



**ENVIRONMENTAL ENFORCEMENT – ANNUAL ASSESSMENT OF THE  
LOCAL ENVIRONMENTAL QUALITY ENFORCEMENT STRATEGY AND  
ANNUAL PERFORMANCE REPORT 2014/15**

**CORPORATE COMMITTEE**

**8 October 2015**

**CLASSIFICATION:**

**Open**

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

**WARD(S) AFFECTED**

**All Wards**

**CORPORATE DIRECTOR**

**Kim Wright, Corporate Director of Health and Community Services**

## 1. INTRODUCTION

This report sets out the annual performance report across the environmental enforcement remit for the 2014/15 financial year and an annual strategic assessment of the Local Environmental Quality Enforcement Strategy.

## 2. RECOMMENDATION

**The Corporate Committee is recommended to:**

- 2.1 Note the annual report for the service and the annual assessment of the Local Environmental Quality Enforcement Strategy.

## 3. REASONS FOR DECISION

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

## 4. BACKGROUND

- 4.1 The Council's Local Environmental Quality (LEQ) Enforcement strategy was agreed by Cabinet in March 2013 and sets out the approach of the service in delivering the Council's LEQ priorities and commitments. The strategy was presented to Regulatory Committee in December 2012 prior to being formally adopted at Cabinet in March 2013.

- 4.3 The implementation and effect of the LEQ Enforcement Strategy continues to be positive, driving improved levels of compliance across the borough and performance of the team. This has been most evident in the reduction of unregulated waste, management of A-boards, fly tipping enforcement and increased performance outputs and evidenced outcomes achieved.

- 4.4 The service is leading the continued delivery of a shared and co-ordinated approach to environmental enforcement with increasingly collaborative working across a range of services. Great strides have been made in how the team works with Environmental Operations and this has been integral to successes for both teams. The service also now works closely with Community Wardens who have been given delegated powers for some of the service functions including illegal street sales. The service is also working closely with Hackney Homes and Parks.

### 4.5 **Summary of Performance in 2014/15**

- 4.5.1 Appendix 1 details Key Performance and Appendix 2 an overview of fixed penalty and other statutory notices issued in 2014/15. A large proportion (69%) of enforcement actions concern waste and litter issues; this includes commercial and residential waste enforcement and the tackling of unregulated waste and fly-tipping, volume crime offences such as street litter and urination. Highways enforcement such as skips, A-boards and

hoardings is the second most active area for formal action taking up 14% of our outturn. Other areas of our remit such as dog control, illegal street trading, graffiti and flyposting make up the remaining actions. These actions are reflected in our priority work and achievements throughout 2014-15 concerning unregulated waste, flyposting and A-board policy changes and enforcement.

4.5.2 Overall the service has performed well against all set performance indicators with outturns achieved or exceeded.

4.5.3 The following sections provide narrative on work undertaken:

4.5.4 The A-board policy which was implemented in 13/14 is continuously being enforced by the environmental enforcement team. The service has seen a reduction in the number of A-boards seen on the public highway in Hackney and a low rate of repeat offending after the first warning and guidance leaflet have been issued to businesses. While we have been very proactive in tackling the network which falls under Hackney's responsibility there is still a substantial amount of A-boards that can be seen on the TfL network. To tackle this, the environmental enforcement team have worked in partnership with TfL to promote a similar approach to Hackney in tackling A-boards on the TfL network in Hackney.

4.5.5 TfL ran a pilot in Hackney along two sections on the A10 between January 2014 and September 2014. After consultation with Hackney, TfL took the same approach as Hackney's process in terms of offering Fixed Penalty Notices to discharge liability as opposed to the immediate removal of A-boards and prosecution. TfL deemed the approach a success and subsequently rolled this out as part of their day to day activity and also extended this approach to the TfL network in Shoreditch. Hackney officers have formal contact details for TfL officers where cases can be referred for action. TfL are expanding their staff resource with 80 new operatives who will also have responsibility of covering highway obstructions across the TfL network. They have also advised that their enforcement will extend to weekends.

4.5.6 Hackney's approach in managing A-boards has also been presented at a seminar organised by London Travel Watch. Officers were invited to the event promoting good working practices on A-board policy and enforcement and prepared information packs for the attendees from various local authorities and other interest bodies. Packs included copies of our guidance leaflet, FPNs, sample warning letters and an updated shop front trading licence which now clearly stipulates that A-boards are not allowed in the licensed area for tables and chairs.

4.5.7 The service has managed a large number of formal cases during the year achieving significant results, including:

- A café on Mare Street was first reported by colleagues within Environmental Operations for constantly placing black bags on the highway without having any arrangements in place for them to be

collected. Officers gathered enough evidence to prepare a prosecution case with 30 charges of fly-tipping and breach of duty of care and one charge of failure to provide waste transfer notes for offences between May 2013 and October 2013. This case was adjourned 3 times and went on for well over a year. The Judge ruled that according to the sentencing guidelines in force he should fine £1280 for every offence, however the Judge fined £100 per offence for 16 offences. A victim's surcharge of £20 per offence was also payable. When sentencing was handed out the considerable amount of work put into the prosecution was recognised and the Council was awarded full costs of £2862.50. The café was ordered to pay a total of £4782.50.

- A bar on Kingsland Road with a history of ignoring correspondence from environmental enforcement was investigated and found to be placing black bags on the highway without any proper arrangements in place for their collection and disposal. The subsequent correspondence was ignored, but a licence application put forward for the property next door sparked movement on the case. The environmental enforcement team made objections to the licence being granted which then resulted in the applicant engaging with environmental enforcement officers which led them to confirming he was still responsible for the adjoining bar. He then sent through fictitious Waste Transfer Notes in the hope that this would rectify the issue and not jeopardise his application for a new license. Officers prepared a prosecution case against the business for not having proper arrangements in place for waste disposal as well as fly tipping. On sentencing the Judge stated that at the beginning of the case he had considerable sympathy for the defendant, however as the defendant had been operating for over 7 years and had deliberately fabricated his evidence, attended court and lied about it, he could not give the defendant any credit whatsoever for the offences committed. Including a victim surcharge of £125 and costs of £1410, the defendant was ordered to pay a total of £6035. Five months later the same defendant was ordered to pay £4005 in a separate action and uncontested action taken by environmental enforcement officers.
- In July 2014 it was reported in the media that Councils and the Police were powerless to stop people from selling and taking nitrous oxide on the streets. The Council issued a press release which showed that Hackney's environmental enforcement team was taking the lead in cracking down on nitrous oxide by using its powers to prevent illegal street trading. The press release was covered over 30 times in national, regional and local press and followed up with media interviews on BBC London radio, BBC London TV and London Live. Subsequent hauls of seized canisters were publicised on social media, which attracted further media and press interest. The service has seized over 10,000 nitrous oxide canisters with a street value of around £65,000. Information regarding offenders are recorded in the Council approved data base and such details are shared with the local Police as required.

4.5.8 To enhance the work that is currently being done, the enforcement team have provided training to the Community Wardens who are now competent in dealing with the offence. They are now fully aware of both the legal and practical elements in dealing with illegal street trading, but they however still require police support in order to be more effective.

#### 4.5.9 Damage to Trees

4.5.9.1 Damage to trees is generally identified long after the offence has been committed with no evidence or witness to who damaged the trees. However, the environmental enforcement team will pursue cases where evidence is apparent. As a result of recent joint work, the enforcement team has managed to recover costs on two occasions for damage incurred in February and March 2015. In February damages of £1550 were calculated and recovered via vehicle insurance for costs incurred to replace a similar tree of same age, size and quality. In March officers identified damage to a tree caused by long recovery vehicles repeatedly parking and hitting the tree outside a garage in Stamford Road N16. The service and the garage owner agreed damages of £387.

#### 4.5.10 Unregulated Waste Programme

4.5.10.1 The main objective of this programme was to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with waste management processes. This principle was embedded in each operational objective delivered within the programme in relation to environmental enforcement to identify non-compliant residents and businesses, take appropriate action and change behaviours. Specific streams of the project targeted the main roads which had amongst the highest volume of unregulated waste, namely the A10 (Kingsland Road through to Stamford Hill), Broadway Market and Chatsworth Road. The programme has produced a reduction in unregulated waste through direct enforcement; changes to contracts (both private and Hackney), new contracts where none were in place previously, positive behaviour change around placing out of waste in the right locations and during the correct time for collection (timebands in place). Positive changes have also been progressed through wider findings and changes to operational resources ie a dedicated principal enforcement officer with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

#### 4.5.11 Hackney Homes

4.5.11.1 In further exploring joined up working with Hackney Homes, the environmental enforcement team have coordinated a series of training programmes for Hackney Homes staff who are fundamental in gathering intelligence to address a number of joint priorities on estates such the management of dog control, fly tipping and littering. We have delivered against our plan to train Hackney Homes ASB Officers and Environment staff to act as professional witnesses for environmental offences on

estates and to carryout primary dog control enforcement up to and including issuing of Notice of Intended Fixed Penalty. An established working group is enabling the effective implementation of joint protocols, a service level agreements, training and operational tools. Full implementation of the new joint arrangement is scheduled to should be embedded by Q4 15/16.

#### 4.5.11.2 **Annual Assessment of the Local Environmental Quality Enforcement Strategy**

4.5.11.3 The LEQ Enforcement Strategy continues to provide a sound approach for managing Hackney's local environment in partnership with Environmental Operations and other corporate stakeholders. It is recognised as a good example of published policy and the setting of standards and the service's strategic framework of Prevention, Protection and Sustainability is an effective one and supported within the ongoing cross cutting review of enforcement services. The strategy drives integration of enforcement related support within partners' services and develops improved back-office functions to ensure efficiency of delivery and a consistent approach. The integrated relationship formed between Environmental Enforcement and Environmental Operations has enabled the Environmental Operations team to be trained as professional witnesses enabling a greater contribution to the enforcement process. The Ward Improvement Programme also supports this process providing evidence of standards failure and intelligence. These examples have been referenced in the cross cutting enforcement review with the suggestion that they be harnessed and maximised across the services.

4.5.11.4 The objectives of the strategy remain the same; they are:

- Ensure that improvements, both proposed and implemented, are sustainable and incorporated into systems and procedures, to ensure standards are maintained and not short lived.
- Improve local environmental quality in neighbourhoods.
- Be persistent and determined to tackle the potential extent of non-compliance, particularly where offenders seek to gain financially from their behaviour at the Council's expense.
- Reduce overall costs of non-compliance.
- Improve public satisfaction with their local environment.

## 4.6 **Policy Context**

4.6.1 A review of the key policies contained within the LEQ strategy has been undertaken and the policies are deemed to continue to be fit for purpose at this current time.

### 4.6.2 **Legislative Considerations:**

4.6.2.1 The Regulators Code - aims to improve the way regulation is delivered at the front line. It sets out a clear framework for transparent and accountable

regulatory delivery and establishes clear principles for how local authorities should interact with those they are regulating. The Code is underpinned by the statutory principles of good regulation, which provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

- 4.6.2.2 All Councils were written to by the Government Department BIS in March 2014 drawing attention to the complaints process detailed in the code. In response to this the service undertook a review of its provisions in the LEQ Enforcement Strategy and processes.
- 4.6.2.3 The service found that the LEQ Enforcement Strategy and processes contained within were fully complying with the provisions of the code. One key area of the review related to the transparency of the complaints process in relation to Fixed Penalty Notices (FPN) and proportionality of use. The service's FPN process is transparent in relation to allowing complaints to be made, describing how they can be made and in terms of spelling out the resolution process and the FPN process itself. The service further allows representations to be made in relation to the specific case where an FPN has been used.
- 4.6.2.4 The LEQ Enforcement strategy also clearly defines how the service applies penalties and in what circumstances, ensuring these are appropriate to the offence committed and the individual circumstances.
- 4.6.2.5 Where necessary the service has reviewed operations and formal processes taking account of the Anti-Social Behaviour, Crime and Policing Act 2014. Litter Control Notices (Section 92 and 93 of the Environmental Protection Act 1990) have been replaced with Community Protection Orders/Notices. It is also now possible to capture a range of LEQ issues eg: waste, graffiti and litter under one Community Protection Notice (CPN). Dog Control Orders (DCOs) have been replaced with Community Protection Orders (CPOs), but Hackney's existing DCOs remain in place pending a review in 2016/17.

#### **4.7 Equality Impact Assessment**

- 4.7.1 The current EIA for the LEQ Enforcement Strategy remains appropriate for the service. An EIA will be undertaken for any new policy changes, procedure changes etc in line with legislative responsibilities.

#### **4.8 Sustainability**

- 4.8.1 The objectives and delivery of the LEQ Enforcement Strategy as covered in this report support improving the sustainability of Hackney's public realm and environmental operations.

#### **4.9 Consultations**

- 4.9.1 There are no consultations to report.

## **4.10 Risk Assessment**

- 4.10.1 Rate of growth – Business and household growth in the borough has been significant and will continue. Keeping up with this rate of growth is a particular challenge for the service within its current resource provision especially relating to waste management and sustaining local environmental quality. This includes controlling the environmental impacts from businesses such as litter and staining throughout their operating hours and managing appropriate commercial and household waste enforcement. Officers and partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, minimising highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.
- 4.10.2 Administering the enforcement process – Sustaining current levels of performance and presence is a challenge with current back office resources. Back office resource is critical to ensuring officers can address non-compliance on site effectively. Mobile ICT working solutions and new technology would assist in ensuring efficiency and effectiveness of the service and corporate mobile working and business intelligence projects is have commenced.
- 4.10.3 Resource deployment - Pressure to provide a visible presence on street impacts upon resource available for high priority case progression/investigation, sustainable problem solving and behaviour change initiatives. Getting the balance right between these is critical for the Council moving forward and the joint working approach currently being developed supports this. Communications both Borough-wide and locally needs to be further utilised alongside physical resources so that together they are directed in a way that maximises the feel of “Presence” whilst ensuring a keen focus on cost and effectiveness. Environmental Enforcement communications benefit from a dedicated support within the environment and waste strategy service.
- 4.10.4 The cross cutting enforcement programme is picking up on measures to ensure coordinated and accountable processes for cross departmental problem solving. This will support a cross departmental approach to managing problems in localities and neighbourhoods to bring about solutions that are not within the gift of a sole service to resolve. This approach would help address problems associated with NTWE, Neighbourhood Management and Environmental Crime. Partnership Tasking delivers this in part in relation to the crime and anti-social behaviour agenda; however it is not designed to take a holistic approach to problem solving relating to all the matters highlighted.



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

5.1 This report is an annual performance report across the Environmental Enforcement remit for financial year 2014/15. The Environmental Enforcement service had a net budget of £896k, the primary cost of which is the 14 FTE posts within the function. The outturn position for 2014/15 was to budget.

5.2 There are no direct financial implications emanating from this update and any initiatives arising from this will need to be reviewed separately.

## **6. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES**

6.1 Legal have achieved significant results in Prosecution cases during the year as outlined in the Report. Keeping up with the volume of Prosecution cases received is a particular challenge for Legal services due to current resources. Legal will however, endeavour to ensure Prosecutions are progressed, whilst also continuing to consider that all cases submitted are proportionate, transparent and consistent in its approach. Legal will also provide ongoing advice on legislative changes as and when required.

## **7. FORWARD PLANNING**

### **7.1 Objectives, Priorities and Key Performance Indicators for 2015/16**

7.1.1 The objectives for 2015/16 are as follows:

- Tackling Unregulated Waste, which based on current levels, is thought to cost in the region of £1.3m for collection and disposal.
- Behaviour change and associated cost avoidance including, but not limited to tackling volume crime such as litter, responsible dog ownership, increasing recycling take up.
- Improved levels of compliance, cost avoidance and sustained improvements in Local Environmental Quality particularly in NTWE and contribution to Area Regeneration.
- A full review of current time bands.

7.1.2 The priorities for 2015/16 are as follows:

- Ensure compliance improvements delivered in 2014/15 are sustained.
- Ensure processes are in place to monitor the implementation in new developments of waste related planning conditions and, where this isn't the case, utilise legislation to stipulate requirements.
- Work with Hackney Homes to ensure processes are in place to tackle estate based fly tipping and dog control aligned to on street processes.
- Campaign to tackle litter and stainage via a voluntary agreement with NTWE premises, deploying litter control legislation in the worst cases.

- Continue to review and propose licence conditions on NTWE premises to improve levels of prevention of environmental impacts such as through waste training of staff etc.
- Prioritise tackling the worst fly-tipping cases and deliver further tonnage reductions of unregulated waste through the Unregulated Waste Project.
- Improve standards of cleanliness on RSL land through the Ward Improvement Programme processes and applying appropriate legislative controls.
- Minimise the spread of Street Art Graffiti containing any new art to an appropriately defined area.
- Tackling local issues/problems through locally defined and targeted, enforcement and communications campaigns.

7.1.3 In addition the following KPI's have been reported in 2014/15 and targets set for 2015/16:

KPI Code and Description	Out-turn 2014/15	Set Targets 2015/16
HCS PR 057 Businesses with Trade Waste Agreements in place	6307	Unchanged 6000 PA
HCS PR 058 Unregulated Waste Tonnage	5458t	Reduction to 5250t
HCS PR 059 Patrols - Targeted operations	660	Increase to 260 pa (65 PQ)
HCS PR 060 Response to customer within 2 days -	98%	Unchanged 98% PQ / PA
HCS PR 063 Formal Notices Issued (cumulative)	3474	Unchanged 2500 pa (625 PQ)

7.1.4 LEQ Enforcement Strategy Action Planning:

- Ensure compliance improvements delivered in 2014/15 are sustained:
  - Review case evaluation processes and standard operating procedures to identify opportunities for prevention of repeat offending.
  - Review Borough Wide and Neighbourhood Deployment
  - Ensure sustainability features in all actions.
- Ensure new developments have implemented the waste related planning conditions and where this isn't the case utilise legislation to stipulate requirements.
  - Monitor the implementation of waste provisions that have featured as conditions through the planning process and seek to address any non-compliance.
- Work with Hackney Homes to ensure processes are in place to tackle estate based fly tipping aligned to on street processes:

- Work with Hackney Homes to capture estate based flytipping and Dog Control non-compliance and propose actions to resolve worst examples.
- Support the estates based recycling project particularly in relation to the location and handling of bulky waste on estates. (Approved bulky waste deposit locations on estates are often confused as fly tip sites).
- Campaign to tackle litter and stainage via a voluntary agreement with NTWE premises, deploying litter control legislation in the worst cases:
  - Seek agreement to the frequent cleansing of the vicinity of businesses.
  - Deploy litter control legislation where businesses are obstructive.
- Continue to review and propose licence conditions on NTWE premises to improve levels of prevention of environmental impacts such as through waste training of staff. In 2014/15 the Enforcement Team placed conditions on 53 licensed businesses. These conditions have proved effective in ensuring businesses are aware of their responsibilities concerning duty of care and the behaviour of clients.
  - Continue to review license applications to ensure environmental considerations are made.
  - Review compliance with approved license conditions and take necessary follow up action such as education, monitoring, warning and review.
- Prioritise tackling the worst fly-tipping cases and deliver further tonnage reductions of unregulated waste.
  - Analysis of night time unregulated waste and implement actions for solution.
  - Tackle breaches on time banded streets.
- Improve standards of cleanliness on RSL land through Ward Improvement Programme processes and applying appropriate legislative controls:
  - Liaison with RSL's advising them on expected standards particularly relating to Highway adjacent land.
- Minimise the spread of Street Art Graffiti containing any new art to Shoreditch unless authorised by the Council:
  - Clearly define the geographical area of control.
  - Audit all sites outside of this area and where appropriate take action to bring about the clearance of graffiti from those sites.
  - Liaise with Council Departments and the Communications Team to ensure initiatives/communications activity do not promote graffiti.

- Tackling local issues/problems through locally defined targeted enforcement and communications campaigns:
  - Identify local problem locations, map these and develop an action plan for improvement.
  - Undertake local targeted problem solving campaigns supported by communications and engagement campaigns.

**APPENDIX**

Appendix 1: Environmental Enforcement – Annual Report 2013/14

Appendix 2: Fixed Penalties and statutory notices (excluding advisory notices).

**EXEMPT**

Not Applicable

**BACKGROUND PAPERS**

None

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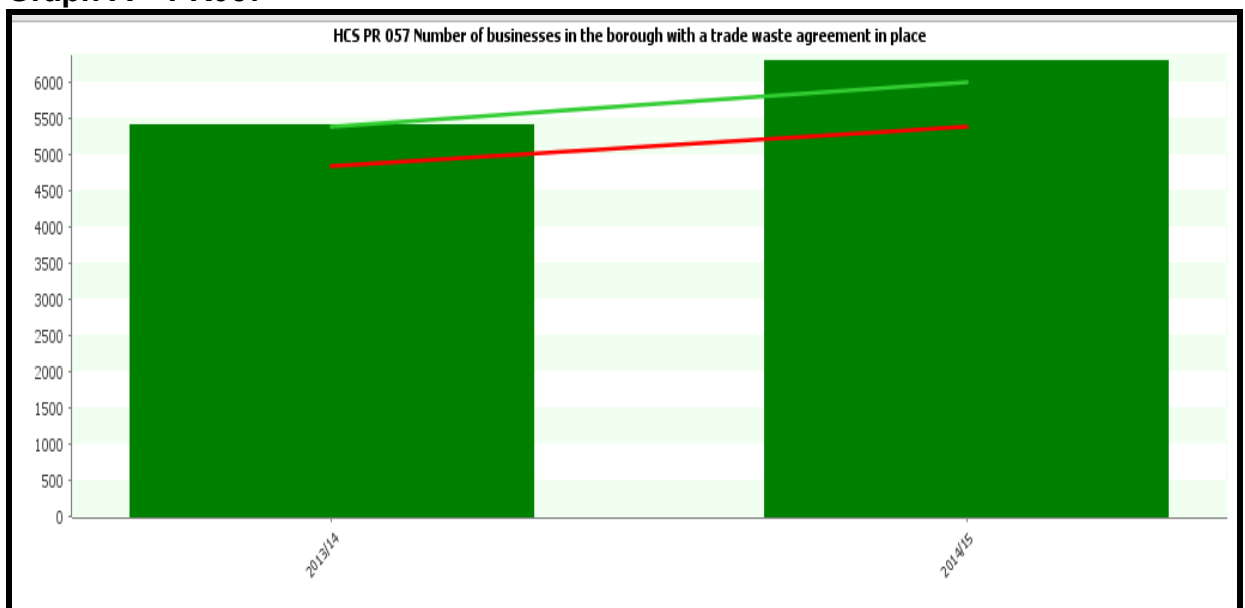
## APPENDIX 1

### ENVIRONMENTAL ENFORCEMENT – ANNUAL REPORT 2014/15

#### 1. SERVICE PERFORMANCE - CORPORATE KEY PERFORMANCE INDICATORS

- 1.1 The service monitors performance against a set of 5 performance indicators (PIs). The performance information provided in this appendix provides the annual out-turns with commentary.
- 1.2 **HCS PR 057 (Quarterly)** – (Number of businesses in the borough with a trade waste agreement in place).
- 1.3 A business that produces waste is required to have a Trade Waste Agreement (TWA) which confirms that arrangements are in place for the disposal of waste produced by that business. There are approximately 12,000 businesses within Hackney according to a study undertaken in relation to the Hospitality agenda (2014) however an unknown proportion of these businesses are operated from home and are low risks in terms of breaches of waste legislation. An overall definitive figure for non-domestic rate premises that are likely to produce waste isn't available at present, however the Environmental Enforcement team have been driving a process to develop a business case for the creation of a "Business Index" working with ICT, Business Rates and other key stakeholder across the Council. A corporate project is now underway to compile the business case for the index which will give a clearer and more effective way to report on this PI and manage a standard of business intelligence within the service remit.
- 1.4 Graph A combines the number of live Private Provider Trade Waste Agreements identified by Environmental Enforcement coupled with Live Trade Waste Agreements issued by Waste Operations.

**Graph A – PR057**



- 1.6 The red and green trend lines within the Graph depict the acceptable performance thresholds with Red depicting the minimum standard and Green the target level of performance.
- 1.7 The number of businesses known to have a TWA in place shows an overall increase of 897 from 2013-14 (5410) to 2014-15 (6307). Whilst these are known to have a TWA in place this does not indicate whether those businesses are compliant with the terms of those agreements however the work to improve levels of compliance are available in later sections of this report.

HCS PR 058 (Bi Annual) – (Tonnage of Unregulated Waste).

This indicator is reported on a bi annual basis and captures the estimated amount of unregulated waste within the borough

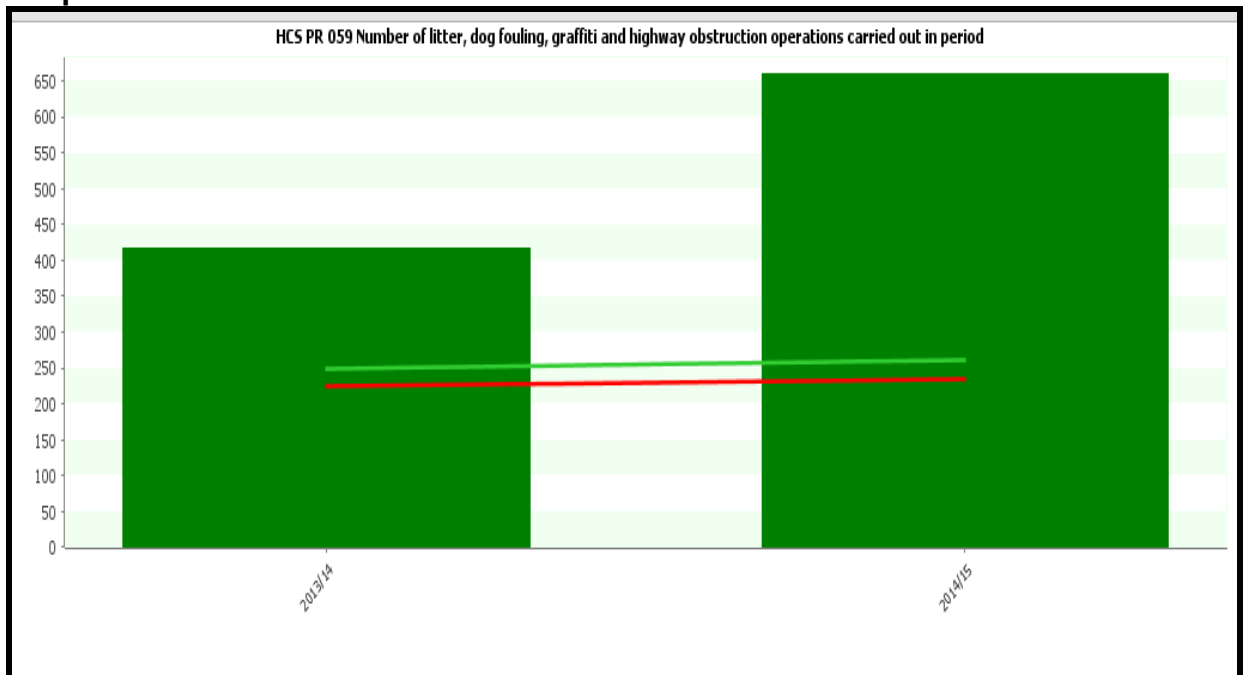
We have seen a reduction in unregulated waste of 482 tonnes from 5940 in 2013-14 down to 5458 in 2014-15.

The reduction is a result of proactive work within enforcement tackling non-compliance of waste management in the biggest impact commercial business areas, as well as wider work in investigations and prosecutions of large scale fly-tipping within the borough and education and advice concerning duty of care of both businesses and residents i.e. bulky waste collections and a close working relations with our Recycling Team and its remit.

- 1.8 **HCS PR 059 (Quarterly)** – (Number of litter, dog control/fouling, graffiti and highway obstruction and other patrols).
- 1.9 The graph below represents the planned, structured operations undertaken by the environmental enforcement team. These are driven by intelligence generated from service requests, corporate complaints, Ward Improvement Programme (WIP), Partnership Tasking and the enforcement officers' awareness and knowledge of their own areas.
- 1.10 In 2014-15, 660 targeted patrols/operations were delivered, an increase of 244 from 2013-14's out-turn of 416 and against an annual target of 260.

1.11 Graph B below provides the service performance against target for PR 059:

**Graph B – PR059**

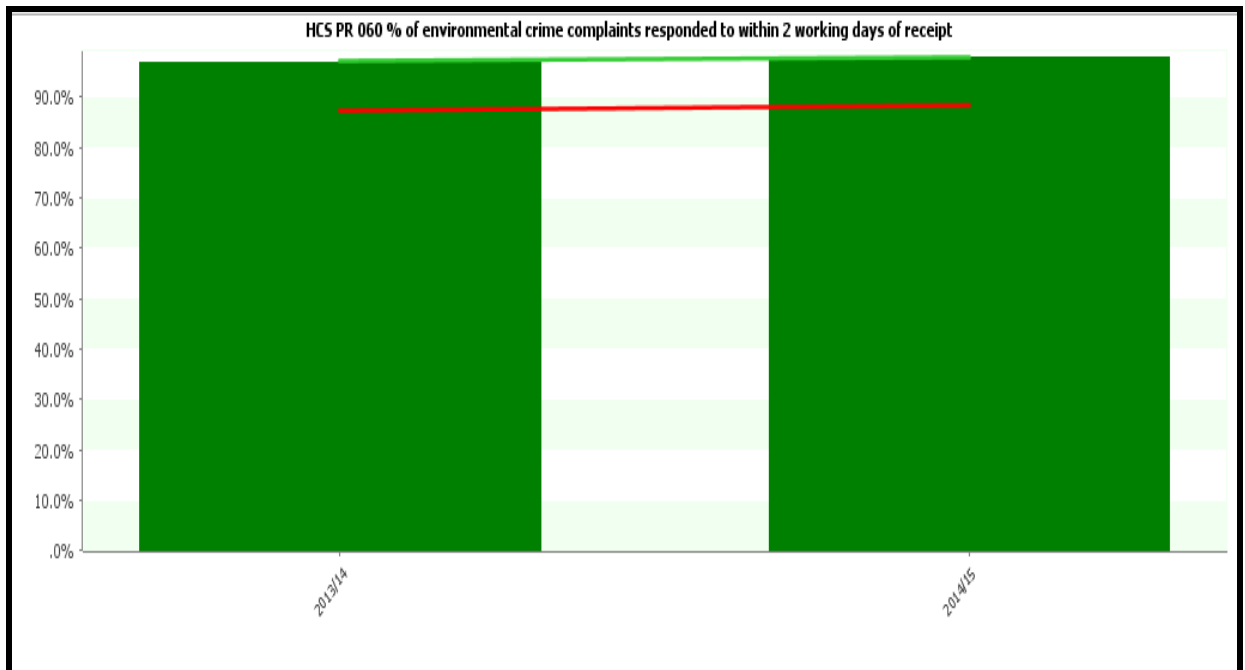


1.12 **HCS PR 060 (Monthly)** – (% of environmental crime service requests responded to within 2 working days of receipt)

1.13 When the Team receives a request, Officers contact the person highlighting the issue (if this is possible) and tell them what action the officer proposes to take. This invariably involves a visit to the site, an assessment of the issue and determination of the action to be taken. Subsequent to this the person may be contacted again for further information and/or updated.

1.14 The graph below provides the service performance against target for PR 060 and shows the successful achievement of 98% as set against all external service requests for initial contact with the customer/complainant.

## Graph C – PR060



### 1.15 HCS PR 063 (Quarterly) – (Number of formal notices issued)

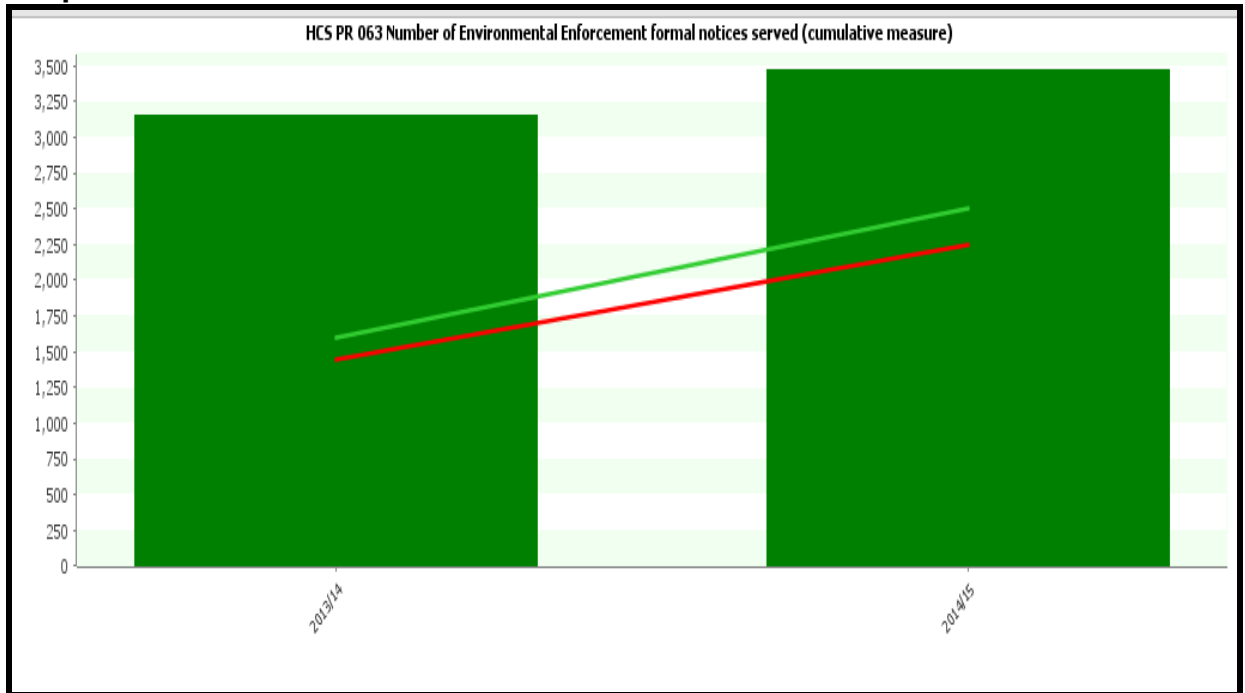
1.16 The current enforcement strategy is in line with the nationally accepted enforcement concordat. This requires a balanced graduated approach through education and advice to more formal legal action including prosecution. Generally such an approach is effective in tackling enviro-crime however the service is careful to ensure that the type of enforcement action is proportionate to the seriousness of the offence.

1.17 The tables below demonstrates the number of “formal notices” (part of the formal enforcement process) including advisory notices, issued in line with the guidance on PR 063, but does not include the range of other actions undertaken to ensure compliance or intended outcomes are achieved, such as education, verbal warnings, advisory letters, etc. Effective enforcement relies upon sound selection of an appropriate level of enforcement proportionate to the offence and circumstances, with the aim of achieving compliance and resolution of problems.

1.18 Graph D below provides the service performance against target for PR 063:



**Graph D – PR063**



- 1.19 The above figure represents a significant increase in the number of formal notices issued due primarily to improvements to the deployment and tasking of officers, focussed delivery of our LEQ priorities in effective delivery. We set a target of 2500 formal notices to be issued for 2014-15 and increase of 900 from 2013-14. This was achieved with an increase of 317 notices issued; an increase from 3157 (2013-14) to 3474 (2014-15).
- 1.20 For Financial Year 2014/15 the payment receipts for FPN's was £50,109.06.
- 1.21 The service has received a total of 174 corporate complaints and member enquiries during the year with 99% being responded to within corporate timescales. This represents a decrease from 2014-15 of 19 from 193 corporate complaints.

## **2. LEGAL CASEWORK AND PROSECUTION ACTIONS**

- 2.1 A number of cases are with the legal service/courts and are currently pending and these relate to offences including: Waste Duty of Care, Fly tipping, Street Urination, Illegal Street Trading, Highway Obstructions and Fly posting.

2.2 Table 1 below provides a snapshot of overall prosecution case management.

**Table 1 – Prosecution case management**

<b>FINAL OUTCOME</b>	<b>Total</b>
Case withdrawn	7
file closed	1
FPN Paid	2
Successful	11
warrant issued	3
Pending	4
Simple Caution	28
<b>Grand Total</b>	<b>56</b>

2.3 Table 2 below highlights prosecution cases by offence type.

**Table 2 – Prosecution cases by offence type**

<b>Types of Offences</b>	<b>Total</b>
Failure to Produce WTN	25
Fly tipping	18
Highway Obstruction	3
Illegal street Trading	1
Littering	3
Dog fouling	1
Fly Posting	3
theft	1
Failure to Provide Info	1
<b>Grand Total</b>	<b>56</b>

### **3. 2014/15 PRIORITIES**

3.1 The priorities for the service in 2014/15 as defined in the LEQ Enforcement Strategy document were:

- To minimise the environmental impact of the growing Night Time and Weekend Economy:
  - Work with Town Centre Managers and the Police to better engage with licensed businesses to encourage improved environmental management around premises.
  - Develop the current process that enables Environmental Enforcement to make representations in relation to new licence applications and applications to vary licences.
  - Undertake NTWE enforcement operations
- To reduce Graffiti and control the level of Street Art within the borough:
  - Shoreditch: Understand Graffiti/Street Art dynamics in the area
  - Works in default budget to be created to enable recharge for removal where appropriate

- To reduce Fly posting:
  - Develop a new streamlined process for Fly posting enforcement enabling simultaneous Fly posting removal and enforcement
  - Tackle beneficiaries of Fly posting and identify worst offenders for higher fines
  - Secure removal of unauthorised sites
- To reduce unregulated waste:
  - Implement a working group tasked with addressing unregulated waste in a consistent and concerted manner
  - Implement daily enforcement patrol priorities
  - Identify and address businesses that do not have Waste Trade Agreements in place
- To reduce Illegal highway obstructions:
  - Implement revised A Board Policy
  - Improve partner working with Highways Licensing to enable enforcement campaign
- To reduce non-compliance costs
  - Undertake detailed analysis of the costs of all enforcement and non-compliance
- To reduce Dog Fouling and Improve Dog Controls:
  - To maximise resource to ensure robust enforcement action on dog owners against dog fouling, dogs not on leads and dogs that are out of control in public places
  - Enforce Dog Control Orders
- To change behaviours:
  - Take robust action against illegal street traders
  - Deliver communications plan which will support the delivery of this action plan and develop behaviour change campaigns
  - Work in partnership with our community and the business sector to facilitate participation in achieving and improved local environment to the benefit of those who live, work, visit and play within the borough.

3.2 Detailed in the summary below are a range of examples of the services work against service priorities carried out during the last financial year 2014/15:

- To minimise the environmental impact of the growing Night Time and Weekend Economy.

3.3 Work with Town Centre Managers and the Police to better engage with licensed businesses to encourage improved environmental management around premises:

- The team have worked with the Dalston Town Centre Manager to improve locations around Dalston such as Millers Terrace, a privately managed area that is a hot spot due to poor lighting, the poor condition of the road surface and waste related issues caused from both residential properties and businesses. The service ascertained ownership and met with stakeholders and facilitated the renewal of the carriageway surface to improve and make safe access for refuse crews to collect waste.

3.4 Develop the current process that enables Environmental Enforcement to make representations in relation to new licence applications and applications to vary licences:

- Since late 2012 the service have engaged with the licensing team to establish the service as a representative authority on new licence applications with the aim of preventing offences and minimising the impact of businesses. To date the service has considered over 150 licence applications and in the process applying over 400 licence conditions. Officers have appeared at Licensing sub-committee where licence conditions were challenged and on each occasion the committee has supported the intended actions and authorised the conditions.

3.5 Undertake NTWE enforcement operations:

- Throughout the financial year the selling of nitrous-oxide was actively tackled by the environmental enforcement team. The issue was raised by businesses in the Shoreditch community in late 13/14. As the scale of the issue was new to the borough we innovatively tackled the issue through our illegal street trading powers. Not only was the selling of the canister illegal on the public highway, the empty balloons and nitrous oxide canister also create littering which can be both unsightly and a health hazard to members of the public. This has proved to be frustrating to residents, local businesses and visitors to the borough.
- To date over 60 fixed penalty notice for £150 have been issued. Over 10,000 nitrous oxide canisters with a street value of around £65,000 have been seized.
- To reduce Graffiti and control the level of Street Art within the borough.

3.6 Shoreditch: Understand Graffiti/Street Art dynamics in the area:

- The service has audited the area to record "Street Art" and enforcement officers are maintaining a record of all new street art in the area and ensuring through inspection and liaison that property owners are not being adversely affected by unauthorised graffiti art. In addition joint working with

Environmental Operations has been reviewed and communication links have been improved which is enabling a more coordinated approach to managing new and historic graffiti cases.

3.7 Works in default budget to be created to enable recharge for removal where appropriate:

- To date enforcement action has been effective in achieving graffiti removal for example three notable above head height graffiti sites in Shoreditch resolved, however a need for this budget still exists in order to tackle remaining above head height graffiti sites in the borough.
- To reduce Fly posting

3.8 Sustain a new streamlined process for Fly posting enforcement enabling simultaneous Fly posting removal and enforcement:

- A streamlined integrated service delivery process has been developed with Environmental Operations to enable swift enforcement and swift removal of Fly posting. Essentially Environmental Operations identify beneficiaries of fly posting, take photos and provide evidence to enforcement to enable further action to be taken. Environmental Operations will then take immediate action to remove the Fly posting.

3.9 Tackle beneficiaries of Fly posting and identify worst offenders for higher fines:

- This action is still ongoing, however to date it has not been necessary to take any specific beneficiaries through to prosecution action as they have paid FPN's or resolved the matter.

3.10 Secure removal of unauthorised sites:

- The service secured the removal of two major sites for fly posting on Great Eastern Street. These sites were being sold by a company as legitimate sites and through taking enforcement action the service secured the removal of these sites. Many other sites have been removed through enforcement action and through action to clear the site rapidly through liaison with Environmental Operations.
- To reduce unregulated waste

3.11 Implement a working group tasked with addressing unregulated waste in a consistent and concerted manner:

- The Unregulated Waste project formed part of the Delivering Integrated Waste Programme reducing the financial and environmental burden of unpaid or overproduced waste from businesses. The service has formed close professional links with Environmental operations to fully analyse the

problem, improve data and evidence capture with the aim of increased compliance and reducing costs.

- Unregulated Waste Phase 1 delivered in excess of 1100t pa reduction in unregulated waste. Phase 2 has now been completed seeing a further reduction of 482t. Despite this reduction, dumped or overproduced commercial waste on Hackney's main streets is estimated to total 5458t. Commercial waste disposal charges for this tonnage amounts to £573k.

### 3.12 Implement daily enforcement patrol priorities:

- Unregulated Waste features in all officers daily actions.

### 3.13 Identify and address businesses that do not have Waste Trade Agreements in place:

- To date the service has been unable to establish clear data on the number of businesses in the borough. A study by the Programmes and Projects team has established that there are approximately 12,000 businesses operating within the borough; however it's suspected that there are a significant number of home based businesses in the figures and these do not contribute in any significant way to the borough's unregulated waste quantities. Previous reports to Committee have highlighted the work of the team in trying to establish a business index that would help the service to better analyse the number of businesses with no Trade Waste Agreements. A corporate project has now commenced to compile a business case for the index.
- Detailed below are a few case examples:
  - To reduce Illegal highway obstructions.

### 3.14 Implement revised A Board Policy:

- For A Boards, 163 Advisory letters and 60 FPNs have been issued.

### 3.15 Improve partner working with Highways Licensing to enable enforcement campaign:

- The service has improved liaison with Highways Licensing and this resulted in an increase in the number of enforcement actions undertaken.
- To reduce non-compliance costs

### 3.16 Undertake detailed analysis of the costs of all enforcement and non-compliance:

- The service has reviewed all of the costs it applies to legal cases and has a full view on the costs of Unregulated Waste.

- To reduce Dog Fouling and Improve Dog Controls.

3.17 To maximise resource to ensure robust enforcement action on dog owners against dog fouling, dogs not on leads and dogs that are out of control in public places:

- A meeting took place in early January 2014 between the Enforcement team and Hackney Homes ASB team to try to progress Dog Control Enforcement by Hackney Homes ASB team and to explore the potential for further joined up enforcement working between Environmental Enforcement service and the wider Hackney Homes family of services that have an interest including Estate Management and Environmental Management teams.
- The meeting was very useful as a new starting point for exploring options for joint working to address a number of joint priorities such as Complaint Management, Dog Control, Fly Tipping and Littering on Estates. This will build upon the Community Wardens enforcement of Dog Control on estates that they currently do on Hackney Homes and Environmental Enforcement's behalf.
- Whilst we carried out training with HH officers in 2012/13 to enable them to enforce the new Dog Control Orders on estates, it was recognised that the time was not ideal to enable the ASB team and wider HH teams to get involved in the process given the structural changes being made at the time. It is positive that we can now move forward with this initiative.
- A timeline has been developed for the various work streams of this initiative:
  - Train and Warrant HH ASB Officers to carryout primary Dog Control Enforcement up to and including issuing Fixed Penalty Notices (Q2 2014/15)
  - Capture and Map Issues (Dogs/Waste) and improve liaison between EE and HH Estate Managers and Estate Environmental Operatives (Q1 2014/15)
  - Train and develop reporting processes to enable Estate Managers and Estate Environmental Managers to act as professional witnesses for Environmental offences on estates (Q3 2014/15)
  - Train and Warrant Estate Managers to carryout primary Dog Control Enforcement up to and including issuing Fixed Penalty Notices (Q2 2015/16)
- To date we have successfully delivered the Ambassadorial approach through current service budgets and our joint working with the Council's Community Safety Wardens has been recognised.
- To change behaviours.

3.20 Take robust action against illegal street traders:

- The service has carried out operations with Environmental Operatives, Local Police Teams, Safer Neighbourhood Teams and British Transport Police to address illegal selling at Boxpark and in the Shoreditch and Dalston areas at night. These actions have resulted in numerous seizures and have helped deliver a reduction of Illegal street trading in the borough over the year.

3.21 Deliver communications plan which will support the delivery of this action plan and develop behaviour change campaigns:

- The service communication plan remains under constant revision and supports every aspect of the actions undertaken by the service. Key actions are detailed above relating to A Boards Policy implementation, Dog Fouling Campaign and the Unregulated Waste project.

3.22 Work in partnership with our community and the business sector to facilitate participation in achieving and improved local environment to the benefit of those who live, work, visit and play within the borough:

- The service implemented Neighbourhood deployment and problem solving to help facilitate the building of local partnerships.



## APPENDIX 2

### ENVIRONMENTAL ENFORCEMENT – ANNUAL REPORT 2014/15

#### SERVICE PERFORMANCE – Fixed Penalty and other Statutory Notices

Concerning our delivery of formal enforcement notices (including fixed penalty and statutory notices), please see the below table which outlines our outturns of these formal notices by the offence (environmental crime action) type and total 2339.

As you can see a large proportion 44% of enforcement actions have concerned waste issues; this includes commercial and residential waste enforcement and the tackling of unregulated waste and fly-tipping. Litter volume crime offences such as street litter, urination etc make up 24.5%. Highways enforcement such as skips, A-boards, hoarding is our second most active area for formal action taking up 13.7% of our outturn. Other areas of our remit such as Dog control 1%, Illegal Street trading 1.1%, graffiti and flyposting; which is a volume crime 14.8%, account for the remaining actions. These action are reflective in our priority work and achievements throughout 2014-15 concerning unregulated waste, flyposting and A- board (Highways Act Enforcement) policy changes and enforcement.

Enforcement Type	Notice type	Count of Enforcement Type	Percentage of overall Output
☐ Dog Control Enforcement	Dog Off Lead in General Public Area	8	
	Dogs on Leads by Direction	1	
	Section 59 Dog Fouling FPN	11	
<b>Dog Control Enforcement Total</b>		<b>20</b>	<b>0.9</b>
☐ Highways Act Enforcement	Highway Obstruction 48 Hour Removal Notice	3	
	Highway Obstruction 5 Day Removal Notice	5	
	Highway Obstruction 7 Day Removal Notice	111	
	Highway Obstruction FPN	198	
	Section 154 Overgrown Tree etc Notice	4	
<b>Highways Act Enforcement Total</b>		<b>321</b>	<b>13.7</b>
☐ Illegal Trading	Illegal Shop Front Trading FPN	5	
	Section 38 Illegal Street Trading FPN	21	
<b>Illegal Trading Total</b>		<b>26</b>	<b>1.1</b>
☐ Poster/Advertsing Volumn Crime	Fly Posting FPN	334	
<b>Poster/Advertsing Volumn Crime Total</b>		<b>334</b>	<b>14.3</b>
☐ Request for information during investigation process	Section 108 Notice	23	
<b>Request for information during investigation process Total</b>		<b>23</b>	<b>1.0</b>
☐ Volumn Crime Litter/Urination	Section 88 Litter FPN	300	
	Section 88 Urinating FPN	272	
<b>Volumn Crime Litter/Urination Total</b>		<b>572</b>	<b>24.5</b>
☐ Waste Enforcement	47ZA FPN for Section 46 Notice	1	
	47ZA FPN for Section 47 Notice	69	
	Community Protection Notice (warning to owner to remove)	4	
	LBH Waste Contract Details / Section 47 Notice	276	
	NON-LBH Waste Contract Details / Section 47 Notice	73	
	Section 94 FPN (for 92a notice)	3	
	34(5) Notice (Commercial waste request for details of arrangement)	250	
	34(6) FPN (fine for non adherence to 34/5)	77	
	Section 46 Notice (for non compliance of domestic waste)	264	
	Section 93 Notice (Street Litter clearing)	5	
	Section 92a Notice (litter/waste control on private land)	9	
<b>Waste Enforcement Total</b>		<b>1031</b>	<b>44.1</b>
☐ Graffiti Enforcement2	Community Protection Notice (warning to owner to remove)	1	
	Unauthorised Marks on the Highway FPN	11	
<b>Graffiti Enforcement2 Total</b>		<b>12</b>	<b>0.5</b>
<b>Grand Total</b>		<b>2339</b>	