



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

**Tuesday 14 March 2023
at 6.30 pm, Council Chamber, Hackney
Town Hall, Mare Street, London, E8 1EA**

The live stream can be viewed here:

<https://youtu.be/4aDUDHY9LNc> or <https://youtu.be/yyhs8DnSN0c>

Members of the Committee:

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

Mark Carroll
Chief Executive
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Corporate Committee

Tuesday 14 March 2023

Agenda

- 1 Apologies for Absence**
- 2 Declarations of Interest - Members to Declare As Appropriate**
- 3 Consideration of Minutes Of The Previous Meeting (Pages 7 - 16)**
- 4 Annual Report of Public Space Protection Order (PSPO) 2022
(Pages 17 - 34)**
- 5 Annual Performance Report Of The Noise Service 2022 (Pages 35 - 60)**
- 6 Draft Work Programme 2023/24 (Pages 61 - 63)**
- 7 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 A MEETING OF THE CORPORATE COMMITTEE TUESDAY, 13 DECEMBER 2022

Livestream link: https://youtu.be/MPJigeQo_5U

- Councillors Present:** **Councillor Clare Potter in the Chair**
- Cllr Michael Desmond, Cll Ali Sadek, and
 Cllr Alastair Binnie-Lubbock**
- Apologies:** Cllr Sarah Young, Cllr Lee Laudat-Scott,
 Cllr Jon Narcross, Cllr Midnight Ross,
 Cllr Claudia Turbet-Delof, Cllr Jessica Webb
 Councillor Clare Joseph, Councillor Steve Race,
 Councillor Ifraax Samatar
- Councillors joining
remotely:** Cllr M Can Ozsen and Cllr Fliss Premru,
- Officers in Attendance:** Murray Bridgwater, Senior CIL/S106 Officer
 Graham Callam, Growth Team Manager, Planning &
 Regulatory Services
 Katie Glasgow, Strategic Planning Manager
 Rabiya Khatun, Governance Officer
 Gerry McCarthy, Head of Community Safety,
 Enforcement and Business Regulation
 Josephine Sterakides -Senior Lawyer
 Stuart Thorn, Head of Human Resources
 John Tsang, Development and
 Enforcement Manager
 Keung Tsang, Senior Policy Officer
- Also in Attendance:** Cllr Susan Fajana-Thomas, Cabinet Member for
 Community Safety and Regulatory Services

1 APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Cllrs Joseph, Maxwell, Narcross, Race, Ross, Laudat- Scott, Webb and Young.
- 1.2 Cllrs Ozsen and Premru joined the meeting virtually.

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 28 June 2022 were agreed as a correct record of the proceedings.

4 PAY POLICY STATEMENT 2023/24

4.1 Stuart Thorn, Head of Human Resources introduced the report outlining the draft 2023/24 Pay Policy Statement detailing the current pay practice and reported that there had been no substantive changes to this policy and no new policy principles. The report outlined the ratio of the pay of top tier officers from chief officer grades CO1-3 including the Chief Executive to that of the median and lowest-paid earner from spinal column point (SCP)3 and above. The ratio was currently 5.48, slightly higher from the previous year and based on two job evaluation schemes. The returning officer duties pay had been excluded from the Chief Executive's total earnings due to no elections being held in 2021/2022, and TUPE staff had been excluded from the ratio as they did not fall within the Council's normal terms and conditions and salary scales. The 2022/23 Budget Report factored into the budget an assumption of a two per cent pay increase.

4.2 The Head of Human Resources responded to questions from Members as follows:

- The pay award for local government workers was determined nationally by the National Joint Council (NJC) for Local Government Services and the Council was bound by its decision. For the first time, the national employer had awarded a flat rate of 1925 with adjustments for London weighting and advised that next year's pay award would remain a flat rate. This year the pay award had varied from 9.9 at the lowest spinal column point and 1.6% at the highest point.
- The lowest-paid earnings started from SCP3 or scale 2, which excluded contractors transferred under TUPE such as parking contractors brought in-house in April 2022 as they had not been included on the evaluated scales. Those TUPE staff would be included in the ratio for the 2024/5 statement. To prevent the erosion of scales 2 and 3 by 2026, the national employer had based the pay award on a fixed amount instead of a percentage.
- With regard to having a ratio for assessing the equivalent of the LLW wage annual salary, as part of the council's corporate agency contract agency staff were paid the rate that was equivalent to the job paid at the Council. Suppliers were not considered employees of the council.
- As part of the Library restructure it had been agreed that library staff could remain on a casual rota basis without affecting redundancy payments. Staff taking redundancy could not return to local authority for a period of 31 days and in the case of voluntary redundancy it would for a period of 12 months.

- The Head of Human Resources undertook to provide in future reports the figures over a period of years in relation to the ratio of Chief Executive and lowest and mean pay to enable members to identify any trends in pay gaps.
- The Head of Human Resources undertook to add Chief Executive pay with comparable London boroughs in future reports and indicated that following the resignation of the former Chief Executive, Tim Shields, he had worked with the Mayor on a project looking at comparable London boroughs and Chief Executives rates of pay. The findings showed that Hackney Council's rate of pay was in the middle with comparable boroughs and he undertook to check if this work could be shared with Members.

ACTION: The Head of Human Resources ascertain if the work undertaken on the Chief Executive rate of pay comparable to London boroughs could be circulated to members.

- 4.3 Concern was expressed that the Council could lag behind in public sector pay growth following the issuing of the Office of National Statistics guide from June to August, which reported that the average pay growth for the private sector was 6.2% compared to 2% in the public sector. The widening pay growth issue had been the result of national government funding.

RESOLVED:

To agree the Pay Policy and recommend Council to approve it.

5 PLANNING SERVICE AUTHORITY MONITORING REPORT (AMR) (APRIL 2020 - MARCH 2021)

- 5.1 Katie Glasgow, Strategic Planning Manager, introduced the report seeking approval of the Planning Service's Authority Monitoring Report (AMR) 2020/21 covering the period from 1 April 2020 to 31 March 2021. The report provided monitoring information on planning-related activity using the available data, monitoring performance and the effectiveness of planning policy. This year's AMR had been limited in data analysis as a result of missing data following the Council's cyber attack in October 2020 and the transfer of data to a new IT system. The data relating to planning permissions approved between 25 June 2020 to 31 October 2020 were in the process of being recovered and were expected to be verified in February 2023 and reported in the next AMR report.
- 5.2 The key findings of the AMR included Housing Completions, Local Plan for Small Site, Housing Approvals, Conventional housing delivery by area in 202/21, Housing completions on small sites (less than 10 units), Employment & Town Centres, Affordable workspace secured through s106 agreements, Communities, Culture, Education, Health and Open Space, Design and Heritage, Transport (figures pre-dating the pandemic),

Planning Performance exceeding national and local targets for major, minor and other applications in FY 2020/21 and S106 & Community Infrastructure Levy (CIL) contributions.

5.3 The Strategic Planning Manager, Growth Team Manager, Development and Enforcement Manager, Senior Policy Officer and Senior CIL/S106 Officer responded to questions from Members relating to the AMR as follows:

- In determining planning applications and pre-applications, material planning considerations were taken into account such as similar planning permissions within the immediate vicinity of the application site however this was one material consideration and all applications were considered on their merits and assessed against relevant policies and guidelines. There were circumstances when a proposal was similar or identical to a neighbouring extension but due to other considerations a different recommendation could result in a different outcome.
- There were currently no exact numbers recorded of the people using pre-application service but the service area was currently being restructured to improve performance and the monitoring of pre-applications. Applicants were being encouraged to use the pre-application service to ensure greater certainty of a subsequent successful planning application as well as allowing officers to see proposals at an early stage and to make more detailed and quicker decisions once the application was submitted.
- The data relating to s106 and CIL were taken from the Infrastructure Funding Statement that was an annual legislative requirement and detailed the money at present that had been collected, spent and retained. The unspent £7m money had been allocated to a range of projects appended in the funding statement, however, due to the longer term nature of the projects some money had been spent on the capital programme and not all the money was expected to be spent within the reporting year.
- Planning held records of the planning applications determined from June to October 2020 during the cyber attack as they had been automatically logged on the planning register but the main concerns related to the applications that were still live within the system.
- The variances in both CIL and S106 contributions depended on the developments that had been implemented and some major schemes made more S106/CIL contributions when implemented in a year that could have a significant impact on the reported figure for the year. Major developments during the year could also have an effect on the overall CIL and the increase in S106 income was about the contributions received and not representative of any trend.
- In terms of overshadowing and loss of light, green roofs and solar would be considered a material planning consideration in terms of its impact on

the occupier's amenity and other aspects of overshadowing could be considered but the primary concern would be the impact on individuals, families and the occupants.

- It was confirmed that 217 of the 445 (48%) of the affordable housing was social rent housing.
- It was emphasised that the figures in relation to affordable housing within the report were credible and that there was no missing data on major applications and affordable housing deliveries and consent. The Council would be updating the figures in the next AMR report after the retrieval and verification of the missing data. In addition, the council held all the details and applications on major sites. In the previous year, small sites (under 10 units) contributed to overall housing delivery by 13.6% compared to the average of 20% and it was expected that this figure would be revised upwards after the data became available.
- The data relating to the additional 6,385 active enterprises had been acquired from a third source and this showed that the trend in the market for floorspace within the borough had been positive between 2016/20. Also, the low vacancy rates in the town centres was a good indicator of the high uptake of floorspace in Hackney's town centres.
- Intermediate housing was considered a form of affordable housing and the Council was currently looking at ways of increasing the implementation rate in Hackney to deliver the target of affordable housing units as applicants were not implementing their planning permissions or land banking.
- The Council assessed and determined whether it was viable to deliver affordable housing. The applications that provided less than 50% of affordable housing on site, in accordance with the Council's tenure mix policy expectations, took a longer period to be determined as a result of the scrutiny involved. During this waiting period, negotiations would be ongoing on the financial viability assessment. In respect of the major schemes, the Greater London Authority (GLA) was consulted on the applications and they had their own in-house surveyors to review the application. Hackney had a track record of increasing the levels of affordable housing and contributions of some schemes during the review process.
- Most future developments on a sales basis had a viability assessment undertaken at the time of the application and in accordance with guidance. The rental development model required a yield based model and was more complicated requiring more work from the Council's development surveyors. The agreed level of affordable housing would be incorporated into the planning permission and must be delivered. If there was an increase in the value of the development, the Council could use a clawback mechanism under section 26 of the Planning and Compensation Act 1991 to ensure that additional mitigation was provided if the final development viability was better than anticipated in the viability assessment. Planning was not obliged to accept any

variation application received from a potential developer based on viability.

- in terms of the use of transport in the borough, Planning Services would need to retrieve the data from the London Travel Demand Survey to be able to differentiate between cars and motorcycles and assess the implications for infrastructure planning for powered two wheelers
- It was noted that paragraph 6.17 should include the words ‘total number of’ before new businesses launched and would confirm if the figure of 23,270 new businesses was correct.
- Table 5.1 showed the housing delivery over the previous 5 years in Hackney from FY 2016/17 to 2020/21 and that the overall proportion of affordable housing including the social rented element had increased significantly to 128 in 2020 while the intermediate element had decreased to 67 in 2020.
- The Covid pandemic could potentially impact on the housing supply projection both in terms of delivery and number of planning applications coming forward. The Local Plan and planning policy framework were important in setting the growth strategy and identifying key areas for growth and allocating sites for growth delivery going forward. The Hackney Local Plan Local Development Scheme report would be presented at Cabinet and would address how the council would promote and stimulate growth in the borough, and facilitate and deliver housing in future years. The private sector and housing associations were expected to deliver housing but the range of challenges including rising construction costs could affect implementation.
- There was no local data yet on the number of properties being offered as Airbnb accommodation and its impact on local rents, the availability of permanent housing and land for house building. This was an issue Londonwide and would be monitored in future years.
- The additional rooms were delivered from two new schemes that were part of an extension to an existing hotel. 866 new hotel and hostel rooms were completed since December 2015 and 270 completed in 2020/21. The additional rooms had been delivered from two new schemes that were part of an existing hotel extension. The application for the hotel schemes had been granted in 2015 but the development had been completed in 2020.
- Since 2022 hotel and hostel rooms were recorded separately after a 120 room hotel at 130 Kingsland High Street and a scheme comprising a 140 room hotel and hostel for vulnerable people in housing need at 420-424 Seven Sisters Road had been completed. The Council’s policy document advocated conventional self contained housing as a priority however, if the council received an application for a new build hotel it would have to be determined on this basis.
- The question asking about the works necessary to improve the remaining parks to meet the green flag status would be referred to the Park and Green Space team for a response.

5. The Chair noted the increase in affordable housing and floorspace within the borough and thanked officers for their work.

RESOLVED:

The Committee is recommended to approve the Authority Monitoring Report FY 2020/21 (as set out in Appendix 1).

**6 THE REGULATORY SERVICE'S SERVICE PLAN UPDATE
2021/22**

- 6.1 Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation introduced the report, which provided an update on the performance of the 'Environmental Health Service against the Plan for the 2022/23 and to the end of Quarter 2', and the work undertaken to improve the quality of food premises in Hackney to protect the health of the public, to assist businesses to comply with their legal requirements; demonstrated the impact of the Service in managing the services post Covid and the challenges being faced whilst at the same time meeting the needs of the regulators; the greater emphasis placed on driving up compliance through advice, education, inspections of establishments considered to be flouting the law, and the necessary interventions undertaken; and reflected on the service at the end of the 2021/22 financial year.
- 6.2 The report also outlined the work of Hackney Trading Standards for 2022/23 and to the end of Quarter 2 and the Service's achievements and identified areas of interest for the future.
- 6.3 The Head of Community Safety, Enforcement and Business Regulation responded to members' questions as follows:
- Confirmed that they dealt with letting agents in particular the return of people's deposits and legal fees as well the quantity of estate agent boards. If there were any issues with estate agent boards members were encouraged to email him.
 - The Council licensed all premises to sell fireworks and all licences were inspected from 15 October to 8 November and Chinese New Year unless there was an all year licence. Testing of the sale of fireworks to minors depended on the availability of cadets and no tests had been undertaken this year as it had coincided with school half term.
 - Most of the work relating to scams and their victims were intelligence led and the council worked in partnership with the police and banks to encourage them to report any potential scams to the police and the Adult Safeguarding team to support the victims as many were older people. Officers attended Annual Winter Warmer events to raise

awareness of scams including builder scams but there were areas such as Stoke Newington which were particularly vulnerable. The service also used the Council's Communications Team to publicise and alert people to any increase in scams nationally.

- With regard to encouraging the food hygiene rating of 5, the Hackney Business Network provided support to small businesses and the council had also signed up to the Healthier Catering Commitment for London with a dedicated officer encouraging smaller businesses to offer healthy food. The council was attempting to engage with small businesses in various ways and a further 50 inspections had been undertaken under the waste reduction and food business in London.
- The Hackney Business Network targeted smaller businesses, which sometimes did not prioritise food hygiene and therefore had lower ratings. The service was engaging and encouraging businesses to join the Healthy Food Business Network. Many businesses that wanted to offer deliveries but had a rating lower than 3 had contacted the council to improve their hygiene rating. The borough had very few premises with hygiene ratings of 1 or 2 but to achieve 3 plus ratings those premises were encouraged to improve their Pest Control records, training and food hygiene management system.
- The service worked with the Regeneration team to identify any issues with small businesses and also provided relevant training.

RESOLVED:

This report is for informative purposes and to provide an update to the Corporate Committee. There are no recommendations set out in this report. The Corporate Committee can note the level and scope of work being carried out to meet the requirements of the plan.

7 DRAFT WORK PROGRAMME 2022/23

- 7.1 Members noted the Committee's work programme and possible submission of next Authority Monitoring Report earlier in 2023

RESOLVED:

The draft work programme for 2022/23 was noted.

8 ANY OTHER BUSINESS THE CHAIR CONSIDERS TO BE URGENT

- 8.1 There was no other urgent business.

Duration of the meeting: 18.30- 20.20 hours

Contact:

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Title of Report	ANNUAL REPORT OF PUBLIC SPACE PROTECTION ORDER (PSPO) 2022
For Consideration By	Corporate Committee
Meeting Date	14th March 2023
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Group Director</u>	Rickardo Hyatt

1. Introduction

- 1.1. The Borough wide Designated Public Place Order (DPPO) was originally introduced on 24th May 2010. It was implemented under section 13 of the Criminal Justice and Police Act 2001 which was superseded on 20th October 2014 by the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.2. The purpose of the DPPO was to ensure that the consumption of alcohol in a public place did not cause disorder, nuisance or annoyance to members of the public, or a section of the public within the London Borough of Hackney.
- 1.3. The 2014 Act automatically transitioned the previous DPPO into a Public Space Protection Order (PSPO's) on 20th October 2017 which is required to be reviewed every three years. The PSPO expired on 19th October 2020
Insert text here.
- 1.4. On 18th October 2021 Cabinet approved the making of a Borough Wide Public Spaces Protection Order which placed controls on alcohol related ASB. The Order was made under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and will last for a period of three years.

2. Recommendations

- 2.1. **There are no official recommendations arising from this report. This report is for information purposes. Corporate Committee can note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO.**

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

- 3.1. A PSPO is a tool to ensure the law-abiding majority can use and enjoy public spaces safe from activities, which have a detrimental effect on the quality of their life in that area. The current PSPO ensures that Hackney has an effective response to ASB associated with the consumption of alcohol in any public place in the Borough of Hackney.
- 3.2 PSPOs are intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by putting in place conditions on the use of that area that apply to everyone. They are designed to ensure people can use and enjoy public spaces safe from activities, which have the requisite detrimental impact.

4. **Background**

Policy Context

- 4.1. Historically alcohol related ASB was regulated by the Council's DPPO. When PSPOs were created, the power to create further DPPOs was repealed and existing orders were allowed to last for a three-year period until October 2017. After October 2017, existing DPPOs could be enforced as though they were PSPOs and they expired in October 2020, these were "transitioned" PSPOs .
- 4.2. The Borough Wide DPPO was introduced on 24 May 2010. The purpose of the DPPO was to ensure that the consumption of alcohol in a public place did not cause disorder, nuisance or annoyance to members of the public, or a section of the public within the London Borough of Hackney.
- 4.3. After three years the DPPO was treated as a transitioned PSPO for the purposes of enforcement by virtue of s.75(3) of the 2014 Act. Once that a further three years expired (in October 2020), the DPPO came to an end because a PSPO may not have effect for a period of more than three years (s.60(1)).
- 4.4 Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from ASB.
- 4.5 Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.
- 4.6 In 2018 a working group was convened consisting of Officers from Housing Needs, Community Safety, Enforcement and Public Health to review the

support currently offered to street users. The initial focus of the group was to map the cohort of street users that were known, along with their issues, map out (with costs) the current interventions that the Council commission/provide to support this cohort and to review/refresh the SUOM. Based on this, the effectiveness of interventions undertaken is constantly reviewed and challenged if the signposting process for street users is not clear enough.

- 4.7 ASB and disorder associated with a section of people present on our streets and estates is a complex issue that required better integration of partnership activities to create a flexible response that provides both support to these people, but is flexible enough to escalate the response to more proactive enforcement should the support fail to reduce ASB or associated disorder.
- 4.8 It was always intended that the implementation of the Order was to ensure that there would be a balance between proportionate enforcement and acceptable behaviour, with the provision that potentially vulnerable individuals would be referred or signposted for appropriate support.
- 4.9 The DPPO, latterly the PSPO until 19th October 2020, had been in place for nearly eight years and in that time the number of complaints in respect of ASB from street drinkers has gone from a historic high of 609 in 2010 to 14 in 2020, and there have been no complaints received in respect of the operation of the PSPO in 2022.
- 4.10 The introduction of the Borough wide DPPO/PSPO was never intended on its own to completely remove the issues of anti-social street drinking, nor to overly disadvantage or reduce the numbers of the street population in the borough. The number of people who may be considered as street drinkers is difficult to estimate and can fluctuate. The reasons for this, for example the social and financial factors, are not matters that the Order is able to address.
- 4.11 The focus of the DPPO/PSPO is to moderate behaviour which it is considered to have achieved since its introduction and its continued maintenance. Following an initial sharp overall reduction of reported incidents, these now appear to have reduced further. The ongoing work by the Intelligence Hub has identified hotspots, but these do not include a number of the original pre-DPPO/PSPO hotspots such as Kynaston Park.
- 4.12 A successive reduction year on year in the numbers of reports of anti-social street drinking has already been reported to the Committee in its previous role as the Regulatory Committee, with a small increase noted in the annual report to this Committee in 2014.

4.13 Executive Summary

4.13.1 The visible street population appears to have increased in the last three years, but the behaviour of individuals has, during the first few years at least of the DPPO, been moderated by use of this and other powers. In the context of a year on year overall reduction in all Anti-Social Behaviour (ASB) in this borough, in the first three years since the introduction of the PSPO, calls to the Police regarding anti-social street drinking have fallen year on year.

4.13.2 There was a very small increase recorded in the fourth year (but analysts indicate that this is an increase that may be attributed to the way Police changed how they classify incidents). In the last year there were 14 reports. This is still a very significant decrease as the number of reports as the year before implementation of the original DPPO was 609. A breakdown of these is shown by Ward in the table below:

Row Labels	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Grand Total
Brownswood													0
Clissold									1	1			2
Dalston										1			1
De Beauvoir													0
Hackney Central								1					1
Hackney Wick									1				1
Haggerston													0
Homerton													0
Hoxton East & Shoreditch													0
Hoxton West									1				1
Lea Bridge						1							1
London Fields			2	1									3
Shacklewell			1								1		2
Springfield													0
Stamford Hill West													0
Stoke Newington								1					1
Victoria													0
Woodberry Down										1			1
Grand Total			3	1		1		2	3	3	1		14

4.13.3 A breakdown of the number of Anti-Social Behaviour Warnings issued by Council Enforcement Officers is shown in the Table below.

	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Total
Street Drinking													
Hackney Central													0
Homerton													0
Hoxton East and Shoreditch							2						2
Leabridge													0
London Fields													0
Springfield													0
Grand Total							2						2

	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Total
Drunken Behaviour & Alcohol													
Dalston			1					1	1				3
Hackney Central						1							1
Hackney Downs													0
Hoxton East and Shoreditch						2							2
London Fields							1						1
Springfield													0
Stoke Newington													0
Victoria													0
Woodberry Down								1					1
Grand Total			1			3	1	2	1				8

- 4.13.4 Hackney Enforcement Officers and Metropolitan Police Officers issue anti-social behaviour warnings prior to issuing FPNs for street drinking in an effort to deal with the problem in a proportionate manner.
- 4.13.5 A PSPO allows Enforcement Officers and Police Constables to issue Fixed Penalty Notices (FPNs) of £100, and/or prosecution in the event of a person being issued with an FPN failing to pay the FPN, or an injunction in extreme circumstances.
- 4.13.6 Injunctions are another new power introduced by the 2014 Act, which impose requirements upon the individual on whom and FPN has been issued, where it is clear the individual's conduct is having a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature and the conduct is unreasonable.
- 4.13.7 It is important that Councils do not inadvertently restrict everyday sociability in public places. The PSPO should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life rather than everyday sociability, such as standing in groups, which itself is not a problem behaviour.

- 4.13.8 Injunctions can be applied for in extreme cases and could be worded for example not to:
1. 'Be in possession of open bottles, cans or open receptacles of alcohol anywhere in LBH'.
 2. 'Drink alcohol anywhere the public has access within the LBH including but not limited to highways, streets, passages and parks'.
- 4.13.9 With the introduction of the Act, the Council has a number of tools at its disposal to tackle street drinking, however these tools must be utilised in a measured and proportionate way, in accordance with our Enforcement Policy, the Council's protocols and consultation requirements. FPNs will only be issued to persons who are undertaking street drinking where ASB has been identified and associated with the activity.
- 4.13.10 The resources available to deal with this problem are limited, and a particular problem is ensuring the availability of all relevant Officers across a number of agencies. However, there remains very effective operational partnership working and tasking to address this and related ASB issues, whilst maximising the available resources.
- 4.13.11 A monthly Street Users Outreach Meeting (SUOM), where Council Officers, Police and outreach staff meet to discuss individual cases of street drinkers, is the main mechanism used to coordinate the enforcement activity and improve treatment efforts in order to reduce alcohol related ASB and street drinking. Officers continue to work closely on the streets with Thames Reach and Officers in other support agencies when dealing with individuals.
- 4.13.12 The identification of any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group, which is chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings which address singular impacted issues at the individual level with specific agencies particularly Housing.

Equality impact assessment

- 4.14 An Equality Impact Assessment (EIA) is required to be undertaken to assess the potential of an adverse positive or negative impact of any proposed PSPO on protected groups, to ensure compliance with the requirements of the Public Sector Equality Duty contained in s.149 Equality Act 2010. I
- 4.15 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.

- 4.16 The PSPO approved by Cabinet on 18th October 2021 sets out a range of powers available to the Council and how these will be legally applied. Officers took specific account of the Council's duties when formulating the proposed PSPO, and a detailed EIA was completed as part of the recommendation made to Cabinet to approve the PSPO.

Sustainability and climate change

- 4.17 Not applicable to this report.

Consultations

- 4.18 No consultation has been undertaken in relation to this report itself as one is not required. It is for informative purposes, no decision is being made or recommended in this report. In accordance with the guidance for the implementation of a DPPO between September and November 2009 the Council conducted an extensive public consultation. This included businesses and particular licence holders of licensed premises, residents and visitors, local police commanders, neighbouring local authorities.
- 4.19 The Council undertook consultation in September and October 2020 to gauge support in relation to having a PSPO in place in relation to the consumption of alcohol in a public place, and further consultation was carried out between May and July 2021 prior to the PSPO being approved by Cabinet in October 2021.

Risk assessment

- 4.20 Not applicable to this report.

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

- 5.1. This report requests the Corporate Committee to note the level and the scope of work being carried out to meet the requirements of the Public Space Protection Order (PSPO).
- 5.2. There are no immediate financial implications as the report. The cost of enforcement of the PSPO is managed within the available Community Safety and Enforcement Budgets.

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

- 6.1. The content of this report informative purposes and sets out the level and the scope of work being carried out to meet the requirements of the PSPO (previously DPPO) regarding alcohol consumption in the borough. The content of the report reflects the considerations advised by the updated Home Office Guidance (published December 2017) on the use of PSPO's.
- 6.2. There are no further specific legal implications arising from this report.

Appendices

Appendix 1 - The PSPO approved on 18th October 2021 by Cabinet is attached to this report.

Background documents

None

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ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the London Borough of Hackney (the 'Council') and shall be known as the **Public Spaces Protection Order (Alcohol) 2021**.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

the effect, or likely effect, of the activities:

is, or is likely to be, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

4. The Activities prohibited by this Order are:

- i. failing to comply with a direction not to consume, in breach of this order, alcohol, or anything which an authorised person reasonably believes to be alcohol where the authorised person reasonably believes that a person has engaged in anti-social behaviour.
- ii. failing to surrender a container of alcohol (whether open or not) when asked to do so by an authorised person.

THE PROHIBITIONS

5. A person shall not engage in any of the Activities listed at paragraph 4(i)–4(ii) anywhere within the Restricted Area as shown on the map at Schedule 1 of this order and labelled “The Borough-Wide Restricted Area”.
6. This Prohibition is subject to the Exception stated below.

THE REQUIREMENT

7. A person who is believed to have engaged in a breach of this Order is required to give their name and address to a police officer, police community support officer or other person designated by the Council.

THE EXCEPTION

8. Nothing in this order shall apply to a person who is a person who is consuming alcohol on premises listed in section 62 of the 2014 Act, the full text of section 62 appears at Schedule 2 of this Order.

DEFINITIONS

9. In this Order the following words or phrases are defined as follows:

‘**Alcohol**’ has the same meaning as in section 191 of the Licensing Act 2003, the full text of s.191 appears at the end of this Order.

‘**Anti-social behaviour**’ means conduct that has caused or is likely to cause nuisance, annoyance, harassment, alarm or distress to any person.

'Authorised Officer' means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order.

'Council' means the London Borough of Hackney.

'Restricted Area' means the parts of the London Borough of Hackney as shown on the map at Schedule 1 and labelled "The Borough-Wide Restricted Area" and shaded with a red boundary line.

'2014 Act' means the Anti-Social Behaviour, Crime and Policing Act 2014.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

10. This Order is made on 18th October 2021 and will come into force at midnight on 19th October 2021 and will expire at midnight on 18th October 2024.
11. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

ALCOHOL

Section 63 of the Anti-Social Behaviour Crime, and Policing Act 2014 provides that where a constable or authorised person has reason to believe that a person has been consuming alcohol in breach of this PSPO or intends to consume alcohol in circumstances which would be a breach of this PSPO, the constable or authorised person may require that person not to consume alcohol or anything which is reasonably believed to be alcohol and/or surrender anything believed to be alcohol or a container for alcohol. Failure to comply without having a reasonable excuse is an offence. A requirement is not valid if, when asked to do so, the constable or authorised person, fails to show evidence of their authorisation. **Section 62** (set out in full below) contains a list of exceptions where the ban on consuming alcohol does not apply).

CRIMINAL OFFENCE

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

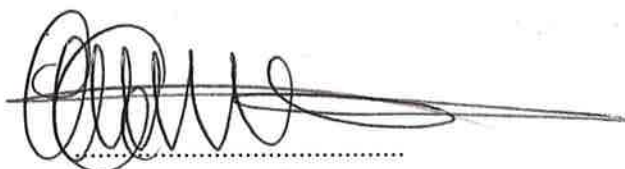
PENALTY

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

EXECUTED by affixing the Common Seal of
**THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HACKNEY**
in the presence of:-



Authorised Signatory

GEORGIA LAZAR

TEAM LEADER (PLACES)



501487

Schedule1 – BOROUGH WIDE - RESTRICTED AREA – MAP



8

Schedule 2 - LEGISLATION

Section 62 – Anti-Social Behaviour, Crime and Policing Act 2014

Premises etc to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—
 - (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);
 - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—
 - (a) when the premises are being used for the supply of alcohol, or
 - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
- (3) In this section—

“club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;

“premises licence” has the meaning given by section 11 of that Act;

“supply of alcohol” has the meaning given by section 14 of that Act.
- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—
 - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
 - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

Section 63 - Anti-Social Behaviour, Crime and Policing Act 2014

Consumption of alcohol in breach of prohibition in order

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P)—

(a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “*authorised person*” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

- (2) The constable or authorised person may require P—

(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

- (4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Offences

67 - Anti-Social Behaviour, Crime and Policing Act 2014

Offence of failing to comply with order

- (1) It is an offence for a person without reasonable excuse—

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

191 – Licensing Act 2003

Meaning of “alcohol”

- (1) In this Act, “*alcohol*” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor in any state, but does not include—

- (a) alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question,
- (b) perfume,
- (c) flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
- (d) the aromatic flavouring essence commonly known as Angostura bitters,
- (e) alcohol which is, or is included in, a medicinal product or a veterinary medicinal product,
- (f) denatured alcohol,
- (g) methyl alcohol,
- (h) naphtha, or
- (i) alcohol contained in liqueur confectionery.

- (2) In this section—

“*denatured alcohol*” has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

“*dutiable alcoholic liquor*” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“*liqueur confectionery*” means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

“*medicinal product*” has the same meaning as in section 130 of the Medicines Act 1968 (c. 67)

“*strength*” is to be construed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979; and

“*veterinary medicinal product*” has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2006.



Title of Report	ANNUAL PERFORMANCE REPORT OF THE NOISE SERVICE 2022
For Consideration By	Corporate Committee
Meeting Date	14th March 2023
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Group Director</u>	Rickardo Hyatt

1. **Introduction**

- 1.1. This report sets out the annual performance report in relation to noise nuisance for the period 1st January-31st December 2022.
- 1.2. The Corporate Committee has requested annual reports on how the Council responds to noise nuisance.
- 1.3. Noise nuisance in Hackney continues to receive an approach that looks at statutory noise nuisance and noise arising from anti-social behaviour together, so that the most appropriate action can be taken based upon the individual circumstances of the case. The service area brings together a range of enforcement services, providing the opportunity to apply greater resources to a particular problem area and a better ability for specialists to collaborate and cases to be prioritised.
- 1.4. This report provides an update on the volume of noise complaints, a breakdown of the individual types of noise within the services workload, including Temporary Event Notices (TENs), which continue to place significant demand on existing resources.

2. **Recommendations**

- 2.1. **There are no official recommendations arising from this report. This report is for information purposes and Corporate Committee can note the annual performance report for the service.**

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

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

4. **Background**

Policy Context

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

assessment of and making of representations on TENs, consultations in relation to planning matters and issues related to construction noise and other commercial nuisance.

4.8. Operational Report-Noise and ASB management.

- 4.8.1 The merging of the staff dealing with domestic noise within the previous Safer Communities Service to improve the overall service provision towards noise and Anti-Social behaviour (ASB) has been continued and developed. The clear synergy between these elements of nuisance has been recognised by the government in legislation and consequently noise is included as a category of ASB. The aim of the local changes was specifically to move towards a more uniform approach to managing noise and ASB.
- 4.8.2 This model included a more robust initial service request triage process, using all the information available to the Team, which includes Police information systems and the Intelligence Hub capabilities, leading to better identification of repeat and vulnerable persons, which is a key responsibility for Officers.
- 4.8.3 In May 2018, changes were implemented that allowed a simpler and more streamlined approach for residents to report noise nuisance issues. Using the online noise reporting service, residents could report instantly at any time detailing their concerns. This is one of the reasons for the increase in service requests received in that year.
- 4.8.4 Residents now receive a same-day acknowledgement accompanied by 'Noise Action Guidance' which will detail next steps and assist with managing expectations. The link to the form can be found at www.hackney.gov.uk/noise
- 4.8.5 During the corporate response to the cyber attack in October 2020, the Enforcement Team began working with Fix My Street (FMS) to develop a case management system to provide additional functionality for officers in the service to manage cases) whilst a replacement for the previous database was sourced. A new system has now been selected and Officers are working with the provider to install a solution that covers the needs of each team within the service.
- 4.8.6 Following the cyber attack, the service was left with no access to our legacy system, Civica APP and its data, creating a critical need for a replacement. As an immediate consequence, the teams not only had limited historical data available but were using manual methods to collate and process current workloads and cases, creating a strain on resources on an unstable platform which consists of approximately 100 users.
- 4.8.7 In January 2022 NoiseWorks was launched with the objective of developing a fully integrated case management solution to effectively manage noise reports in Hackney. Society Works, a registered charity, worked 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.

4.8.9 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.

4.8.10 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 still have access to view only reports prior to this date through the old system. However they are no longer 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 need to report it via NoiseWorks.

4.8.11 Before the system was launched, a Privacy Impact Assessment was completed and approved by Council’s Information Management Team to ensure compliance with GDPR requirements. A privacy notice relating to this has been published on the Council’s website at <https://hackney.gov.uk/noiseworks-privacy-notice> and provides information about how personal data is used by NoiseWorks.

4.8.12 The noise nuisance web page requires a further update to ensure it provides clear and concise information that can be navigated with ease. The online noise nuisance reporting form has been redesigned to allow residents to complete a more detailed, yet non-taxing self-triage which will allow Officers to receive relevant information, better understand issues and plan an appropriate course of action.

- 4.8.13 When staff receive completed requests during service hours (including out of hours) they are assessed and triaged for engagement if required. Residents can also telephone during normal office hours and out of hours at times when the service is operating, but in busy periods there may be a delay in answering calls and they are directed to the online reporting service.
- 4.8.14 The PEOs undertake a role much wider than that of investigating domestic noise complaints, which includes investigating ASB, Police liaison and supporting a range of crime and ASB prevention initiatives. ASB casework can involve some very complex and protracted investigations with parties sometimes having particular vulnerabilities and multiple needs. These investigations can be very resource intensive and present a challenge when balanced with noise related matters. Officers also undertake enforcement work including the use of Community Protection Warnings and Notices for cases where it proves difficult to witness statutory nuisance, making applications for Closure Orders, Injunctions, and use of all the powers provided by the Antisocial Behaviour, Police and Crime Act 2014.
- 4.8.15 The service also delivers an out of hour's noise nuisance service from within the resources allocated. The out-of-hours service operates to deal both reactively and proactively with noise Thursday 18.30 to 02.00, Friday and Saturday 21.00–02.00 and Sunday 18.30–02.00. Staff work on a rota to cover this service.
- 4.8.16 The provision of an out-of-hours service is challenging as the demand is unpredictable and at times of peak fluctuation can result in up to twenty service requests in an hour, with a planned maximum of up to four Officers deployed outside to respond to noise reports. In each reported case research needs to be done prior to responding, to establish past history which could impact on the risk to attending Officers.
- 4.8.17 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 a complex unlicensed music event in a remote area such as Hackney Marshes or a derelict industrial building, often in liaison with Police. In the case of the latter, there would be no further Officer availability to deploy to other calls received on that shift.
- 4.8.18 The total volumes of demand (individual contacts requiring a response) for all categories of service request relating to noise nuisance are shown in Chart 1 for 2020 and 2021. Chart 2 shows the breakdown of residential noise reports from April to December 2021. Chart 3 shows the breakdown of noise reports by Ward January-December 2022, with chart 4 showing a breakdown by noise type. Chart 5 shows a breakdown of commercial noise reports by category January-December 2022. Chart 6 shows a breakdown of commercial noise reports and other activity undertaken by Environmental Protection in the period January to December 2022.

- 4.8.19 In 2020, the Coronavirus pandemic had a huge impact in relation to reports of domestic noise in particular, which is likely to be due to the extended period of lockdown between March and July with residents working from home, schools being closed and employees being furloughed.

Chart 1, Monthly noise data for period January 2020 to December 2021

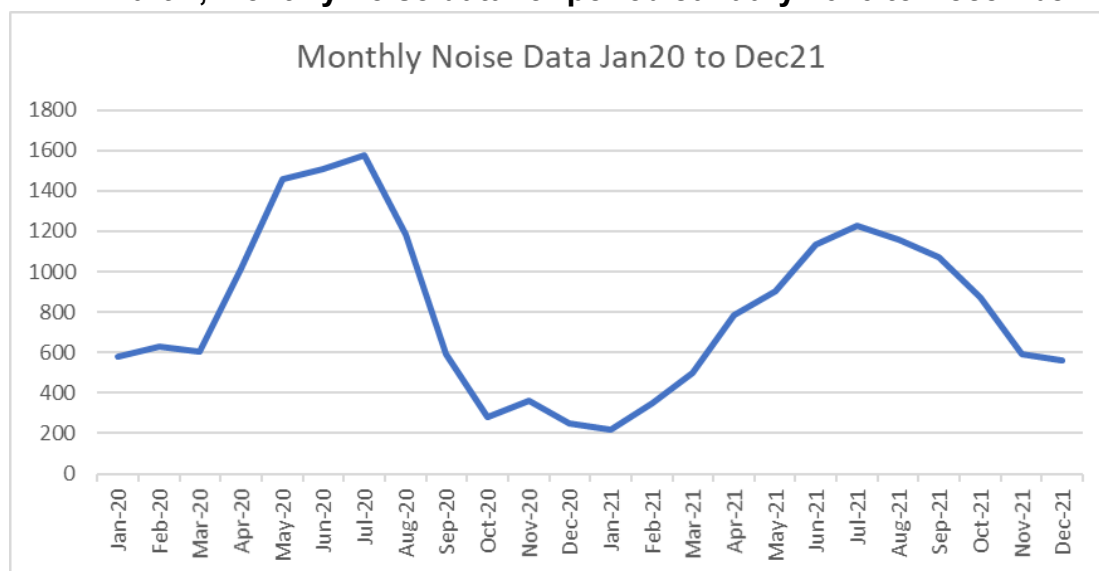


Chart 2, Residential Noise Reports April-December 2021

Noise Type / Month	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
Noise Residential - Loud Music	240	306	339	423	441	275	294	274	293
Blank	13	39	43	45	36	23	7	13	11
Noise Residential - Children Running Around/Playing Games	61	44	10	12	14	6	12	6	12
Noise Residential - Building Work/DIY	14	19	4	6	3	15	12	12	16
Rowdy Behaviour - Shouting/Swearing	7	17	27	8	14	5	3	15	10
Noise Residential - Barking Dog	6	10	6	5	3	2	1	6	12
Noise Residential - House/Smoke Alarm	3	7	3	10	4	4	4	9	2
Noise Residential - Extractor Fans/ Refrigeration Noise/AC Units	2	2	1		1			1	4
Noise Residential - Other Animal Noise	4	1					3	1	3
Noise Residential - Religious Ceremony/Celebration	10			1		1			
Rowdy Behaviour - Drunken Behaviour		2	4	1			1	1	
Nuisance Behaviour - Street Drinking		1	3				2	2	
Nuisance Behaviour - Youth Congregation		2		1				3	
Pollution - Bonfire Smoke	3			1					
Banging Noise									3
Noise							4		
Fireworks								3	
Noise Other - Roadworks			1				1		
Ball bouncing									1
Banging on Ceiling								1	
banging the wall and ceiling				1					
banging, screaming, moving chairs, cussing							1		
DIY and shouting									1
Flushing Toilet								1	
Harassment								1	
Highway obstruction					1				
Loud music							1		
Nuisance Behaviour - Games in Restricted Areas				1					
Pollution - Light Pollution							1		
Grand Total	363	450	441	515	517	331	347	349	368

Chart 3, Noise Reports by Ward January-December 2022

Row Labels	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Grand Total
Haggerston	42	87	124	167	176	197	200	158	174	116	131	183	1755
Hoxton East & Shoreditch	36	65	67	154	147	125	219	150	98	119	112	138	1430
Hoxton West	36	89	115	85	65	122	204	296	113	64	99	70	1358
Hackney Central	43	54	79	103	121	125	178	167	122	137	107	85	1321
Dalston	55	92	90	91	121	128	124	134	77	102	78	44	1136
London Fields	21	77	76	50	89	106	128	143	90	74	89	44	987
Lea Bridge	15	67	87	104	98	101	103	88	53	74	90	63	943
Stoke Newington	30	56	67	106	97	87	104	93	78	67	81	30	896
Clissold	13	37	70	48	80	90	98	94	83	106	60	62	841
Hackney Wick	15	23	62	53	70	88	127	97	79	52	65	55	786
Springfield	10	56	68	62	66	83	86	78	70	68	55	55	757
Homerton	31	66	77	65	73	55	85	70	56	67	67	29	741
Hackney Downs	14	70	25	40	61	76	98	146	57	56	31	47	721
De Beauvoir	18	53	49	46	85	68	67	76	40	53	38	51	644
Shacklewell	13	28	42	56	53	117	43	93	50	45	44	27	611
Cazenove	19	29	76	27	67	76	68	66	51	66	36	17	598
Victoria	10	30	16	27	26	64	59	77	48	61	18	58	494
King's Park	5	20	47	29	47	63	74	70	35	36	12	27	465
Woodberry Down	8	16	21	66	56	19	49	65	43	26	23	20	412
Brownswood	7	13	15	43	22	34	20	43	19	29	63	25	333
Stamford Hill West	11	32	21	17	22	20	21	60	19	20	22	15	280
Blank		6	6	26	18	10	13	22	9	11	10	3	134
Grand Total	452	1066	1300	1465	1660	1854	2168	2286	1464	1449	1331	1148	17643

Chart 4, Noise Reports by Category January-December 2022

Row Labels	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Grand Total
music-other	206	502	537	577	747	865	1021	1001	611	554	485	372	7478
other	112	211	239	395	336	421	520	560	326	388	430	371	4309
shouting	31	76	104	94	91	138	144	177	123	132	116	88	1314
music-club	29	75	87	99	101	98	140	88	71	68	55	48	959
construction	24	50	76	60	87	102	90	119	79	86	73	55	901
animal	3	15	10	24	34	35	40	92	44	32	20	32	381
alarm	6	26	23	55	48	20	25	42	22	36	18	49	370
plant-machinery	5	36	27	27	47	27	28	38	38	21	25	50	369
music-pub	6	18	48	47	35	39	47	31	39	19	14	13	356
diy	7	19	57	34	35	13	14	22	33	30	24	27	315
road	1	6	9	11	31	36	27	30	11	14	30	13	219
deliveries		1	10	9	14	16	39	20	21	19	19	3	171
festival			33	8	25	12	10	23	12	26	2	1	152
tv	9	15	12	4	5	18	3	4	9	8	7	16	110
car	9	15	9	6	14	6	5	9	6	3	1	4	87
plant-street	2		8	2	3	4	12	15	7	12	9	2	76
roadworks	2	1	3	4	3	3	3	7	8	1	3	4	42
buskers			8	9	4	1		8	4				34
Grand Total	452	1066	1300	1465	1660	1854	2168	2286	1464	1449	1331	1148	17643

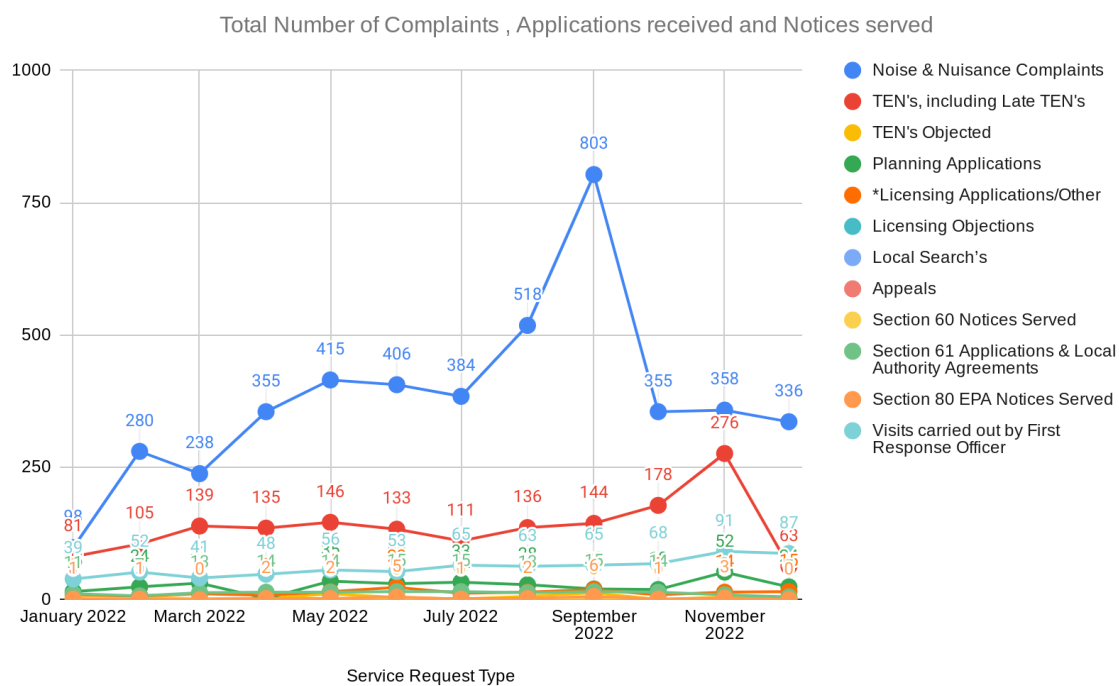
Chart 5, Commercial Noise Reports by type January-December 2022

Row Labels	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Grand
Business	88	242	323	363	446	546	603	551	375	356	264	183	4340
Blank		5	4	20	8	6	10	7	4	10	6	2	82
Brownswood			5	6	2	5	2	3	2	3	4		32
Cazenove	2	8	32	4	27	35	18	12	6	10	9		163
Clissold	2	14	17	10	21	22	15	18	21	30	12	6	188
Dalston	10	19	20	24	65	67	77	85	36	50	36	19	508
De Beauvoir	4	6	9	11	22	12	17	17	7	11	6	5	127
Hackney Central	2	11	4	14	16	21	28	37	35	23	10	12	213
Hackney Downs	1	6	3	3	6	10	11	15	9	5	3		72
Hackney Wick	1	1	6	7	16	13	16	10	3	7	9	7	96
Haggerston	4	7	21	25	30	62	32	14	25	19	17	15	271
Homerton	16	14	23	11	12	14	12	17	14	15	6	6	160
Hoxton East & Shoreditch	12	39	50	70	56	41	124	57	44	42	28	41	604
Hoxton West	6	16	18	32	12	60	68	68	26	11	21	12	350
King's Park	2	8	6	3	4	14	16	15	1	2	1		72
Lea Bridge	3	9	25	16	19	28	39	45	26	35	13	20	278
London Fields	9	32	30	23	45	55	65	74	42	24	30	18	447
Shacklewell	4	6	16	20	16	24	6	11	19	14	14	5	155
Springfield		7	5	1	13	6	5	5	7	2	3	6	60
Stamford Hill West				2	3	3		1	5	6	6	1	27
Stoke Newington	8	29	25	48	46	41	34	29	36	30	27	3	356
Victoria	1	4	1	2		6	3	3	2	2	1	5	30
Woodberry Down	1	1	3	11	7	1	5						

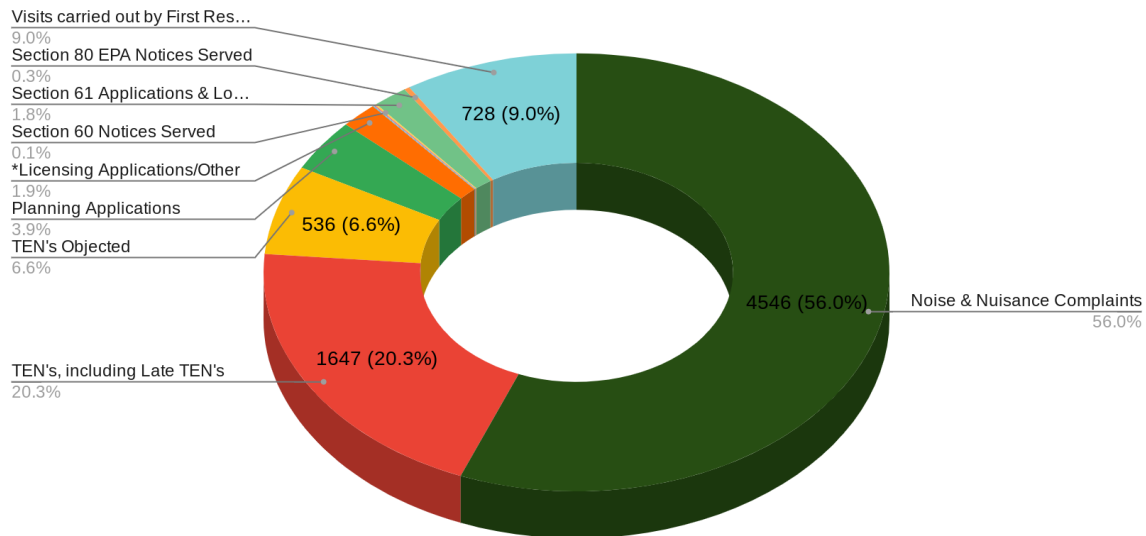
Chart 6, Commercial noise requests/activity January-December 2022

Service Request Type	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Noise & Nuisance Complaints	98	280	238	355	415	406	384	518	803	355	358	336
TEN's, including Late TEN's	81	105	139	135	146	133	111	136	144	178	276	63
TEN's Objected	2	4	2	2	11	4	1	6	13	0	5	3
Planning Applications	15	24	31	2	35	30	33	28	20	19	52	24
*Licensing Applications/Other	8	7	11	8	15	23	12	14	19	9	14	15
Licensing Objections	0	0	0	0	0	0	2	1	0	0	0	0
Local Search's	0	0	0	0	0	0	0	0	0	0	2	1
Appeals	0	1	0	0	0	1	0	2	1	0	1	0
Section 60 Notices Served	4	1	2	0	0	0	0	0	0	0	0	0
Section 61 Applications & Local Authority Agreements	11	7	13	14	14	15	15	13	15	14	9	5
Section 80 EPA Notices Served	1	1	0	2	2	5	1	2	6	1	3	0
Visits carried out by First Response Officer	39	52	41	48	56	53	65	63	65	68	91	87

Total Number of Service Requests (Including TEN's)	259	482	477	566	694	670	624	783	1086	644	811	534
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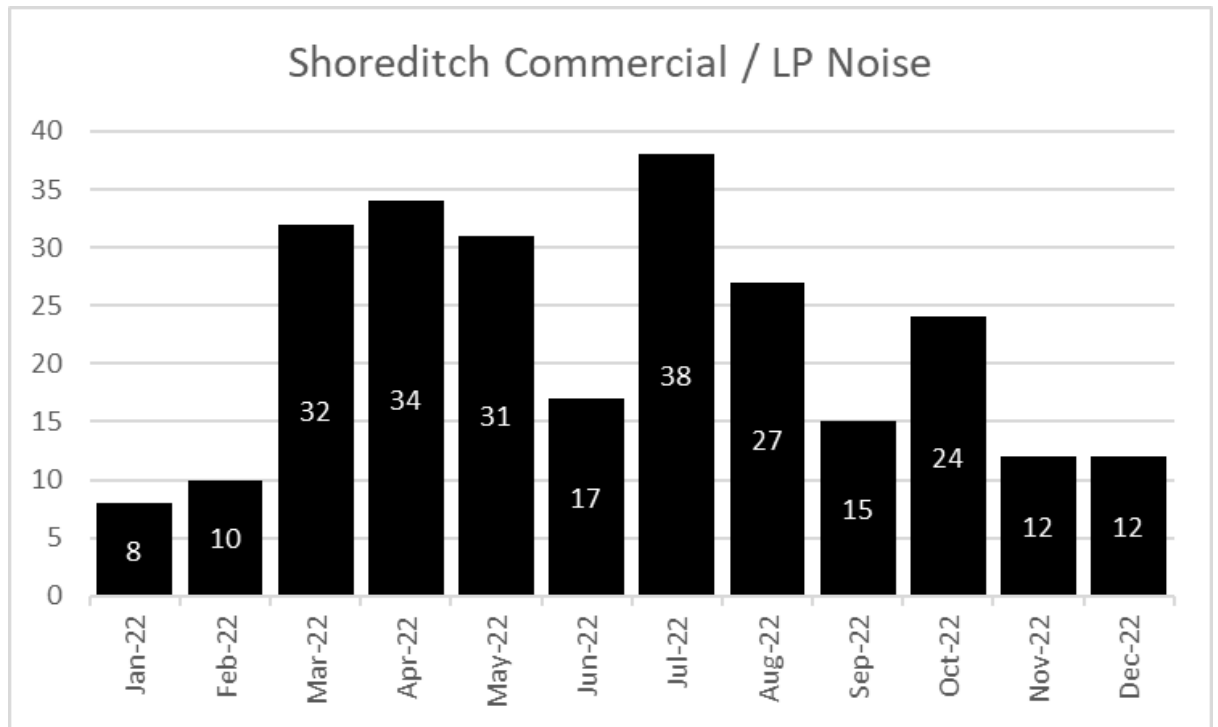
Total Service Request Type - January 2022 - December 2022



- 4.8.20 With the launch of NoiseWorks in January 2022 the service is able to report on the number of reports received by Ward, which enables Officers to concentrate on repeat callers and high priority cases.
- 4.8.21 The activities of the EPOs, especially in respect of commercial licensed premises, are routinely directed through the weekly tasking process where inspections and engagement are co-ordinated. Officers work closely with the Licensing section and are routinely involved in all Licensing consultations and applications. Officers also lead on taking for licensing reviews through the Licensing Committee and the Courts.
- 4.8.22 In summary, the 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.
- 4.8.23 Weekly commercial noise analysis identifies all premises where noise has been reported, including repeat locations and the nature of the noise. This analysis informs the weekly Night Time Economy(NTE) Tasking meeting where key stakeholders, including the Environmental Protection Team, are tasked to intervene to reduce the commercial noise at the premises. Residents are kept well informed of our activities through regular contact made by our Environmental Protection Team. Interventions include personal visits to the premises through to licensing reviews. The Enforcement Team also utilises the analysis to undertake spot checks at the premises to collate evidence of transgressions. An audit trail of the interventions are retained to ensure that feedback can be provided to the community-led Town Centre

Meeting and to inform an escalation of enforcement measures should the problem persist. The process has resulted in very positive feedback being received from local community members at the Town Centre Meeting.

- 4.8.24 The Intelligence Hub, which is part of the service, provides a weekly update of hot spots in relation to noise reports both in relation to commercial businesses and residential properties, and includes reports of locations where repeat reports have been received, locations of concern where there are high numbers of new and repeat reports, and an update from the previous being received. This has helped Officers in dealing with ongoing and new cases which are being investigated and to enable the service to be able to prioritise resources and deal with reports proactively.
- 4.8.25 Using Shoreditch as an example, the chart on the next page illustrates the number of commercial noise reports that the Council has received for the Shoreditch area since January 2022. These are based on calls classified as business premises where the report was related to music or other associated noise (including people shouting and screaming) that appear to be connected to a licensed venue. There will be an element of human error in classification of some of these because it is dependent on a manual review of the data to categorise calls, and sometimes there is limited address information available (in some cases this is just in the vicinity of some coordinates or a street reference), or a venue hasn't specifically been named.
- 4.8.26 Generally with regard to residential noise reports, there is an element of seasonality in that there are more calls during the summer months when days are longer, warmer, and people have windows open. However the same pattern may not necessarily apply to the NTE because it is a year round industry. There is currently insufficient data to be able to identify any patterns of seasonality for commercial noise complaints in Shoreditch. January and February could have been low because of the new system that was introduced in January to record noise nuisance in Hackney. The call volume between November and December has been low.



4.8.27 The table on the next page illustrates the days and hours that commercial noise reports were made in the Shoreditch area between January and November 2022.

- 52% of reports were made generally between the hours of 2100 and 0100 hours.
- 71% of reports were made between Thursday and Sunday.
- 44% of reports were focused between Thursday and Sunday between the hours of 1900 and 0700 hours only (areas outlined in blue).

4.8.28 Unsurprisingly most noise is concentrated around NTE days and hours, suggesting that most of the noise complaints relate specifically to this economy. The one deviation from this appears to be Wednesdays between 2100 and 2200 hours. This doesn't relate to any one premise or date, but having had a look at the incidents, they are mostly NTE type venues (pubs and bars) that continue to operate as NTE(albeit to lesser extent) throughout the week.

Hour / DOW	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	1.2%	0.4%	0.4%	1.2%	2.4%	1.6%	2.4%	9.5%
1	0.4%	0.0%	0.4%	0.0%	0.8%	1.6%	1.2%	4.4%
2	0.0%	0.4%	0.0%	0.0%	0.4%	0.8%	1.2%	2.8%
3	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	0.4%	0.8%
4	0.0%	0.0%	0.0%	0.0%	0.4%	0.0%	0.0%	0.4%
5	0.0%	0.4%	0.4%	0.0%	0.0%	0.0%	0.4%	1.2%
6	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	0.4%
7	0.0%	0.0%	0.0%	0.4%	0.0%	0.8%	0.4%	1.6%
8	0.4%	0.4%	0.0%	0.0%	0.0%	0.4%	0.0%	1.2%
9	0.0%	0.0%	0.0%	0.0%	0.8%	0.4%	0.0%	1.2%
10	0.0%	0.0%	0.0%	0.4%	0.4%	0.0%	0.0%	0.8%
11	0.4%	0.0%	0.0%	0.4%	0.4%	0.4%	0.4%	2.0%
12	0.0%	0.4%	0.0%	0.0%	0.0%	0.4%	0.0%	0.8%
13	0.8%	0.4%	0.4%	0.4%	0.0%	0.0%	0.0%	2.0%
14	0.0%	0.4%	0.0%	0.0%	0.4%	0.4%	0.4%	1.6%
15	0.4%	0.0%	0.0%	0.0%	0.4%	0.4%	0.8%	2.0%
16	0.4%	0.4%	0.0%	0.4%	0.4%	0.8%	0.4%	2.8%
17	0.0%	0.0%	0.8%	0.0%	1.2%	2.0%	0.4%	4.4%
18	0.4%	0.4%	0.0%	1.6%	0.4%	0.8%	0.8%	4.4%
19	0.4%	0.8%	0.4%	2.0%	0.0%	0.8%	0.8%	5.2%
20	0.8%	0.4%	0.0%	2.0%	1.2%	2.4%	1.2%	7.9%
21	0.4%	0.8%	4.4%	1.6%	1.6%	1.6%	2.8%	13.1%
22	1.2%	3.2%	1.2%	2.4%	2.8%	2.8%	0.8%	14.3%
23	0.8%	1.2%	2.8%	3.6%	2.4%	3.2%	1.6%	15.5%
Grand Total	7.9%	9.9%	11.1%	16.3%	16.3%	21.8%	16.7%	100.0%

4.8.29 The table below lustrates the number of complaints per venue (each quarter).

No of calls per venue	Q1 - count of venues	Q2 - count of venues	Q3 - count of venues
1	18	12	21
2	3	4	4
3	3	2	1
4	1	4	0
5	1	1	2
6	1	0	1
7	0	1	0
8	1 X	0	0
9	0	0	0
10	1	0	0
11	0	1	0
12	0	0	0
13	0	0	0
14	0	0	0
15	0	1 X	0
16	1	0	0
Total venues complained about	30	26	29

4.8.30 The number of repeat reports regarding individual premises has declined each quarter. The most reports a venue has received during quarter three (to the end of November) is six, although that may just be because quarter three currently only stands at two months as opposed to three. The number of one-off reports regarding individual venues is more prevalent this quarter (to date). This suggests that repeat venues are being successfully targeted with interventions to minimise ongoing harm, and warning letters on single incident premises are effectively preventing incidents from escalating. The following points highlight the action taken by Hackney Officers to mitigate noise from some of the most prolific venues in the Shoreditch area:

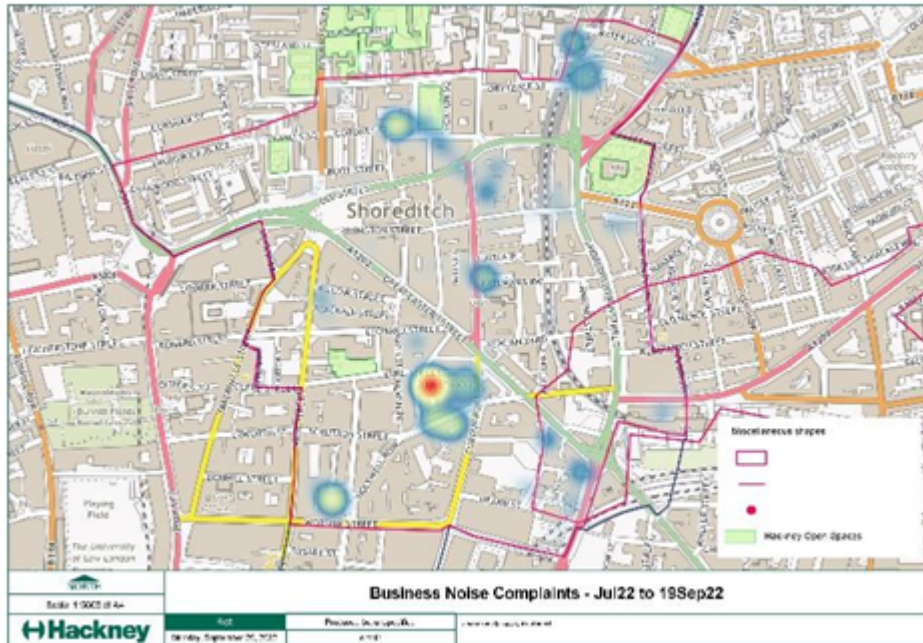
- The premises that received sixteen reports during quarter one has not received a single further report since 30th April following the action and intervention of the Environmental Protection team. The venue that received 10 reports in quarter one has only had three further reports to date. Interventions included visits from the Police Licensing team as well as Environmental Protection Officers. The company director informed Officers that changes had been made to operating practices.

This included a reduction in hours and the introduction of noise mitigation measures. Ultimately these measures proved insufficient and so the venue voluntarily decided not to hold future events.

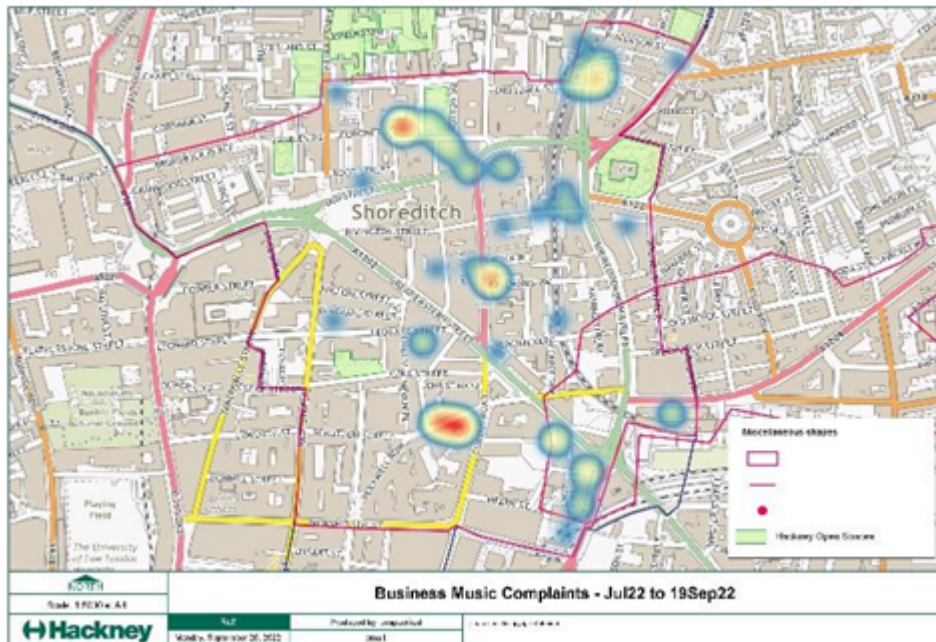
- The venue that received eleven reports in quarter two has been intermittently discussed at the weekly tasking meetings since May. A warning letter was sent in July, and this was followed up by a visit from an Environmental Protection Officer. The Licensing Team were also notified to ensure that the venue was adhering to its licensing conditions (outside space), and the licensee was advised to stop using the outside space from 23.00 hours. Officers have also corresponded with the venue's legal representatives, who have been informed that if a nuisance is witnessed action will be taken. There has only been one further report in September and two in December which are subject to ongoing investigation.
- The seven reports to a venue in quarter two were all made between 9th July and 26th August. No further reports have been received about this venue. Action taken here included Environmental Protection Officers contacting the head of operations in July, and they reported that staff had been reminded to comply with noise mitigation measures and dispersal policy. Our Licensing team have also been investigating this venue following a report being made to them.
- The six reports made regarding a venue in quarter three all occurred between 7th and 16th of October and concerned a squatted premises. The action taken was as follows: a Principal Enforcement Officer served notice on the owner notifying them to take action to remove the squatters, Environmental Protection Officers sent the company directors a warning letter, a letter was also sent to the owner of the building to notify them of use of the building, and the complainant was advised to contact the Environmental Protection Team for a noise assessment.
- The two venues with an X are not necessarily single venues, but rather the aggregate count of complaints against "unknown" venues.

4.8.31 The maps on the following pages focusing on music provide a more accurate representation of licensed premise related noise in Shoreditch. The clusters moved during each quarter, once again highlighting that no one venue has been responsible for ongoing noise.

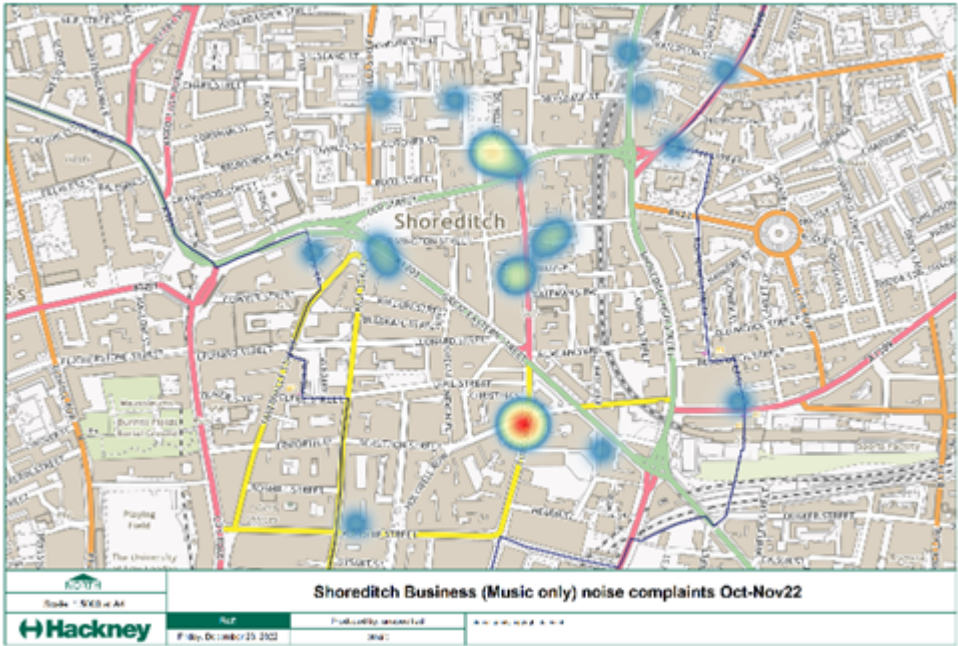
Noise Complaints (Business) July 2022 to 19 Sept 2022



Business Music Complaints July 22 to 19 Sep 2022



Noise Complaints (Business) October 2022 to November 2022

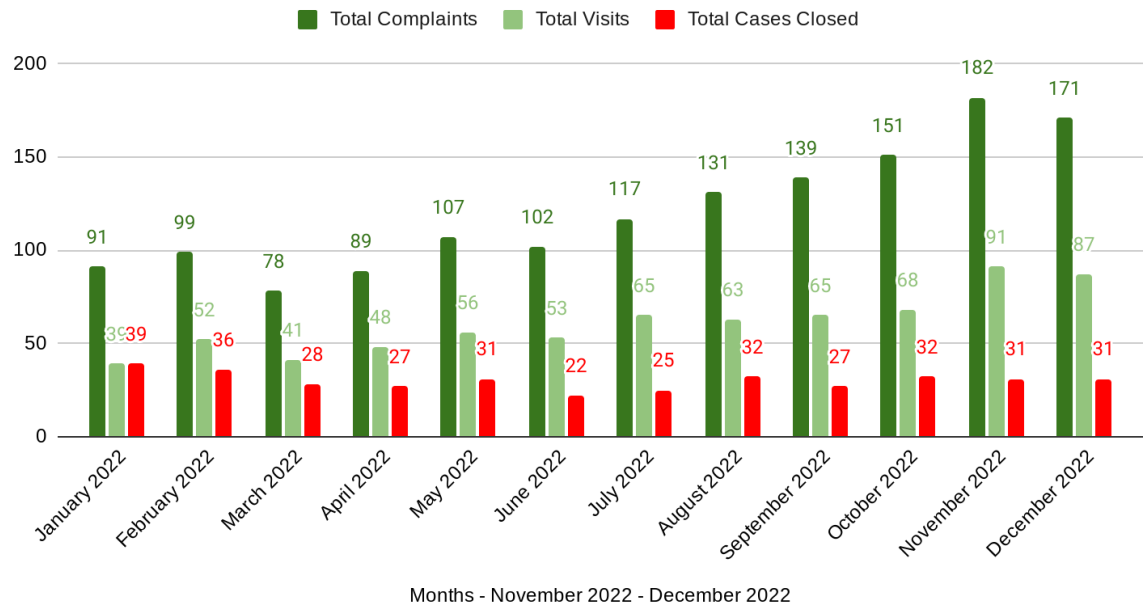


Business Music Complaints October 2022 to November 2022



- 4.8.32 During the lockdown as a result of the pandemic, Officers were unable to enter residential properties to carry out an internal assessment as part of their nuisance investigation. The requirement for an internal assessment is necessary 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 put on hold to prevent the spread of Covid-19 until May 2022.
- 4.8.33 In order to further existing complaints (backlog) with visits and to completion, any new report received by the Officers there have been delays in the investigation due to Officers working on their complaints backlog and responding to all consultation applications (Planning, Licensing & Section 61 Applications).
- 4.8.34 For new noise 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. The role of the First Response Officer is to filter and triage all new reports received by the service. An agency member of 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.
- 4.8.35 The role of the First Response Officer is to address all new and incoming service requests received by the Environmental Protection Team. The Officer deals with initial reports received, sending out acknowledgement letters and emails, undertaking site visits and referring any cases onto the ward officer should a statutory nuisance be witnessed or require further complex investigation. This process saves time Ward Officers would have otherwise have spent on new reports and thus can work on all their backlog of service requests. A breakdown of the work undertaken by the Officer is shown on the chart overleaf.

Breakdown of Service Request and Actions carried out by First Response Officer - January 2022 - December 2022

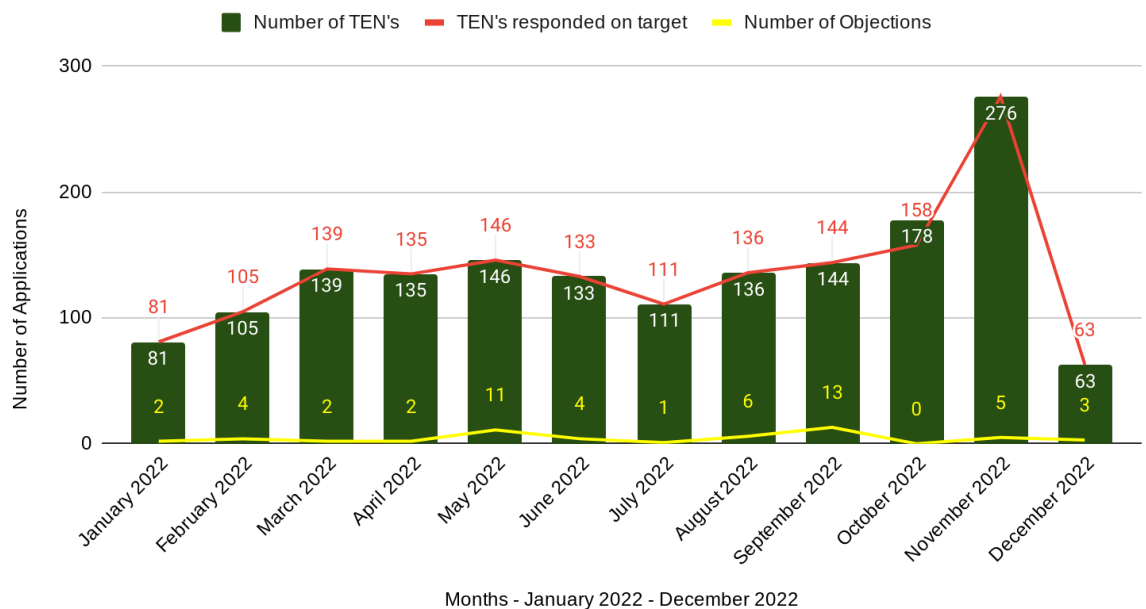


4.9. Temporary Event Notices

- 4.9.1 The Licensing Act 2003 is the empowering legislation for TENs, implemented in November 2005. There have been three subsequent legislative changes, the first was a Legislative Reform Order (LRO) in July 2010 and implemented in October 2010. This minor change gave Police Licensing teams three working days to respond to a TEN from the previous maximum of two days.
- 4.9.2 The second change was the Police Reform and Social Responsibility Act 2011 that came into effect in April 2012. This was more substantive and had a significantly wider scope than the earlier LRO and had the effect of:
- enabling an objection to a TEN to be based on all four of the licensing objectives rather than just the prevention of crime and disorder.
 - allowed the Environmental Health Service to be able to object to a TEN in addition to the Police.
 - extended the period for which an objection could be made from 2 working days to 3 working days.
- 4.9.3 However it also allowed the "late TEN" which saw the number of TENs received in Hackney increase by around 25% in the first year. The third was the Deregulation Act 2015 that came into effect in January 2016. This increased the maximum number of TENs a premises can have from twelve to fifteen per calendar year.

4.9.4 The number of TENs received has increased considerably over recent years, placing a considerable demand on Police Licensing, Council Licensing and EPOs dealing with noise from commercial premises. The Responsible Authorities (RAs), of which Environmental Protection is one and the Police the other in the case of TENs, have the responsibility to ensure minimal public nuisance is caused by the granting of TENs. However the legislation is extremely permissive for the premises user and specifies rigid timescales for response/refusal that if not met mean automatic acceptance of the TEN. A breakdown of the work undertaken by Environmental Protection in relation of TENs is shown below

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



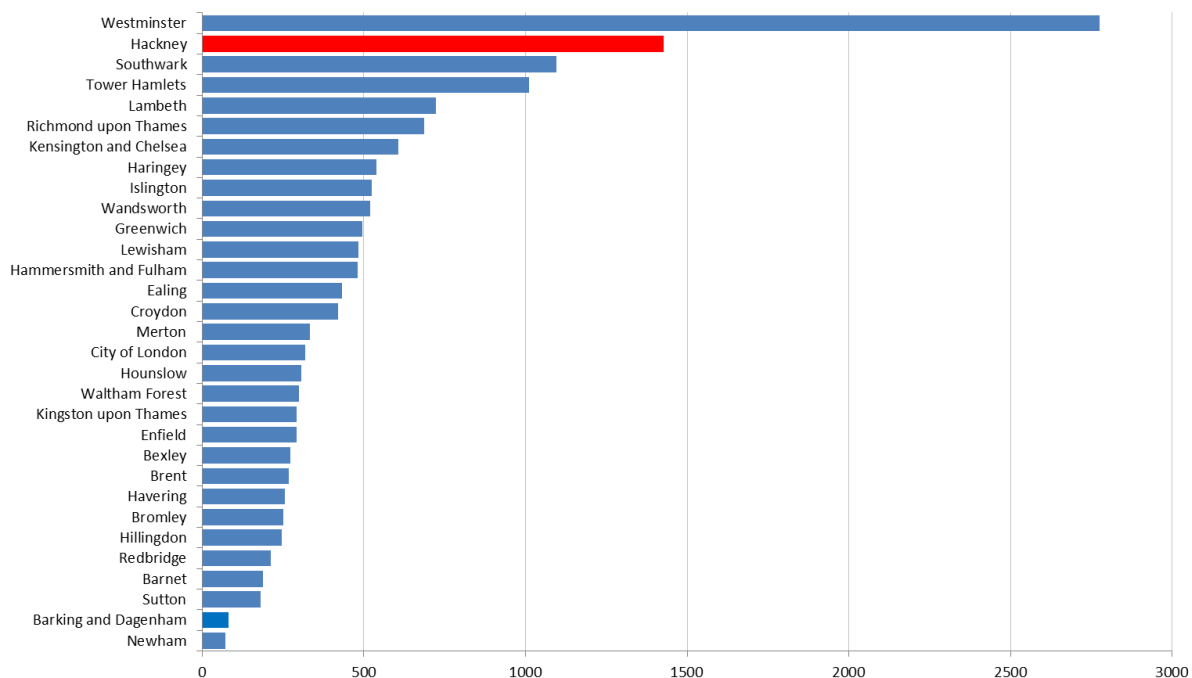
4.9.5 To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the premises' user and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of TENs received and timescales imposed by the legislation. As part of the integrated service, one Officer has been dedicated to dealing with TENs to make the careful assessment of which TENs to make a representation on, thus targeting those TENs which stand out as the most obvious through risk, enforcement, evidence or ones that have been historically problematic.

4.9.6 Additionally all TENs that have been issued are scrutinised at the regular weekly tasking meeting and potential events that need particular attention from a noise or ASB perspective are flagged by the Intelligence Hub. Enforcement resources may then be allocated to ensure that problems are prevented or reported on to prevent further occurrences through the licensing application processes.

Differences and similarities between Standard and Late TENs for comparison

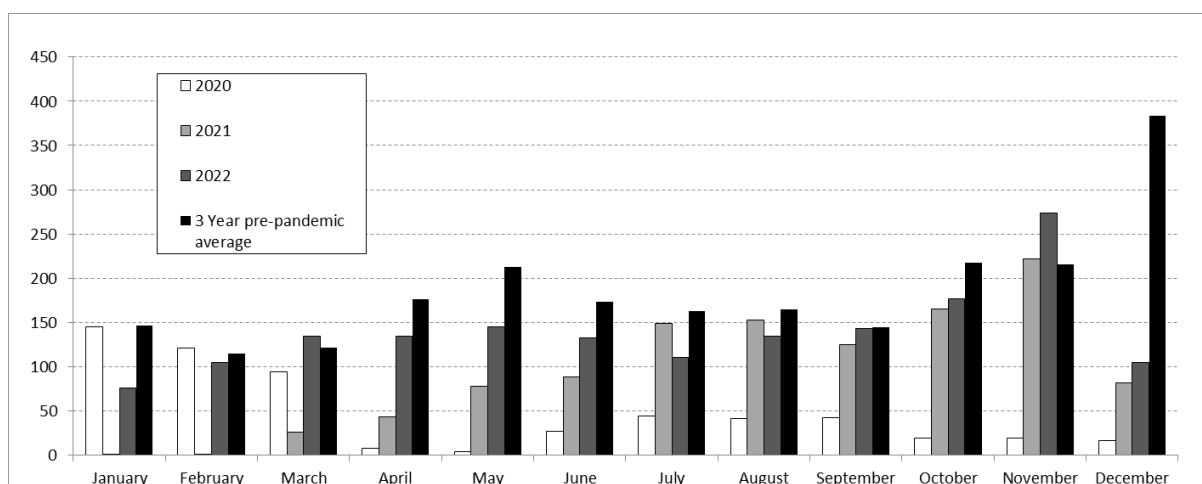
Variable	Standard TEN	Late TEN
Number of working days' notice required before event	10	5 minimum 9 maximum
Maximum number of TENs permitted per calendar year by type for a personal licence holder	50	10
	50 maximum per calendar year	
Maximum number of TENS permitted per calendar year by type for a non-personal licence holder	5	2
	5 maximum per calendar year	
Rights of appeal after a representation made	Full rights	None
Maximum number of TENs for a single premises in one calendar year	15	15
Maximum duration of any one TEN	168 hours (7 days)	
Maximum number of days permitted for a premises to be used for activities authorised by a TEN in one calendar year	21 days	
Minimum time required to elapse between TENs	24 hours	

4.9.7 The demand in Hackney has been disproportionately high, with Hackney receiving the second highest number of TENs in London after Westminster according to figures released by the Home Office which is shown below.



4.9.8 TENs can be seen as a barometer of activity, as the number of these received generally reflects the level of activity and participation in the NTE.

4.9.9 Following the onset of the pandemic, the number of TENs received saw the biggest fall of all activity types administered by the Licensing Service. The chart below highlights the impact of the requirements for businesses to close during the lockdown periods throughout 2020 followed by a gradual increase in activity during 2021 and more significant increase in 2022.



4.9.10 The gradual increase lasted until November 2021, which saw numbers return to the average typically received during the month. However, the onset of the

Omicron variant and an increase in objections to TENs by the Police led to the December figure of around a fifth of the typical number for the month.

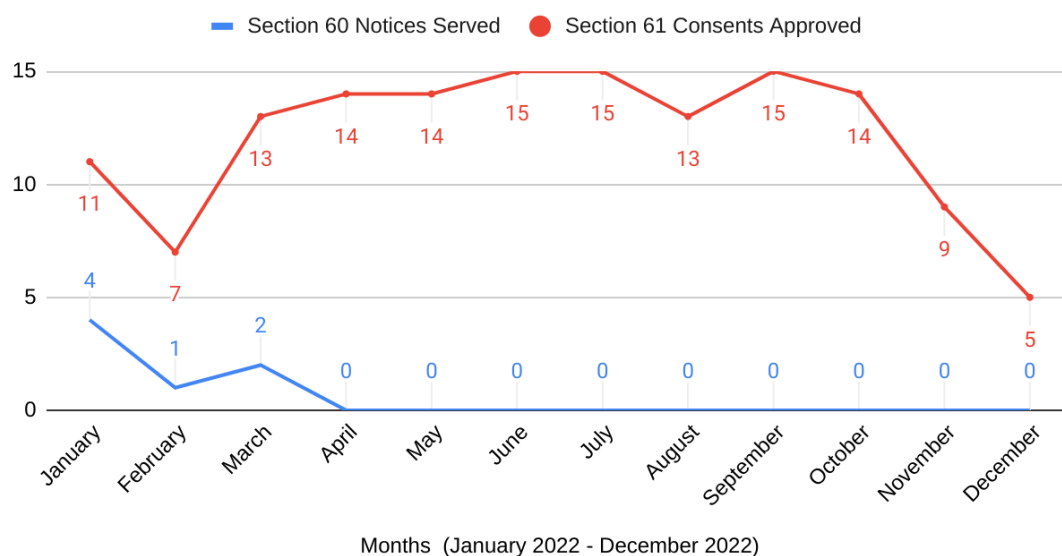
- 4.10.11 The Service expects the numbers of TENs to recover or even exceed normal levels during 2023 as the impact of the pandemic lessens . Also the number of TENs allowed in a calendar year has increased for two years following a change to regulations by the Home Office.

4.10 Construction Site Noise

- 4.10.1 Construction noise normally manifests itself as a result of planning permission being approved for development and normally after actual work on site starts. The amount of construction in the borough has increased considerably in the past ten years, and this has led to an increase in the average number of notices served or applications for consents approved under s60 and s61 of the Control of Pollution Act 1974. In the period January–December 2022, 7 s60 notices were served while 145 consents were issued, which is shown in the charts below. Many of these require very detailed negotiations and many site visits throughout the lifetime and various phases of each construction project. A breakdown of this is shown in the table below and the chart on the next page.

Months (January 2022 - December 2022)	Section 60 Notices Served	Section 61 Consents Approved
January	4	11
February	1	7
March	2	13
April	0	14
May	0	14
June	0	15
July	0	15
August	0	13
September	0	15
October	0	14
November	0	9
December	0	5
Total	7	145

Section 60 Notices Served and Section 61 Consents Approved January 2022 - December 2023



Equality impact assessment

4.10. N/A.

Sustainability and climate change

4.11. N/A.

Consultations

4.12. N/A.

Risk assessment

4.13. N/A.

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

5.1. This report requests the Corporate Committee to note the annual performance in relation to noise nuisance for the period 1st January to 31st December 2022.

5.2. There are no immediate financial implications as the report notes retrospective data for 2022. The cost of the Noise Enforcement Service is managed within the Community Safety, Enforcement and Business Regulation Budgets.

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

- 6.1. The content of this report is for informative purposes and sets out the annual performance report in relation to noise nuisance for the period 1st January to 31st December 2022.
- 6.2. There are no legal implications arising from this report.

Appendices

None

Background documents

None

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Corporate Committee - Draft Work Plan 2023/24

May/June 2023 (Provisional)				
1	HR Policy Review (if required)		To Approve	Ian Williams (Sandra Farquharson/ Stuart Thorn)
2	Enforcement and Environmental Protection Service Delivery Plans 2023/24	The report sets out the service delivery plans for the 2023/24 financial year.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)
3	Business Regulation Service Delivery Plans 2023/24	The report sets out the Business Regulation Service delivery plans for the 2023/24 financial year.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)
4.	Environmental Enforcement - Annual Performance Report 2022/23	The report sets out the annual performance report across the environmental enforcement remit for the 2022/23 financial year.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)

September 2023				
1	HR Policy Review (if required)		To Approve	Ian Williams (Sandra Farquharson/ Stuart Thorn)
2	Regulatory Services Service Plan Update 2022/23	This report provides an update on the performance of the Food Safety (The Food Law Enforcement a statutory plan) and Trading Standards Services against the Plan	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)

December 2023				
1	HR Policy Review (if required)		To Approve	Ian Williams (Sandra Farquharson/ Stuart Thorn)
2	Pay Policy Statement 2023/24	Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Ian Williams (Sandra Farquharson/ Stuart Thorn)
3	Gender and Equalities Pay Gap Report	The law (the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017) requires that the Council calculate and report the gender pay gap annually. Although there is no statutory requirement to do so, Hackney also produces the ethnicity pay gap. The ethnicity pay gap is presented in this report as well.	To Approve	Ian Williams (Sandra Farquharson/ Stuart Thorn)
4	Planning Authority Monitoring Report April 2021 - March 2022 & 2022/23	The AMR provides monitoring information on spatial planning related activity for the financial year 2021/22 & 2022/23 to inform and monitor policy development and performance	To approve	Rickardo Hyatt (Natalie Broughton)

March 2024				
1	HR Policy Review (if required)		To Approve	Ian Williams (Stuart Thorn)
2	Annual Performance Report Of The Noise Service 2023/24	The annual report sets out the development of the Council's response to noise nuisance.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)
3	Annual Report of the Public Spaces Protection Order (PSPO) 2023/24	Annual report on the Public Spaces Protection Order.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)
4	Report of the Public Realm including policies for tables and chairs on pavements	Report detailing the Council's activities and performance including policies for tables and chairs on pavements	For Information And Comment	Rickardo Hyatt (Tyler Linton, Daniel O'Sullivan & Natalie Broughton)

Updated: 1 March 2023

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