevant measures and procedures, during the pandemic, will need to be visited and the 'matters of evident concerns' specifically in relation to electrical safety under the Electricity at Work Regulations 1998; and gas safety in catering premises under the Gas Safety (Installation and Use) 1989 will be subject to risk based and proportionate enforcement actions.

2.2.4. This service receives a high number of accident notifications. During 2021/22 there were estimated 25 such notifications that were received and based on the pre-covid years around 105 are projected for 2022/23 as less than expected notifications were received due to many businesses not operating during the pandemic. However, in line with the direction and guidance provided by the Health and Safety Executive, investigation is restricted to fatalities and major injuries. The Service aims to investigate 10% of all accident notifications received under RIDDOR.

2.2.5. This service works in partnership with a number of internal and external partners on health and safety related inspections such as the Health & Safety Executive and London Fire Brigade.

2.2. Enforcement Policy

2.2.1 Health and Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximise profits, they also seek in most instances to be 'on the right side' of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist businesses to meet their legal obligations without unnecessary expense, whilst taking firm action. This may include prosecution or other formal action where appropriate against those who disregard the law or act irresponsibly.

2.3.2 The Health and Safety Service will make full use of the interventions set out within the HSE guidance document that provides LAs with guidance and tools for priority planning and targeting their interventions known as LAC 67/2(rev11). This will ensure that those businesses that are compliant with health and safety law are subject to interventions which reflect the level of compliance that they have achieved and maintained in order to allow the use of proportionate and targeted regulatory provisions upon those businesses that present the greatest risk to health and safety.

2.3.4 The Service will continue to participate in enforcement operations and activities where misdemeanours and infringements occur such as poor workmanship of gas installations resulting in risk to injury, or focussed project work, based on the priorities enlisted within Annex (A) of the National Code, as identified and prioritised by "All London H&S Group".

2.3.5 A revised Enforcement Policy was approved by Cabinet on 21st January 2019 and Officers also take account of the principles of the Enforcement Concordat and have regard to the Enforcement Concordat and Crown Prosecution Service guidelines and Equality Impact issues when undertaking any enforcement action.

3. SERVICE DELIVERY

Inspection Programme 2022/23

3.1.1 The Health and Safety Service will employ a range of interventions to assist in raising compliance with businesses in the borough. Interventions include inspection, monitoring, surveillance, education or verification visits and should enable a lighter touch for

compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulators' Compliance Code.

3.1.2 Alongside the National Code, the HSE publishes a list of higher risk activities as National Priorities to inform local authority planning, based on sector specific HSE strategies. These priorities will be reflected in our service delivery plans and delivered to avoid HSE formally raising concerns about insufficient activities.

3.1.3 The Service may launch a local project based on local intelligence such as the adequacy of Welfare Provisions for Delivery Drivers, which are set as one of the many priorities set within the LAC 67/2 (rev11), depending on the availability of adequate resources.

In considering the National and local priorities, the programme for 2022/23 is listed in table 1 below:

Table 1– Health & Safety Programme for 2022/23

What are the priorities?	Why intervene?	Where to intervene?	How to intervene?	When to intervene?
--------------------------	----------------	---------------------	-------------------	--------------------

<p>1. Inspection of cat A high risk premises.</p>	<p>High risk</p>	<p>All high risk premises which have been tagged for inspection.</p>	<p>All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures.</p>	<p>On-going 2022/23 By the end of March 2023</p>
<p>2. Develop and deliver the health and safety delivery plan.</p>	<p>A comprehensive service plan detailing the activities of the team is essential to provide focus and direction to the team.</p>	<p>This Plan sets out the H&S service's priorities and resources identified.</p>	<p>Other interventions</p>	<p>Development by the end of April 2022, delivery by the end of Q4 2023</p>
<p>3. Investigations of incidents and complaints using LAC 22/13(rev1)</p>	<p>To ensure that reports are made within the prescriptive timescales and the details of the events have been accurately represented.</p>	<p>10% of all RIDDOR notifications will be investigated.</p>	<p>Incident & ill health investigation</p>	<p>On-going in 2022/23</p>
<p>4. Proactive work in accordance with the beauty sector strategy including the monitoring of reports and complaints to identify reports of ill health, accidents, incidents, poor performance, trends and local issues which may require further interventions or issues which may need to be taken forward</p>	<p>The Environmental Health Team carries out health and safety inspections of Massage and Special Treatment (MST) premises to assist the Licensing Team determine initial applications. Subsequently all premises deemed to be carrying out high risk</p>	<p>The environmental health team will inspect all premises that apply for a new licence to provide UV light treatment, IPL, sauna, steam, spa, tattooing and body piercing (not ear and nose piercing)</p>	<p>Inspections and other appropriate interventions.</p>	<p>On-going in 2022/23</p>

<p>nationally.</p>	<p>activities are inspected annually, upon receipt of renewal applications. All H&S related complaints related to MST premises are also investigated. Statutory return – performance information will be submitted to the Health and Safety Executive</p>			
<p>5.To take appropriate enforcement actions in respect of electricity safety issues under the Electricity at Work Regulation 1998</p>	<p>To assess the adequacy of the electricity safety and maintenance</p>	<p>Carry out targeted interventions in hospitality setting</p>	<p>Through inspection, examination of safety procedures, and certification.</p>	<p>On-going 2022/23</p>
<p>6.To take appropriate enforcement actions in respect of gas safety under the</p>	<p>To assess the electricity safety and maintenance procedures</p>	<p>Carry out targeted interventions in catering premises</p>	<p>Through inspection, examination of safety procedures, and certification</p>	<p>On-going 2022/23</p>
<p>7. Assess the adequacy of Welfare Provisions for the work related road safety delivery drivers under Workplace (Health, Safety and Welfare) Regulations 1992</p>	<p>To make an objective assessment</p>	<p>Where necessary, based on the local knowledge intelligence or as part of the complaints investigation</p>	<p>Through inspection and questioning of riders and drivers etc</p>	<p>On-going 2022/23</p>

8. To take appropriate formal enforcement actions of H&S matters, when warranted.	Undertake appropriate interventions consistent with Health and safety enforcement Policy.	Premises found to be unsafe will be faced with a graduated approach to enforcement. This could be a warning letter, an enforcement Notice or prosecution, in line with the enforcement policy.	Inspection or other appropriate interventions	On-going 2022/23
9. Development of standard operating procedures (SOP)	Up to date and accurate standard operating procedures are essential to the team.	A programme of review of H&S SOPs. Revised/new procedures will be integrated in the team's work stream.	Development and review of procedures in the light of EUExit changes	By the end of Q4
10. Submission of LAE1 report	Statutory requirement	Annual submissions	Statutory returns of performance information will be submitted to HSE in the prescribed format	By 30th May 2022
11. Matters of Evident Concern (MEC) arising from multi-agency projects	Joint agency projects allow entry into premises that we would not normally inspect. This facilitates intelligence gathering on those business activities and their compliance with H&S regulations.	Projects with internal and external partners on, for example, illegal sale of tobacco, licenced premises and enforcement of illegal shisha premises.	Other intervention Inspection, joint operations	On-going 2022/23

12.Responsible Authority role/Event safety	To ensure public safety issues arising from licensed events and premises in Hackney are minimised.	Beneficial to employers, workers and the wider economy.	Advice, guidance and inspections	On-going 2022/23
13. Review the Authorisation of Inspectors through completion of the Competency Framework involving assessments of skills, knowledge and competencies.	To ensure that currently appointed Inspectors are equipped with relevant skills and knowledge to carry out statutory functions and can discharge responsibilities efficiently.	Development of appropriate competency framework and discussions with team members	Objective assessments	End of Q3

3.2. Primary Inspections

3.2.1 Over the years, high risk premises have been managed down to lower risk through interventions implemented by the team. Businesses are categorised into four risk types, category A – high risk; B1 and B2 - medium risk and C – low risk. However, current HSE advice states that no proactive inspection, other than category A, shall be undertaken. For 202/23, no premises have been identified as category A. Businesses that are in category B1-C will be visited if a complaint is made or form part of a project identified in table 1 above.

3.2.2 Businesses are evaluated on four different elements of a business' health and safety performance (i.e. how effective is the business at managing any risks it creates) - confidence in management, safety performance, health performance and welfare compliance gap.

3.2.3. Ratings are based on findings during an intervention and a 'category' will then be assigned.

- Category A, are inspected annually;
- Premises not rated category A are not subject to proactive inspections at any determined interval but can form part of a project or other interventions.

3.3. Health and Safety premises classification

3.3.1 There are no premises presenting a high health and safety risk, (category A) requiring a statutory required proactive inspection for 2022/23, but the situation may change as a result of investigating accident notification, complaints or Covid -19 related legislation requiring health and safety measures to be implemented.

3.3.2 Premises due for inspection are allocated based on a ward and risk priority basis. Officers participating in the health and safety inspection programme also undertake all reactive work on a ward basis.

3.3.3 The inspection programme will be monitored on a monthly and quarterly basis.

3.4. Complaints and Service Requests

3.4.1 The Health and Safety Service aims to investigate all complaints within the timescales set out below in table 2 below.

3.4.2 Table 3 below sets out the main activities of the team in 2022/23*

Table 2: Service Response Target Times

	Response target
1 st response	Within 10 working days
Urgent (i.e. existence of imminent risk to health)	Within 24 hours
Non-Urgent	Within 5 working days
Letters	Within 10 calendar days
Service Requests and Complaints	Within 10 working days
Members' Enquiries	Within 10 working days

Table 3: Key Service activity in 2021/22

Type of Service Activity	No.
Number of high risk (Cat. A) programmed inspections	0**
Number of Proactive inspections	34*
Number of proactive visits	7*
Number of RIDDOR notifications	25*
Number of enforcement letters	15*
Number of H&S revisits	16*

Number of H&S reactive revisits	25*
Numbers of complaints and enquiries dealt with	13*
Number of H&S project visits	0
Number of Improvement Notices served	0
Number of Prohibition Notices served	0

*Due to the cyber attack and the resultant unavailability of the database, it has not been possible to run the reports for generating these figures accurately

** No high risk category (A) premises were established in the reporting period.

In Q1 & Q2, due to the National Lockdown in response to the global Coronavirus pandemic, the priority of the Service was to address the ever changing landscape of regulation and restrictions that applied to the wider business community. There were no high risk premises identified for inspection and thus the team continued to monitor and action the submission of accident notification, asbestos applications, applications for MST etc which will continue into Q4.

3.5. Covid Response Team (CRT)

3.5.1. The main change in direction for this team has been the formation of the Covid Response Team (CRT). The environmental health team that has been identified in the Covid regulations as the main enforcement agency, together with the Police, administering the requirements set out in the regulations. In addition, members of the team were key participants in the City & Hackney Covid - 19 Operational Group, the Incident Management Teams for outbreaks, Faith Group meetings, in attendance for business forums, meetings with the Rabbinate to name but a few. The team have also planned and executed 3123 visits to businesses across the borough to provide information and leaflets. It is envisaged that this team will continue to play an important role in the recovery of the borough from Covid19 well into 2022/23.

3.5.2. In order to provide a structured, strategic and deliverable option the Covid Response Team was formed very early into the pandemic. The team was put together by the Business Regulation Manager and led by the Environmental Health Team Leader, to form a multidisciplinary team consisting of three Environmental Health Officers, one Trading Standards Officer, one Environmental Protection Officer and one Senior Enforcement Officer.

3.5.3. The team quickly established themselves and continue to be a vital and integral part of the Councils overall covid response. They proved particularly adept and skillful in not only reading the quantum of ever changing legislation but also ensuring that the most relevant requirements to the local environment in Hackney were quickly prioritised and implemented.

The table below shows the activity of the team since its formal formation in August 2020 through to January 2022 the team has undertaken:

Service Requests	Proactive /Reactive Visits	Warning Letters	H & S Improvement Notices	Coronavirus Prohibition Notices	Fixed Penalty Notices	Members/ Mayoral Enquiries	Coronavirus Improvement/ Immediate Restriction Notices	TOTAL
348	3123	275	23	51	10	51	6	3907

3.6. Advice to Businesses

3.6.1 The Health and Safety Service recognises that the majority of businesses seek to comply with the law. The Service will give assistance to businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service will continue to:

- Provide advice during inspections and other visits to premises;
- Provide and distribute advice documents produced by the HSE, other Government bodies, advisory groups, and in-house, as necessary;
- Regularly update the department's web page to ensure the most up-to-date information is available and where possible links to the relevant documents.

However, in view of the resource constraints this aspect of the discretionary functions may have to be limited.

3.7. Additional Priorities and Partnership Working

3.7.1 The Health and Safety Service will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams, Public Health (Hackney) and other internal and external organisations including the Metropolitan Police, HMRC and the Home Office to tackle emerging issues and regulatory non-compliances.

3.8. Promotional Campaigns

3.8.1 Due to resource constraints, unless some pressing issues warrant it, it is not intended to launch any campaigns. However, should it be deemed necessary some other aspects of the service plans may have to be curtailed.

4. RESOURCES

4.1. Staffing Allocation per Activity

The table below is the estimation of a full time equivalent

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

4.2. Resources for 2022/23 - Staffing Allocations

Activity	Anticipated Numbers based on 2022/23 Plan	Estimated hours required	FTE
Programmed Inspections	No high risk premises have been identified for 2022/23	N/A*	0
Primary Inspections	Approximately 25 inspection@ 6 hours per inspection (including paperwork and travel time)	150	0.10
RIDDOR Notifications	Approximately 90 notifications @ 1 hour each will need to be assessed and 10% will be investigated @ 3 hours per investigation	105	0.08
Complaints and Service Requests	Approximately 50 complaints and service requests will need to be responded to, on average@1 hour each.	50	0.04
Number of Health & Safety Visits related to licensing activity	Approximately 30 visits@ (including paperwork and travel time)3 hours per visits (including paperwork and travel time	90	0.07
Number of reactive visits	Approximately 15 visits @3 hours per visit	45	0.03

Number of Health & Safety re-visits	Approximately 20 re-visits @ 3 hours per visit (including paperwork and travel time)	60	0.04
Number of Project Visits required: Electrical Safety in hospitality settings, Gas Safety in Catering premises and Welfare Provisions for Delivery Drivers	It is anticipated that based on the previous HEx directed projects approximately 750 visits will be made to complete any specific project, including related enforcement work Due to significant resource constraints, projects needing additional time for completion will not be initiated.	900	0.60
Participation in the themed multi agency/ department projects/ action days	It is anticipated that the service will participate in 1 such event @ 5 hours x 5 officers plus 3 hours preparation time each	112	0.02
Development and implementation of Competency Framework	It is anticipated that this work will require at least 108 hours	200	0.13

Formal Enforcement Activities	It is estimated that based on the pre - covid years, and possible enforcement action linked to the project: 25 Improvement Notices (@4 hours each), 10 Prohibition Notices (@5 hours each), 5 Enforcement letters (@2 hours each) and one prosecution (@36 hours) may be required. Total of 196 hours.	196	0.13
Administration, Procedural and Legislative Reviews, and submission of LAE1 returns	This part of the Plan will be undertaken by the Manager	N/A	N/A
			Total: 1.2 FTE

*Emerging high risk premises will be inspected as a priority when necessary

The staffing for food safety & health & safety function for 2022-23 is as follows:

Total staffing resources available to carry out functions of EHS = 6 FTE field officers

Staffing resource allocated for Health & Safety functions: 1.2 FTE

Total staffing resources available to deliver this plan: 4.8 FTE

Total resources required for programmed inspections 6.55 FTE

Total resources required to carry out overdue inspections 0.83 FTE

Total estimated re-inspection requests (60) 0.28 FTE

Total non-inspection resources required for Environmental Health functions: 1.68 FTE

Staffing resources required to deliver the FLESP = 9.34 FTE

Deficit of 4.54 FTE staff required to deliver 2022/23 food service plan

4.3. Authorisation and Competencies and Staff Development Plan

- 4.3.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.
- 4.3.2 All staff will have their own targets based on the objectives and their own development plan. In addition, all staff will receive regular (every 4-6 weeks) Check-In/supervision meetings whereby competencies and development needs are discussed and assessed, with adjustments made to the training plan where appropriate.
- 4.3.3 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

5. QUALITY ASSESSMENT

5.1 Internal Arrangements

Arrangements include:

- Monitoring arrangements to assess the quality of health and safety enforcement work and compliance with the guidance from the Health and Safety Executive;
- Minuted 6 weekly team meetings;
- Development needs assessments and training plan as part of the check-in process and completion of competency framework

- Cascade training and team briefings;
- Accompanied/validation inspections;
- 4-6 weekly Check-In meetings.
- Completion of individual competence framework questionnaires

5.2 External Arrangements

- 5.2.1 The service will submit the annual LAE1 health and safety activity report to the Health and Safety Executive at the beginning of May 2023
- 5.2.2 Periodic review of practices and procedures will be discussed at the regional London and quadrant health and safety meetings held three to four times a year respectively.
- 5.2.3 Periodic paired up Peer Reviews as part of the North East Quadrant group, such as the one recently completed on enforcement policy

6.0 Review against the 2022/23 Service Plan

- 6.1.1 Performance is reviewed through a variety of mechanisms which include regular check-in meetings, and 6 weekly team meetings. Monthly and six monthly performance reports are produced for review by the Head of Service, Corporate Director and portfolio holder.

6.0 Key areas for improvement/development

These include:

- To ensure delivery of a targeted risk-based approach for all health and safety interventions and project based work to deliver national and local priorities and the requirements of the National Code.
 - Continued improvements on use of newly acquired databases and to identify efficiencies in processes.
 - Quality monitoring of the Service activities against standard operating procedures.
 - Continued development and review of procedures, and process maps.
 - Responsible Authority role
 - To support business development and compliance in the borough.
 - Review of officer competency and authorisation
-



London Borough of Hackney

Trading Standards Law Enforcement Service Plan 2022/2023



INVESTOR IN PEOPLE

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1.0 Introduction

This plan sets out the activities identified for the Trading Standards Service in 2022/23.

The Trading Standards service provides advice and regulatory services that protect both consumers and businesses as well as creating safer communities and a safe and fair economic environment for Hackney businesses.

The Service is currently staffed by a Trading Standards Manager who fulfils the role as the Chief Trading Standards Officer/Chief Inspector of Weights & Measures and an Accredited Financial Investigator, three Senior Trading Standards Officers, one Business Standards Officer and one Senior Trading Standards Officer funded by Public Health for the Alcohol and Tobacco project.

The Trading Standards Service, as with other council services, faces real challenges to meet the demands placed on it. The number of officers employed by the service has reduced since 2011. With the continued budget reductions by the Central Government alongside the growing demands for this service, this continues to be challenging in the delivery of the Trading Standards service.

The purpose of this plan is to provide a recovery plan to reestablish and return to pre-pandemic activities.

1.1 Effect of Pandemic and Cyber Attack

The Covid-19 Pandemic had serious consequences for the Trading Standards Service.

- **Problem of service continuity**

Several staff were sheltering which left only a skeleton team of two officers assigned to ensure businesses were observing lockdown restrictions. However this only applied at the start of the pandemic for about three months.

- **Price Increases**

With the onset of the Covid-19 pandemic and the threat of lockdown, panic buying of some items related to health and hygiene was witnessed, it was seen by some as an easy way to increase profits. This activity of putting up prices to the disadvantage of consumers is known as Price Gouging and it is where prices are increased dramatically for essential everyday items. An example would be a pack of toilet rolls costing £1.50 suddenly increasing to £10.00.

This was not only occurring on the online marketplace, where it continues to a certain degree, but also in small local independent shops who are at the heart of some communities.

Trading Standards locally and nationally became very aware of these issues and the current legislation was consulted for a way to tackle these businesses. The only legislation that covered these matters was the Competition Act which is enforced by the Competition and Markets Authority(CMA). Trading Standards have been collating the information regarding these complaints from across Hackney, writing to advise the businesses on the issues and ensuring that the CMA database has been updated with businesses who are unfairly treating our residents. The CMA has also written to all the businesses including online traders seeking an explanation for their actions, and it is being considered whether further legislation is required to allow Trading Standards to tackle these traders at a local level.

- **Creation of the Covid Response Team**

In response to the demands placed on Hackney Council in terms of Covid 19 and health and safety requirements the Environmental Health Team formed a Covid Response Team. Trading Standards had one officer seconded to this team for the duration of the pandemic.

- **Proactive action via Radio programme aimed at vulnerable elderly residents to protect them from Covid 19 scams**

The service recognised an emerging trend of criminals taking advantage of the increasing concern around the spread of COVID-19. The criminals then targeted the fears of the older people who may be less aware of potential scams and therefore more vulnerable to them. Trading Standards teamed up with the Strategy, Policy and Economic Development team to discuss the new 'Ageing Well Strategy' on Hackney Community Radio and Covid 19 scams.

The discussion focused on safeguarding, safety, and security focusing on covid-19 scams,with reference to phishing emails that are targeting older people, asking them to complete a fake vaccine booking form requesting bank details. Listeners were also informed of the most popular covid-19 scams.

During the radio programme the service was able to provide advice on certain scams which needed to be avoided .

Key things older people were advised to remember:

Never give a stranger your personal information or bank details, no matter who they claim to be, charities or authorities will never ask for bank details over the phone. If someone visits you in person, always ask to see their ID. Know who's on your doorstep. Check before you open your door, and don't feel bad about asking someone to leave if you don't know them. If someone refuses to leave, you can call the police- Never share any account log in details with people e.g. usernames or passwords.

- **Cyber attack**

This attack affected many critical systems including the Civica database which stored details of complaints and visits. As such it has made analysis of quantitative data stored on these systems challenging. In addition it has affected the ability to answer Mayoral and other enquiries.

To conclude the service was unable to calculate or provide annual performance data due to Cyber Attack and no access to the Civica App database. The service used spreadsheets as a workaround.

2.0 Core Functions - Trading Standards Aims & Objectives

2.1 Trading Standards Aims & Objectives

Trading Standards broadly aims to:

- ensure fair trading with respect to consumer credit, counterfeiting, misleading prices, advertising and the description of goods, services and property; ensure that weighing and measuring equipment used in the Borough meets legal requirements;
- protect consumers from unsafe goods and unfair trade practises;
- support businesses through education and advice;
- protect young people from sales of age-restricted products;
- identify and enforce legislation against “rogue traders” in the borough using a range of sanctions including advice, warnings, simple cautions and prosecutions; work in partnership with members of the business community and with external agencies such as the police and HMRC to enforce a fair trading environment;
- utilisation of an accredited financial investigator.

The main areas of criminal law that we enforce are as follows:

- safety of consumer goods,
- false or misleading descriptions relating to goods and services,
- product counterfeiting,
- failure to display selling prices of goods and misleading price indications,
- consumer credit malpractice and age restricted sales and
- animal feedstuffs and feed registrations.

3.0 National Priorities

3.1 NTSB National Strategic Assessment

The National Trading Standards Board is a group of senior and experienced local government Heads of Trading Standards, representing all regions across England and Wales. The Board has been set up by the Government as part of changes to the consumer protection landscape and an enhanced role for Trading Standards.

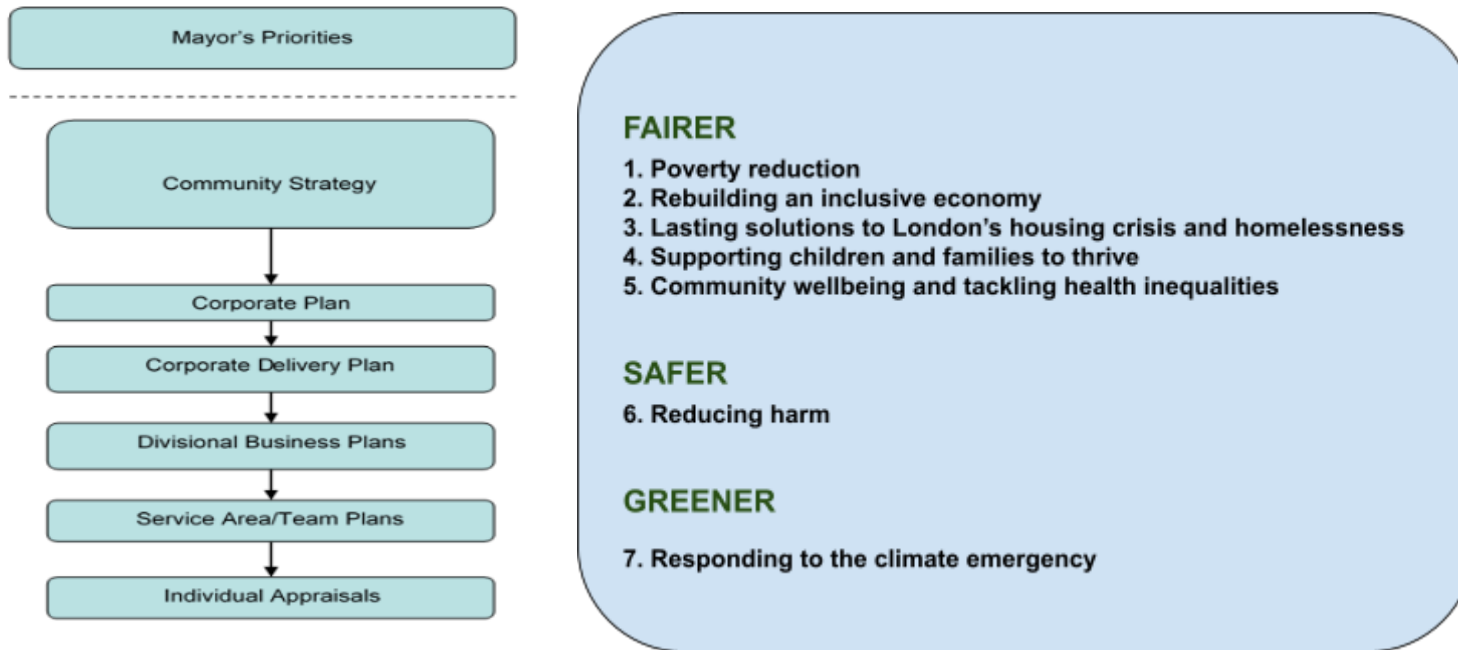
For 2022/23, NTSB has identified the following key priority areas:

- **Mass marketing scams** - This area of work is delivered primarily by the NTS Scams Team through its disruption work and by supporting local authorities to engage with victims across England and Wales.
- **Doorstep crime** - As well as the work of our Regional Investigation Teams and the NTS Scams Team have produced training and guidance for Local Authority trading standards officers to assist them with tackling this wide ranging crime.
- **Product safety** - This work is primarily delivered at local level with a number of investigations supported by NTS; focussing on regional most complained about traders. Market disruption activities are focussed on market enablers, for example mileage adjustment service providers. The group has developed guidance for Local Authority trading standards officers on sources of data on mileage and vehicle history.
- **Illegal tobacco** - The impact of the illegal tobacco trade is far reaching. It is often part of wider criminality including drug smuggling, people trafficking and illegal alcohol production. The availability of cheap tobacco significantly undermines the effect of higher taxation on efforts to reduce the number of people that smoke.
- **Intellectual property** - This work tackles the suppliers of counterfeit products to disrupt supply chains to markets of illicit goods.

3.2 MAYORAL PRIORITIES

How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone



The corporate plan refresh document can be found at the following link: <https://hackney.gov.uk/corporate-plan>.

3.3 ENFORCEMENT POLICY

An Enforcement Policy was implemented for the Service and was approved by Cabinet on 21 January 2019 and remains highly relevant.

Officers recognise that whilst businesses want to maximise margins, they also seek in most instances to be on the right side of legal requirements, without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist businesses to meet their legal obligations in the first instance, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who knowingly disregard the law or act irresponsibly.

The Trading Standards Service is committed to the principles of good enforcement and takes account of the principles of the Enforcement Concordat, the Regulator's Code, and London Trading Standards guidance, and has regard to Crown Prosecution Service guidelines and Equality Impact issues. The Plan will allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.

The Service performs its duties in various ways including: inspection, sampling, test purchasing, testing, investigation and prosecution but also by informing, advising and educating businesses and consumers.

A key element of the activities carried out by the service is to facilitate and encourage economic growth and wherever possible the service will work in partnership with businesses, particularly small traders and the voluntary/community organisations to assist them with meeting their legal obligations without unnecessary expense.

In addition the service provides a Proceeds of Crime service to the Council and external boroughs.

4.0 SERVICE PRIORITIES

Trading Standards Priorities 2022/2023

Work activity	Desired Outcome	Target	Performance Indicator / Measure	Timescale
Projects				

Tackling Counterfeit Good	<ul style="list-style-type: none"> Reduce the level of non-compliance and raise awareness through appropriate publicity. 	<ul style="list-style-type: none"> A minimum of three visits to Hackney markets to carry out market surveillance and robust action to address non-compliance. All cases to be considered for financial investigation. Sampling, testing and enforcement including licence review. To try social media scanning to identify local suppliers (desktop). Participation in LTS Intellectual Property projects including Self-Storage Investigation of referrals from brand representatives 	<ul style="list-style-type: none"> Non-compliance will be addressed by a graduated approach to enforcement. Minimum 3 targeted visits to markets. 	Ongoing from April 2022.
Operation Liberal (doorstep crime)	<p>This project / initiative will have the following outcomes:</p> <ul style="list-style-type: none"> To disrupt the activities of doorstep criminals operating within the Borough. To gather further intelligence for future investigations. Take a graduated approach to enforcement against persistent offenders. To raise the level of business compliance To raise awareness around the issues of doorstep crime 	<ul style="list-style-type: none"> To gather Intel and progress any cases. Investigating domestic building sites with a view to disrupt the activities of rogue traders. Identify residential addresses in N16 and E5, concentrating in and around Stoke Newington common, Lower Clapton and Chatsworth which may be subject to possible doorstep(areas selected looking at historical complaints data) crime/ rogue trader offences To generate intelligence reports for further analysis 	<ul style="list-style-type: none"> Minimum targeted operation in 2022/23. Reactive responses will be made in line with the current Complaints Investigation procedure. Summary report to be produced after analysis of intelligence reports and receipt of result of enquiries Minimum 10 properties viewed 	By end Q1 2022/23
Tobacco Control Work	<ul style="list-style-type: none"> Reduction in illegal sales of tobacco in support of government efforts to encourage smoking cessation. To participate in appropriate/related health initiatives. 	<ul style="list-style-type: none"> Detection and disruption of sales of illegal and counterfeit tobacco. Itinerant sellers of illegal and counterfeit tobacco Q1, Q2 and Q4 events. Targeted visits with the sniffer dogs. At least 3 Action Days. 	<ul style="list-style-type: none"> To measure the effectiveness of the project at the start and end of Q1,Q2 and Q4 to measure improvement. To maintain Service Level Agreement with Public Health. 	Start Q1 2022/23

	<ul style="list-style-type: none"> Compliance in retail establishments with relevant legislation. 	<ul style="list-style-type: none"> A twitter and social media campaign with the aim of generating intelligence about the retail and wholesale supply of alcohol and tobacco. Councillor engagement and press release. Participation in regional project work as appropriate. 		
Product Safety Work	<ul style="list-style-type: none"> To ensure products sold in Hackney are safe and meet the relevant legislative requirement. 	<ul style="list-style-type: none"> Develop 1 intelligence-led safety project for the area. Participate in regional and sub-regional safety specific projects that are relevant to the area such as the LTS Used Car safety project. Inspections of premises which sell fireworks to ensure storage safety. Investigation of consumer complaints and referrals from OPSS and Port Authorities To provide advice to businesses on new legislative requirements following Brexit. 	<ul style="list-style-type: none"> Test purchases carried out based on an INTEL report. At least 1 test purchase. This project is part of a London Trading Standards joint initiative. The theme to be determined by a regional group. 	By end Q3 2022/23
Community Outreach	<ul style="list-style-type: none"> To undertake a Winter Warmer Event.(Subject to cancellation) Conduct Chartered Trading Standards Institute 'Do you PASS?' training to traders who infringe legislation as alternative enforcement action. (Subject to sales and previous history) 	<ul style="list-style-type: none"> Trading standards will provide advice to minimise the risk of our elderly citizens from becoming victims of scams and rogue traders. Supply training to at least 10 traders(subject to sales and previous history) 	<ul style="list-style-type: none"> Conduct outreach event at Hackney Town Hall. Conduct tests for traders following training. Follow up test purchases to be carried out to check compliance levels. 	By end Q3 2022/23 By the end of Q4.
LTS week	<ul style="list-style-type: none"> Participation in LTS week 	<ul style="list-style-type: none"> To set up project plan once subject areas are chosen 	<ul style="list-style-type: none"> Participate in at least one LTS project. Complete project plan 	By end of Q3 2022/23
Ongoing work streams				

Education of identified vulnerable groups in conjunction with partner agencies	<ul style="list-style-type: none"> Education of residents thereby reducing the impact of scams and doorstep crime. 	<ul style="list-style-type: none"> Q1 Operation Liberal. A week of partnership work with the police Attendance at events giving an opportunity to carry out consumer education. Liaison with partner agencies and implementation of an intelligence-based approach to targeting rogue traders 	<ul style="list-style-type: none"> Consumer education events attended Resources directed at most significant identified problems. Meetings attended with relevant partners 	By end Q1 2022/23
Animal Feed	<ul style="list-style-type: none"> Ensure any animal feeding stuff issues are dealt with effectively and efficiently. 	<ul style="list-style-type: none"> Register or approve premises as required Visit all registered premises 	<ul style="list-style-type: none"> List of registered premises created To visit 30 registered premises by the end of Q3. 	By end Q3 2022/23
Visits	<ul style="list-style-type: none"> To visit a range of premises including High; Upper Medium, Lower Medium and Low risk premises 	<ul style="list-style-type: none"> 100% of High risk premises 100% of Upper Medium Alternative Enforcement strategy for low risk premises 	<ul style="list-style-type: none"> Measures will be taken each month and quarterly to ensure the targets are achieved. 	By end Q4 2022/23
Lettings	<ul style="list-style-type: none"> To visit both Letting and Estate agents in Hackney. Both physical and website checks to reduce levels of non - compliance. 	<ul style="list-style-type: none"> Check for compliance with lettings and estate agents legislation Check for EPC compliance at residential and commercial premises to disrupt the activities of doorstep criminals operating within the Borough. Visit all agents Check 3 premises online per month. 	Non - compliance will be addressed by a graduated approach to enforcement	Ongoing from Q1 April 2022.
Age Restricted Goods	<ul style="list-style-type: none"> To conduct at least 4 test purchase operations. 	<ul style="list-style-type: none"> Test purchase will be for alcohol, tobacco, fireworks and knives Test purchase operations will be subject to the extent of the pandemic 	Non - compliance will be addressed by reference to the enforcement policy	Ongoing from Q1 April 2022.

Use of communications to raise awareness of the work of the service and provide improved information for residents and businesses.	<ul style="list-style-type: none"> Contribute articles to suitable internal publications. Website information to be maintained and updated as necessary. 	<ul style="list-style-type: none"> A minimum of 2 articles in identified local/internal publications. Website reviewed/updated. Participation in ongoing workshops to improve business experience of using Trading Standards webpage. 	<ul style="list-style-type: none"> Articles in publication. Min 1 Article in Press. Website update 	By end Q4 2022/23
Partnership working – opportunities to be identified for joint working with external stakeholders.	<ul style="list-style-type: none"> Raise service profile by attending relevant meetings, improved stakeholder engagement and external/match funding achieved. 	<ul style="list-style-type: none"> 100% attendance at Inner London/London Trading Standards s group meetings. A minimum of 2 regional projects to be carried out. 	<ul style="list-style-type: none"> Highlights to be reported through the submission of the monthly reports 	By end Q4 2022/23
Carry out Licensing checks	<ul style="list-style-type: none"> Ensure compliance with licensing principles. 	<ul style="list-style-type: none"> All allocated visits completed and requests for information dealt with, within required timescales. 	<ul style="list-style-type: none"> Measurement of first response to a service request within 10 days. 	By end Q4 2022/23
Service Improvement	<ul style="list-style-type: none"> Improved internal processes 	<ul style="list-style-type: none"> Review and update Trading Standards procedures including property control Improve use of intelligence from both internal and external sources to prioritise proactive work of the service. Fully engaged with London Trading Standards Regional Intelligence Officer. 	<ul style="list-style-type: none"> New Process/Procedure Resources directed at most significant identified problems. Increase in the number of intelligence reports submitted to the IDB Intel database. Minimum 1 submission per quarter per officer. 	By end Q4 2022/23
POCA / Financial investigating and confiscation	<ul style="list-style-type: none"> Completion of financial investigation 	<ul style="list-style-type: none"> To have conduct of financial investigations within regulatory services. Support planning confiscations 	<ul style="list-style-type: none"> Monthly reporting At least two financial investigations/confiscations. 	By end Q4 2022/23
Reporting	<ul style="list-style-type: none"> Maintain and improve reporting systems. Monthly Report Inputs and Outcomes 	<ul style="list-style-type: none"> Completion of statutory returns for the service. Section 70 WMA, Feeding Stuffs 	<ul style="list-style-type: none"> Reports produced Monthly Report Inputs and Outcomes 	By end Q4 2022/23
New work Stream				

<p>Training for Traders who sell Age Restricted Goods</p>	<ul style="list-style-type: none"> To help reduce the number of traders supplying age restricted goods to minors 	<ul style="list-style-type: none"> To train a minimum of 10 people. 	<ul style="list-style-type: none"> At least 10 people trained by end of financial year 	<p>By end Q4 2021/22</p>
<p>Enforcement Actions</p>	<ul style="list-style-type: none"> Min 1 formal action per officer 	<ul style="list-style-type: none"> Min 1 formal action per officer 		

5.0 PERFORMANCE INDICATORS

5.1 KPI

Key Performance Indicators	Frequency of reporting	2021/22 Target
High Risk Inspections	Monthly*	100% by 31 st March 2023
Upper Medium Risk Inspections	Monthly	100% by 31 st March 2023
Minimum 6 Animal Feed inspections per month until all completed (Statutory visits under Food Standards Agency)	Monthly	100% by end Q3
Minimum 72 Weights and Measures inspections(Statutory requirement from National Measurement Office)	Monthly	Minimum 72 inspections by 31 st March 2023

5.2(i) LPI

Local Performance Indicators	Frequency of reporting	2022/23 Target
Percentage of complaints investigated concerning serious illegal trading practises in relation to - counterfeit goods responded within 5 working days	Monthly	90%
Percentage of complaints investigated concerning serious illegal trading practises in relation to - sales of unsafe goods responded to within 5 working days	Monthly	90%
Percentage of complaints investigated concerning serious illegal trading practises in relation to - sales of restricted goods to children underage responded to within 5 working days	Monthly	90%
Percentage of licensing consultation comments made within targets	Monthly	95%
Number of Notifications	Monthly	Reporting only
Total Number of complaints received	Monthly	Reporting only
Total Number of referrals received	Monthly	Reporting only
Number of Service Requests received	Monthly	Reporting only
Number of Licensing service requests received	Monthly	Reporting only

5.2(ii) New Impacts and Outcomes Framework

Indicator	Frequency of reporting	2022/23 Target
Outcomes of Investigations and Prosecutions	Yearly	Reporting only
Enterprise Act Undertakings	Yearly	Reporting only
Redress obtained for consumers or victims of crime by service actions	Quarterly/Yearly	Reporting only
Number of scam victims supported	Quarterly/Yearly	Reporting only
Number of businesses receiving advice	Yearly	Reporting only

Number of businesses found non-compliant when visited subsequently brought into compliance during the financial year	Yearly	Reporting only
Deal with problematic businesses where an intervention is made	Yearly	Reporting only
Support for legitimate businesses by trader approval schemes	Yearly	Reporting only
Support for legitimate businesses by removing counterfeit goods from the market	Yearly	Reporting only
Unsafe or non-compliant goods prevented from entering or removed from marketplace	Yearly	Reporting only
Businesses tested for compliance with the law using underage volunteers OR compliance with mandatory Challenge 21/25 conditions	Quarterly/Yearly	Reporting only
Tackling the availability of illicit tobacco	Quarterly /Yearly	Reporting only
Tackling the availability of illicit alcohol	Quarterly /Yearly	Reporting only

Programmed inspections April 2022-March 2023

Risk Category	Category A – High (to be Inspected 2022/23) (e.g. a premises selling products subject to safety legislation such as knives)	Category B1 – Upper Medium (to be Inspected 2022/23) (E.g. a car dealer or premises selling high value goods. There could be an associated consumer credit agreement)	Category B2 – Low Medium (Inspected every 5 years) (e.g. a trader which is a newsagent which is inspected with respect to pricing compliance)	Total
Total number of premises	163	209	Total 293 (220 visits and 73by alternative enforcement action)	665 Annual target
Target for percentage of visits to be completed at end of March 2023	100%	100%*	N/A	

* Visits will include targeted project visits as set out 2.0 above.

Outcomes

Indicators	Key Performance	Frequency of reporting	2021/22 Target	Results
High Risk Inspections		Monthly*	100% by 31 st March 2023	Achieved
Upper Medium Risk Inspections		Monthly	100% by 31 st March 2023	Achieved
Minimum 6 Animal Feed inspections per month until all completed (Statutory visits under Food Standards Agency)		Monthly	100% by end Q3	Achieved by Q4

Minimum 72 Weights and Measures inspections(Statutory requirement from National Measurement Office)	Monthly	Minimum 72 inspections by 31 st March 2023	Achieved
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Local Performance Indicators	Frequency of reporting	2021/22 Target	Outcome
Percentage of complaints investigated concerning serious illegal trading practises in relation to - counterfeit goods responded within 5 working days	Monthly	90%	Achieved
Percentage of complaints investigated concerning serious illegal trading practises in relation to - sales of unsafe goods responded to within 5 working days	Monthly	90%	Achieved
Percentage of complaints investigated concerning serious illegal trading practises in relation to - sales of restricted goods to children underage responded to within 5 working days	Monthly	90%	Achieved
Percentage of licensing consultation comments made within targets	Monthly	95%	Achieved

Impacts and Outcomes Framework

	Impact	Description	Outcome Q1	Q2	Q3	Q4	Total
1.	No of scam victims supported	Total no of victims identified in the month by the NTS National Scams Team	0	0	0	0	0
2.	Businesses tested for compliance with the law using underage volunteers OR for compliance with mandatory Challenge 21/25 conditions using older individuals	Number of individual premises tested for Alcohol (Only include data for premises for which test purchases have been attempted.)	6	0*	15	16	31

3.	Tackling the availability of illicit tobacco	Number of premises from which products were seized Volume of tobacco seized (l) and value (£)	3 3000 sticks Cigarettes 2.5 KG Hand rolling Tobacco £2625.00	2 1200 Sticks Cigarettes 750g hand Rolling Tobacco £1245.00	3 2000 Sticks cigarettes 500g hand rolling tobacco £1350.00	2 780 Sticks Cigarettes 500g Hand Rolling Tobacco £680.00	10 6980 sticks 4250g £5900.00
4.	Tackling the availability of illicit alcohol	Number of premises from which products were seized Volume of alcohol seized (l) and value (£)	0 0	0 0	0 0	0 0	0 0

6.0 RESOURCES

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

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

6.1 The staffing for Trading Standards function for 2021/22 were follows:-

0.3 FTE x Regulatory Services Manager
1.0 FTE x Trading Standards Team Leader
4.0 FTE x Senior Trading Standards Officers
1.0 FTE x Business Support Officer
1.0 FTE x Technical Business Support
r

Total staffing resources = 7.3 FTE

6.2 The staffing for Trading Standards function for 2022/23 is as follows:-

0.3 FTE x Regulatory Services Manager Manager
1.0 FTE x Trading Standards Manager
4.0 FTE x Senior Trading Standards Officers
1.0 FTE x Business Support Officer
1.0 FTE x Technical Business Support

Total staffing resources = 7.3 FTE

Activity	Calculation	FTE
Inspections	665 inspections at 5 hours including paperwork follow up actions plus inputting data in Arcus Global	$3480/1512 = 2.30$ FTE
Complaints and Service Requests	827 average 1 hour(Figure based on average of previous years data).	$827/1512 = 0.54$ FTE
Financial Investigations	5184 hours *	$5184/1512 = 3.43$ FTE
Projects	2592 hours	$2952/1512 = 1.71$ FTE
Simple Cautions	4 144 hours*	$144/1512 = 0.1$ FTE
Prosecutions	4 144 hours*	$144/1512 = 0.1$ FTE
Alternative Enforcement Actions	100 hours	$100/1512 = 0.07$ FTE
Technical Business Support	1512	1 FTE
Total requirement		9.25 FTE

***The ambitious target reflects the determination to increase the formal enforcement actions taken by the team. These will in turn be supported by financial investigations taken under the Proceeds of Crime Act 2002. To support this the service is training three further financial investigators.**

The resources required to fulfil the plan for 2022/23 is **9.25 FTE**, the actual FTE available is **7.3 FTE**. This service is under-resourced by **1.95 FTE** which will provide challenges in the delivery of the service plan for 2022/223

7.0 AUTHORISATION AND COMPETENCIES IN LINE WITH NEW REQUIREMENTS OF CODE OF PRACTICE

The Chartered Trading Standards Institute (CTSI) is committed to empowering members of the profession, through the Continuous Personal and Professional Development (CPPD) scheme. All Trading Standards Officers are part of the scheme and have a personal responsibility to maintain their competences. CTSI has a responsibility to invest resources in assisting staff to meet these development commitments. The scheme is inclusive of all trading standards professionals. In addition, a training needs analysis is carried out with all staff to identify individual development needs.

All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework.

8.0 STAFF DEVELOPMENT PLAN NEW REQUIREMENTS OF THE CODE OF PRACTICE

The Check In system is used at the start of the year. At the same time, a personal development plan, comprising the main objective for the year with targets will be developed.

Records of all identified training needs are recorded and incorporated into a training plan. In addition, staff also receive regular one-to-ones/supervision meetings whereby competencies and development needs are discussed and assessed and adjustments are made to the training plan where possible and appropriate.

All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

Officers will be assisted in achieving 20 hours' Continual Professional Development (minimum 20 hours).

9.0 QUALITY ASSESSMENT

9.1 Internal Arrangements

Arrangements include:

- Monitoring arrangements to assess the Trading Standards enforcement work and compliance with the guidance from the Chartered Trading Standards Institute;
- Minuted 6 weekly team meetings;
- Development needs assessments and training plan as part of the check-in process and completion of competency framework

- Cascade training and team briefings;
- Accompanied/validation inspections;
- 4-6 weekly Check-In meetings.
- Completion of individual competence framework questionnaires

9.2 External Arrangements

- The service will submit the annual Weights and Measures and Animal Feed returns to the National Measurement Office and the Food Standards at the beginning of September 2022
- Periodic review of practises and procedures will be discussed at the regional London Trading Standards meetings held three to four times a year respectively.
- Periodic reviews of Trading Standards procedures as compared to peers in London.

9.3 Review against the 2022/23 Service Plan

- Performance is reviewed through a variety of mechanisms which include regular check-in meetings, and 6 weekly team meetings. Monthly and six monthly performance reports are produced for review by the Head of Service, Strategic Director and Cabinet Member.

Corporate Committee - Draft Work Plan 2022/23

28 June 2022				
1	HR Policy Review (if required)		To Approve	Ian Williams (Stuart Thorn)
2	Enforcement and Environmental Protection Service Delivery Plans 2022/23	The report sets out the service delivery plans for the 2022/23 financial year.	For Information And Comment	Ajman Ali (Gerry McCarthy)
3	Business Regulation Service Delivery Plans 2022/23	The report sets out the Business Regulation Service delivery plans for the 2022/23 financial year.	For Information And Comment	Ajman Ali (Gerry McCarthy)
4.	Environmental Enforcement - Annual Performance Report 2021/22	The report sets out the annual performance report across the environmental enforcement remit for the 2021/22 financial year.	For Information And Comment	Ajman Ali (Gerry McCarthy)

13 September 2022				
1	HR Policy Review (if required)		To Approve	Ian Williams (Stuart Thorn)
2	Regulatory Services Service Plan Update 2021/22	This report provides an update on the performance of the Food Safety (The Food Law Enforcement Service Plan is a statutory	For Information And Comment	Ajman Ali (Gerry McCarthy)

		plan) and Trading Standards Services against the Plan		
3	Update on policies for tables and chairs on pavements	Update on policies for tables and chairs on pavements	For Information And Comment	Ajman Ali (Daniel O'Sullivan)
4	Annual Report of the Public Realm	Report detailing the Council's activities and performance to keep the borough's pavements clear.	For Information And Comment	Ajman Ali (Andy Cunningham)
5	Planning Authority Monitoring Report 2020/22 & 2021/22	The AMR provides monitoring information on spatial planning related activity for the financial year 2020/21 & 2021/22 to inform and monitor policy development and performance	To approve	Ajman Ali (Natalie Broughton)

13 December 2022				
1	HR Policy Review (if required)		To Approve	Ian Williams (Stuart Thorn)
2	Pay Policy Statement 2022/23	Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Ian Williams (Stuart Thorn)

14 March 2023				
1	HR Policy Review (if required)		To Approve	Ian Williams (Stuart Thorn)
2	Annual Performance Report Of The Noise Service 2022/23	The annual report sets out the development of the Council's response to noise nuisance.	For Information And Comment	Ajman Ali (Gerry McCarthy)
3	Annual Report of the Public Spaces Protection Order (PSPO) 2022/23	Annual report on the Public Spaces Protection Order.	For Information And Comment	Ajman Ali (Gerry McCarthy)

Updated: 20 June 2022

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