

**COMMUNITY SAFETY TEAM AND NOISE NUISANCE ANNUAL REPORT**

**CORPORATE COMMITTEE  
MEETING DATE 2016/17**

**28 March 2017**

**CLASSIFICATION:**

**Open**

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

**WARD(S) AFFECTED**

**All Wards**

**CORPORATE DIRECTOR**

**Tim Shields, Chief Executive**

## **1. CORPORATE DIRECTOR'S INTRODUCTION**

The Corporate Committee has requested annual reports on the development of the council's response to noise nuisance, this is the fifth annual report.

This report comes immediately before implementation of a new Community Safety, Enforcement and Business Regulation Service, which is scheduled to be introduced on the 3<sup>rd</sup> of May 2017.

Noise nuisance in Hackney will continue to receive a holistic approach that looks at statutory noise nuisance and noise as anti-social behaviour together, so that the most appropriate action and legislation can be used based upon the circumstances of the particular case. The new service area brings together a wide range of enforcement services providing greater resilience and ability for specialists to collaborate and cases to be prioritised.

This report provides an update on the volume of noise complaints, a breakdown of the individual types of noise and associated matters within the services workload, including Temporary Event Notices, which continue to place an enormous demand upon limited staff resources.

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

### **2.1 The Corporate Committee is recommended to:**

**Note the content of this report**

## **3. REASONS FOR DECISION**

Not applicable to this report

## **4. BACKGROUND**

### **Executive summary**

#### **4.1. Background**

4.1.1 Since 2013 The Community Safety Team has had responsibility for noise complaints, adopting a more holistic methodology of managing noise and antisocial behaviour (ASB) as nuisance cases and using a wider range of tools to tackle issues as one team of officers. Prior to this, potential cases of statutory noise nuisance were investigated by Pollution Control and anti-social behaviour (which could include noise) was investigated by the Community Safety Team. This meant that on occasions the same behaviour or a series of incidents between the same parties some involving noise and some other

types of ASB, could be investigated by two different Council services in isolation.

4.1.2 The new approach in terms of case management and pro-active deployment of staff against persistent premises or people responsible for noise related complaints, has resulted in three consecutive years of a gradual reduction in noise nuisance ASB cases compared with the years prior to the 2013 implementation, which saw annual increases.

4.1.3 The Community Safety Team has a range of other responsibilities which includes providing the out-of-hours noise service. This additional demand involves the teams staff working to a four week rota and staffed from within the team and not additional officers just working the out-of-hours shifts as occurs on some boroughs. The Team is also involved in statutory consultations in the case of licensing applications, responses to Temporary Event Notices, non-statutory consultations in planning matters and issues around notices related to construction noise.

4.1.4 The new Community Safety, Enforcement and Business Regulation Service will continue to provide a holistic approach to noise nuisance and ASB but the specialist noise elements highlighted above plus matters of odour and smoke complaints, will be aligned to regulatory work and more general ASB related noise will be case managed through two teams with both investigative and patrol staff. To support the working practices within the new structure, the specialist noise team re-located to the current Regulatory Service in October 2016.

## **4.2. Detailed Report**

4.2.1. In late 2011 an incremental process began of merging the noise pollution team into the Safer Communities Service to improve the overall service provision towards noise and antisocial behaviour (ASB). The synergy between these elements of nuisance was recognised by government in legislation and guidance and noise is included as a category of ASB. The aim of the change was specifically to move towards a more holistic approach to managing noise and ASB; not as separate issues with different methods of dealing and using narrow legislative and procedural paths but by taking a broader view of options to manage cases to appropriate resolution.

4.2.2. Initially the teams were co-located then during early 2013 a service restructure was undertaken, to combine the two teams into one and also to achieve a revenue funding reduction for the Community Safety and Pollution Control teams jointly of £430k. This also provided the opportunity for the introduction of modified approaches to working with revised roles for staff that would mean that for domestic noise cases, the officers would be able to take the case in whichever direction it needed and have the tools and powers to deal accordingly as opposed to cases starting with one team and then having to be handed over to another. The same held true to a lesser extent with commercial noise cases with the specialist officers within the new structure

being better equipped to consider and use a broader range of tools and powers.

4.2.3. The new model of delivery was based upon that used by Manchester City Council, the principle being of a combined ASB and domestic noise nuisance service and a move from purely re-acting to noise complaints, to one of prioritising complaints and pro-actively focussing on the most problematic perpetrators and premises. This is an approach also adopted by several other local authorities including Newham and Tower Hamlets.

4.2.4. This model included a more robust initial service request triage process using all the information available to the team which includes police officers and police information systems co-located within it and leading to better identification of repeat and vulnerable persons which is a key responsibility for the team.

4.2.5. The Community Safety Team undertakes a role much wider than that of investigating noise complaints, including 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 and other demands. The Community Safety Team also undertakes enforcement work that includes closure orders, injunctions, controlled drinking zones and use of the new powers provided by the Antisocial Behaviour, Police and Crime Act 2014. Additionally the team leads on projects such as the introduction of property marking schemes including products such as 'SmartWater' and burglary target hardening projects.

4.2.6. The revised team has since 2013 been required to deliver an out of hours noise nuisance service from within the resources allocated through the service re-structure of that year.

4.2.7. The out-of-hours service operates to deal both reactively and proactively with noise Thursday 6.30pm to 2am, Friday 9pm – 5am, Saturday 9pm – 5am and Sunday 6.30pm – 2am. Staff work a roster to cover this service, which abstracts them from working on their own caseloads for four working days each four week period (two on out of hours and two for rest days following the weekend working). Therefore 25% of staff are abstracted through provision of the out-of-hours service at any one time.

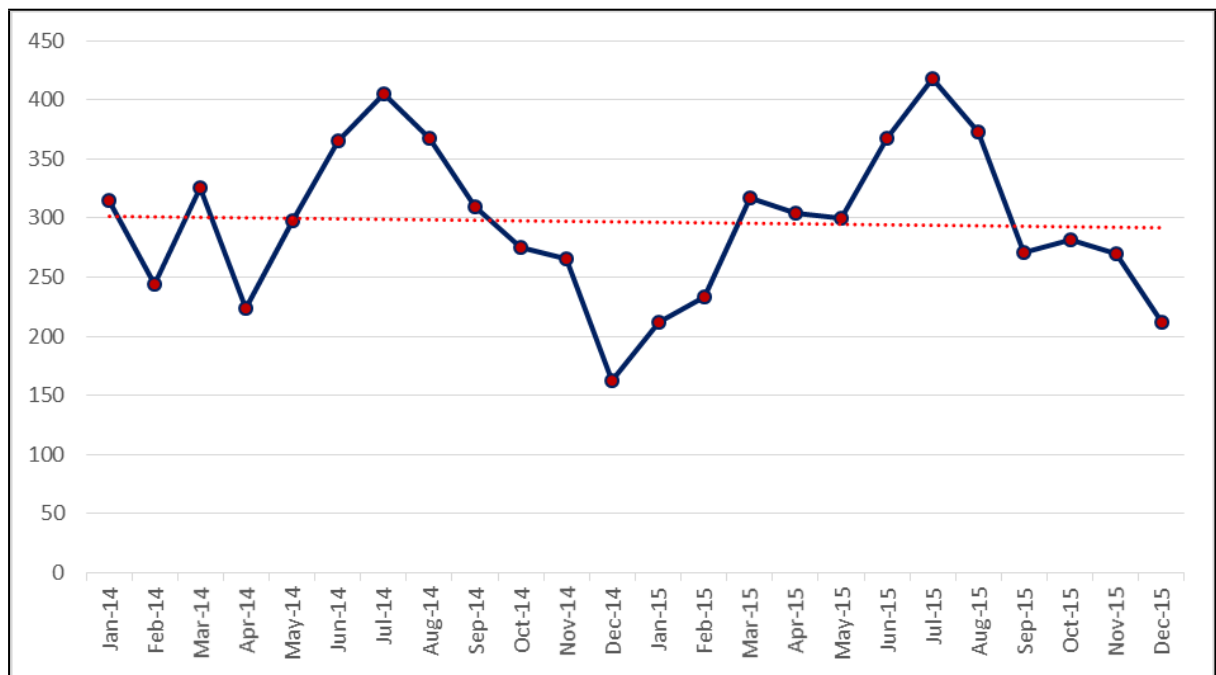
4.2.8. The provision of an out-of-hours service has been challenging as the demand is unpredictable and at times of peak fluctuation can result in 20 service requests in an hour, with a maximum of two staff to answer the requests and two deployed outside to respond to them. It is not simply a question of answering a call taking a few details and asking an officer to attend. In each case research needs to be done to establish past history which could impact on the risk to attending officers or identify what appears to

be a low risk incident as one of a series of incidents which taken together identify a high risk or vulnerable victim. Equally the time taken to attend a service request and deal with it can range enormously from 15 minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift or more spent dealing with a complex rave in remote wooded areas 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.

4.2.9. The total volumes of demand (individual contacts requiring a response) for all categories of service request relating to noise nuisance during the past three calendar years were as follows:

<b>Month</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Grand Total</b>
Jan	536	390	395	1321
Feb	403	427	438	1268
Mar	539	526	427	1492
Apr	387	564	410	1361
May	507	528	487	1522
Jun	603	602	411	1616
Jul	659	640	580	1879
Aug	622	555	535	1712
Sep	546	433	460	1439
Oct	570	546	442	1558
Nov	567	676	506	1749
Dec	433	487	406	1326
<b>Grand Total</b>	<b>6372</b>	<b>6374</b>	<b>5497</b>	<b>18243</b>

4.2.10. The figures above relate to new and unique cases that are raised but do not reflect the complete workload of the team. The numbers of new cases as recorded in the system has reduced since the introduction of the new way of working but that is because the new processes do not create a new unique worksheet for every call, regardless of whether or not there is already an existing case, which was the method previously used. Now, a further enquiry is added to existing cases, so that repeat victimisation and emerging patterns can be readily identified. The change in method for recording casework should be noted when comparing the statistics in Appendix A, with the sharp drop from 2013 to 2014 due predominantly to a change of reporting process. The trends within the graphs do however show an incremental increase from 2006 to 2012, then a trend of reductions from 2013 during and after the introduction of a risk and vulnerability based approach. A monthly breakdown for 2014 and 2015 below shows the downward trend line in more detail.



4.2.11. Triage - The new method of working introduced in 2013 was specifically designed to identify repeat calls and deal with them as such and not unique incidents, making ongoing management of cases more effective. The initial triage process when new service requests are received, in addition to physically logging a case, requires research to ensure past history and action is collated so that a full history is available. Each service request requires this research process, which is far more resource intensive than a basic call handling role but essential to prevent new cases being logged and not dealt with in their true historical and risk based context.

4.2.12. The benefit of the new holistic (Noise and ASB being considered as nuisance and not separately) approach was shown for example by the use of a closure order under ASB legislation on a restaurant that had been subject of a large number of noise but also related anti-social behaviour complaints and officers taking a broad approach to resolving the matter also linked with the fire brigade to ensure the use of fire safety regulations were in place to deliver longer-term compliance and risk reduction. The use of noise legislation warrants of entry is now used for the seizure of sound systems in joint operations with Hackney Housing and the police in domestic premises. A number of noise cases that did not reach a statutory level of nuisance and therefore not able to be dealt with by traditional noise only legislation, have been resolved by use of ASB powers by the more generically trained officers with the use of new Community Protection Warnings and Notices. A number of these would not have been resolved under the previous siloed split team system or at the very least would have been initially dealt with by the previously separate noise team for a number of weeks or in some cases

months before handing over to the previous ASB team, an unsatisfactory position for those suffering as a result of noise.

4.2.13. In summary the more holistic approach balances a need to have a service that can respond to service requests for officer attendance at incidents, with a pro-active approach that appoints officers to investigate often complex cases that have high risk or vulnerability attached and /or involve persistent perpetrators or premises. Looking at the extremes of achieving this balance of resource deployment, if all staff were deployed on responding to out-of-hours calls, this would still be insufficient to attend each call as the volume is too great and there would be no one to follow-up, analyse previous incidents and conduct an investigation, gather evidence, seek informal resolution or undertake formal enforcement action. Similarly no out-of-hours service would result in some relatively simple to resolve matters that require a quick intervention, escalating as well as public dissatisfaction with a lack of response. It is perhaps important to highlight that the police adopted a position 30 years ago, where they prioritise calls and only send officers as an immediate response to those incidents that required it, with the remainder subject of a follow-up in due course.

4.1.14 Temporary Event Notices (TENs). 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 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. The second change was the Police Reform and Social Responsibility Act 2011 that came in to effect in April 2012. This was more substantive, had a significantly wider scope than the earlier LRO and resulted in a large increase in TEN's applications. The third was the Deregulation Act 2015 that came in to effect in January 2016. This increased the maximum number of TENs a premises can have from 12 to 15 per calendar year.

4.2.15. The number of TENs that are received by the Council, has increased considerably over recent years, placing a significant demand on police licensing, council licensing and commercial noise specialist officers. The Responsible Authorities (RAs) of which the noise service is one and the police are the other in the case of TENs, have the responsibility to ensure minimal public nuisance caused by the granting of TENs. However the legislation is extremely permissive for the applicant and specifies rigid timescales for response/refusal that if not met mean automatic acceptance of the application. To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the applicant and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of applications received and timescales imposed by the legislation. Based upon recent volumes the Council would need to employ at least four full time officers to undertake a review from a "noise" responsible authority perspective of each application, this is in addition to licensing staff. The council only has the resources to

deploy a single officer to this role and so assessment of which applications to review has to target those applications which stand out as the most obvious to have been historically problematic.

Differences and similarities between Standard and Late TENs for comparison

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

4.2.16. The Council has undertaken a review of the TEN's process and looked at the issue across England and Wales. The demand in Hackney has been disproportionately high. Looking at 2015 Westminster had around 3000 TENs, Cornwall just over 2,200, Hackney around 2,000, Birmingham 1,200, Brighton and Hove 1,000 and Islington 830. Hackney had the second largest volume of TEN's applications in London and one of the largest across England and Wales.

Hackney TENs

2011		1288
2012		1865
2013		1896
2014		2137
2015		2060
2016		2213



4.2.17. The Calendar Year data above shows a year on year increase other than a slight reduction in 2015 and levels in 2016 moving towards double the number of applications in 2011. January 2017 saw 108 applications, the highest ever recorded in that month compared to previous years, the trend upwards therefore continues. A more detailed breakdown of the volume of TEN's is shown at Appendix A Chart 5.

4.2.18. Whilst the permissive nature of the legislation cannot be changed, the review of the TEN's process undertaken by the Council has identified a range of opportunities to enhance ways of dealing with them, in order to provide some management of demand through new IT based processes and opportunities for potential co-location of staff to enable a more focussed attention on applications. As an example in the run up to Christmas, staff were re-deployed from other work to manage the significant seasonal increase in applications. Whilst this is not always possible, the development of a more flexible set of services as part of the new Community Safety Regulatory and Enforcement Service, will provide opportunities to flex staff to changing demands. Details of the new service are provided below.

4.2.19. Construction Noise – This often relates to planning matters but normally after actual work on site starts. The amount of construction in the borough has increased considerably in the past 10 years and this has led to an average annual number of notices agreed or served under S.60 and S.61 of the Control of Pollution Act 1974 of 322. Many of these require very detailed negotiations and many site visits throughout the lifetime and various phases of each construction project.

### **New Community Safety, Enforcement and Business Regulation Service**

4.2.20. With effect from 3<sup>rd</sup> of May 2017 a new service entitled “**Community Safety, Enforcement and Business Regulation Service**” is to be created within the Public Realm Division of the Neighbourhoods and Housing Directorate.

4.2.21. Currently enforcement is carried out in three services Community Safety (within the Chief Executive's Directorate) Environmental Enforcement (within the Environmental and Waste Strategy Team within the Public Realm Division) and more specialised enforcement is carried out within the Projects and Regulatory Services Team (also within the Public Realm Division).

4.2.22. Using the principles of the previous re-structure that amalgamated Community Safety and Pollution Control, the new service will create an integrated enforcement service, with all of these enforcement responsibilities brought together under one service located within the Public Realm Division which would include three separate teams:

Community Safety  
Enforcement  
Business Regulations

4.2.23. The existing CCTV, Emergency Planning, Integrated Gangs Unit, and Prevent co-ordinator will be within the Community Safety team.

4.2.24. The new service includes the creation of an Integrated Partnership Unit and Intelligence Hub – This unit brings together all strategy, partnership, partnership support and intelligence capabilities and will undertake and coordinate the strategy and partnerships actions for the entire service creating a consistent joined up approach to strategy development and delivery, also enabling through capacity and efficiency improvements the simplification of how this service collaborates corporately with partners and stakeholders and between services and disciplines. The unit also brings together all performance management and enables implementation of effective joint tasking based upon strong integrated evidences. The unit also enables simplification of reporting and data management processes and ensures that all functions benefit from analytical expertise.

4.2.25. Creation of a Business Regulation Unit – This unit brings together licensing trading standards and all the main business engagement enforcement specialisms into one place under a single management structure. It captures and delivers what's best about specialist service delivery but also enhances this with greater joint working and flexibility, creating greater capacity to address demand and solving entrenched and complex issues and problems. This will serve to reduce duplication, simplify customer processes and encourage and enable a partnership and prevention relationship to be formed with businesses which will see a rebalancing in activities from tick box inspection and punitive action to positive support mechanisms supporting businesses to self- regulate and enabling a focus on tackling the worst examples of non-compliance in a more effective way.

4.2.26. New Generic Uniformed Borough Wide Enforcement – This unit brings together all the various frontline enforcement response services and maximises capacity to address visibility and volume offences such as street urination, dogs, noise nuisance, fly tipping etc. and also enables the provision of a seamless delivery of frontline enforcement and emergency response service provision across the borough. This will build capacity to respond to demand and seek to achieve behaviour change and a reduction in volume ASB regardless of where this occurs. The creation of this unit maximises eyes and ears resource and also simplifies triage for more serious offences and problems to higher level case management for resolution. This unit also provides greater capacity to address Out of Hours demand.

4.2.27. Managing out of hours demand and improving response – The current out of hour's service provision is insufficient and struggles to meet the needs of residents especially with regard to managing noise complaints and the demands associated with the night time economy. The new structure aligns more resource to out of hours service provision through a mixture of shift based working (Primarily the Enforcement Unit) and an on-call resilience to provide additional specialist resource as it is required or in the event of

emergency management. A new shift pattern covering the peak times for out of hours service provision (Thursday to Sunday) is built into revised Job Descriptions. The programme will plug the gap that currently exists in the out of hour's service provision. It will develop a larger peak time out of hour's resource.

4.2.28. Enhanced role design – Roles within the new structure are designed to be as flexible as possible enabling the allocation of resources flexibly and proportionately to address service responsibilities and demand, recognising that these demands can change frequently and at short notice. Skills required to work in this more flexible way will be highlighted in role design and training needs of new post holders will be assessed and a continuous professional development plan will be put in place.

4.2.29. Streamlined management – The new structure and particularly the design, number and distribution of management roles provides the opportunity to streamline decision making responsibilities ensuring a joined up and efficient approach to service delivery is achieved. This is enhanced by having a single Head of Service responsible for all enforcement and enforcement related service delivery.

4.2.30. Seamless Public Realm Enforcement Service delivery – The structure change proposed will ensure the enforcement service operates in a seamless way across the public realm which includes Council housing estates. This focus will enable the service to focus on what matters most regardless of where it happens and will be particularly beneficial in joining up activities relating to a number of areas including but not limited to Anti-Social Behaviour (ASB), Gangs, Dog Control and standards of cleanliness across the entire Public Realm.

4.2.31 An important element of a new seamless service that includes Hackney Housing estates, is the re-alignment of the Hackney Housing ASB Team into the Enforcement part of the new service. This will enable a more cohesive response to the most serious types of ASB in relation to Hackney Housing properties, whilst retaining within Hackney Housing, the neighbourhood teams to respond at a local level to a range of issues including less serious ASB. The new service also includes an uplift in uniformed enforcement officers to provide an enhanced patrol capacity on Hackney Housing estates.

4.2.32. Reducing the regulatory burden upon business - The aligning and joint tasking of services, particularly in business regulation, will ensure the elimination of unnecessary multiple visits to premises. The aim will be to undertake all necessary enforcement inspections in a single visit. Before enforcement takes place the new enforcement service will seek options to support the business through the plethora of legislative restrictions to enable them to set a course to compliance without the need to recourse to formal enforcement action. This approach will benefit all businesses but particularly

new businesses and it will also reduce demands on enforcement service making it more efficient.

4.2.33. Creating a single point of contact for customers - A unified back office will create more efficiencies and improved support to both customers and frontline officers. This pooling of back office resource will also enable a greater workload to be addressed and therefore build capacity to undertake more of the technical and administrative duties of frontline officers enabling them in turn to spend a greater amount of time actively addressing non-compliance on the frontline that adversely affects customers. Customers will benefit from having a single point of contact that can triage appropriately to the right resource to address the issue – Eventually this triage can be designed to be automated through ICT development.

4.2.34. Building flexibility for the future – The new model will enable the pooling of resources allowing them to be used and allocated more flexibly in line with changing organisational priorities and a changing borough. Further the model can be easily adapted to organisational changes such as inclusion of other service provision or to secure opportunities such as cross borough working.

4.2.35. In total the restructure reduces established enforcement FTE's across enforcement services from 103 down to 91 a net reduction of 12. Of the 103 roles in the current structure, 17 roles are presently vacant. This means there are more posts in the new structure than there are employees to fill those posts. There will be a reduction in the number of "services" (i.e. those functions with an identified Head of Service) involved in enforcement from 3 to 1. In total the number tier 3 and 4 management roles reduces from 17 in the current structures to 10 in the new structure. This represents a reduction of 31%.

### **4.3 Policy Context**

Community Safety Partnership Plan

### **4.4 Equality Impact Assessment**

Not applicable to this report

### **4.5 Sustainability**

Not applicable to this report

### **4.6 Consultations**

Not applicable to this report

#### 4.7 Risk Assessment

Not applicable to this report

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

- 5.1 There are no direct financial implications arising from this report given that it reports on past activity. The current financial position of the Council however means that finances must always be borne in mind and consideration must be given to the level of resource that the council can reasonably invest in the services covered within the report versus others that the Council provides.
- 5.2 With this in mind, the report refers to the establishment of a Community Safety, Regulatory and Enforcement service that will look at wider service delivery and related costs with a view to ensuring an efficient and cost effective service is provided going forward whilst contributing the overall requirement for savings to be made.

### 6. COMMENTS OF THE DIRECTOR OF LEGAL

- 6.1 The creation of the new Community Safety, Enforcement and Business Regulation Service will require the Council's constitution to be amended in particular the schemes of officer delegation.
- 6.2 There are no specific legal implications arising from this report

### APPENDICES

Appendix A – Breakdown of case categories and demand since 2006 to 2105

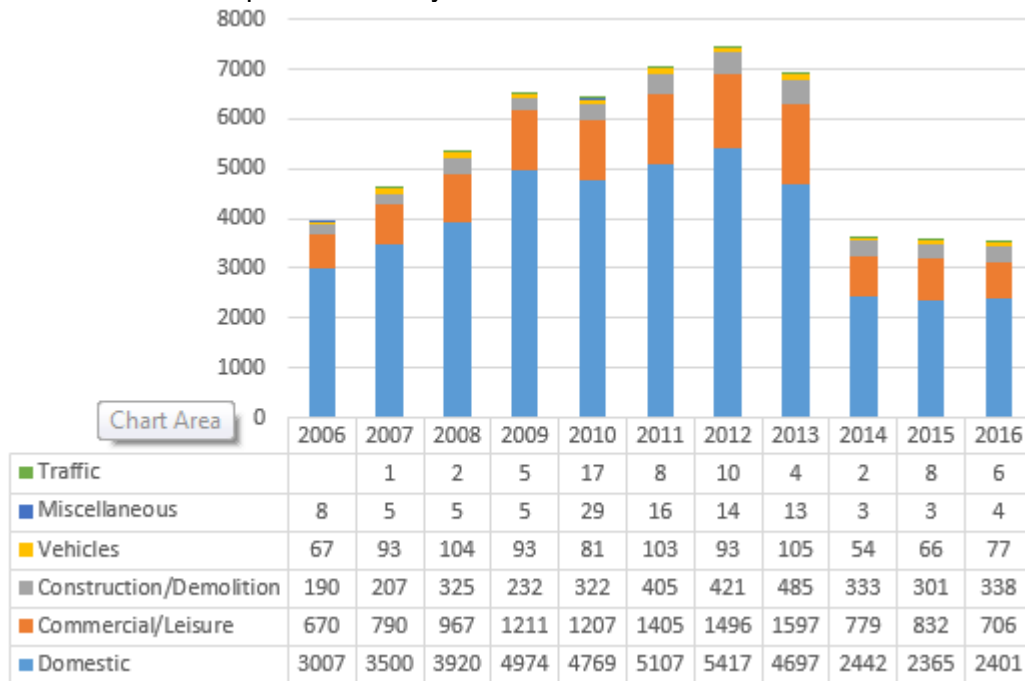
### BACKGROUND PAPERS

None

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**APPENDIX – A**

**Chart 1: Noise complaint summary Calendar Years 2006 to 2016**



**Chart 2: Noise complaint summary Calendar Years 2006 to 2016**

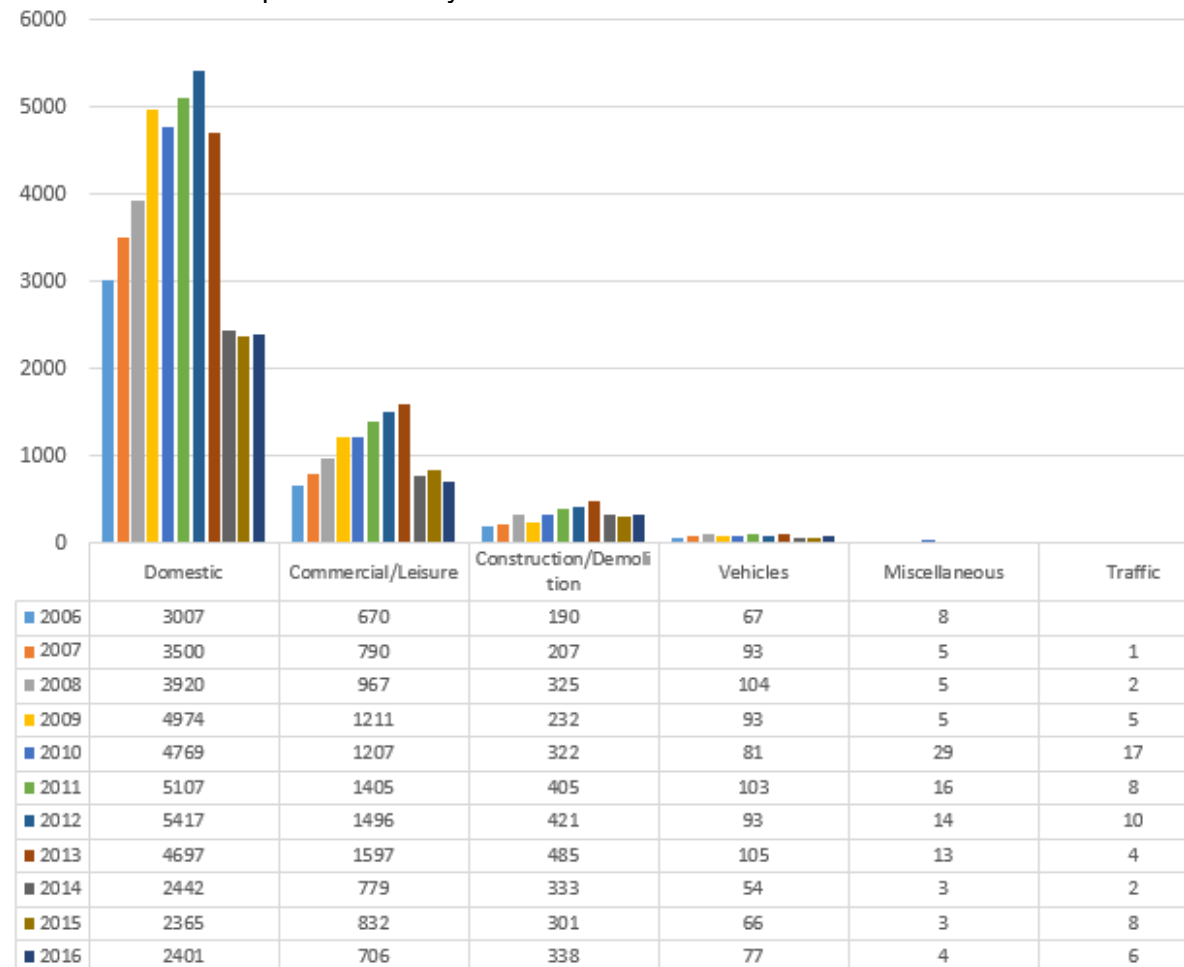


Chart 3: Domestic complaint Summary - Calendar Years 2006 to 2016

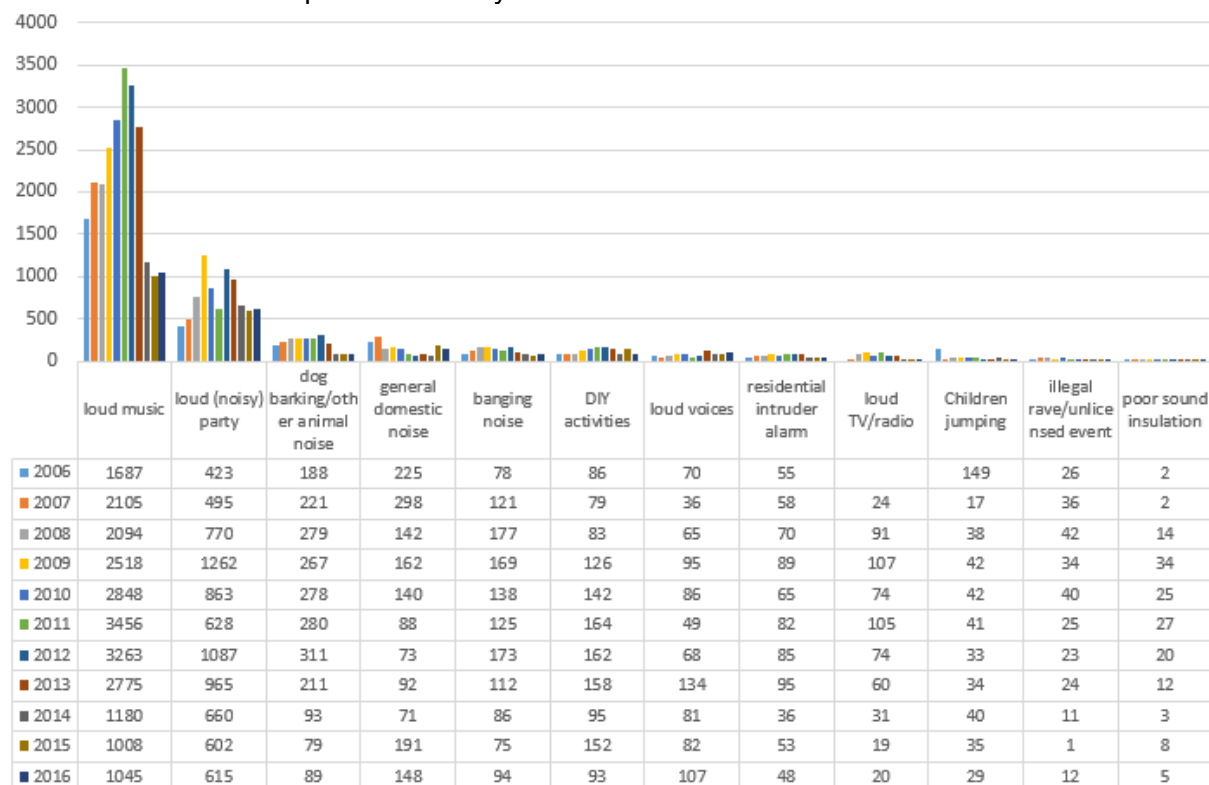


Chart 4: Commercial Complaints Summary - Calendar Years 2006 to 2016

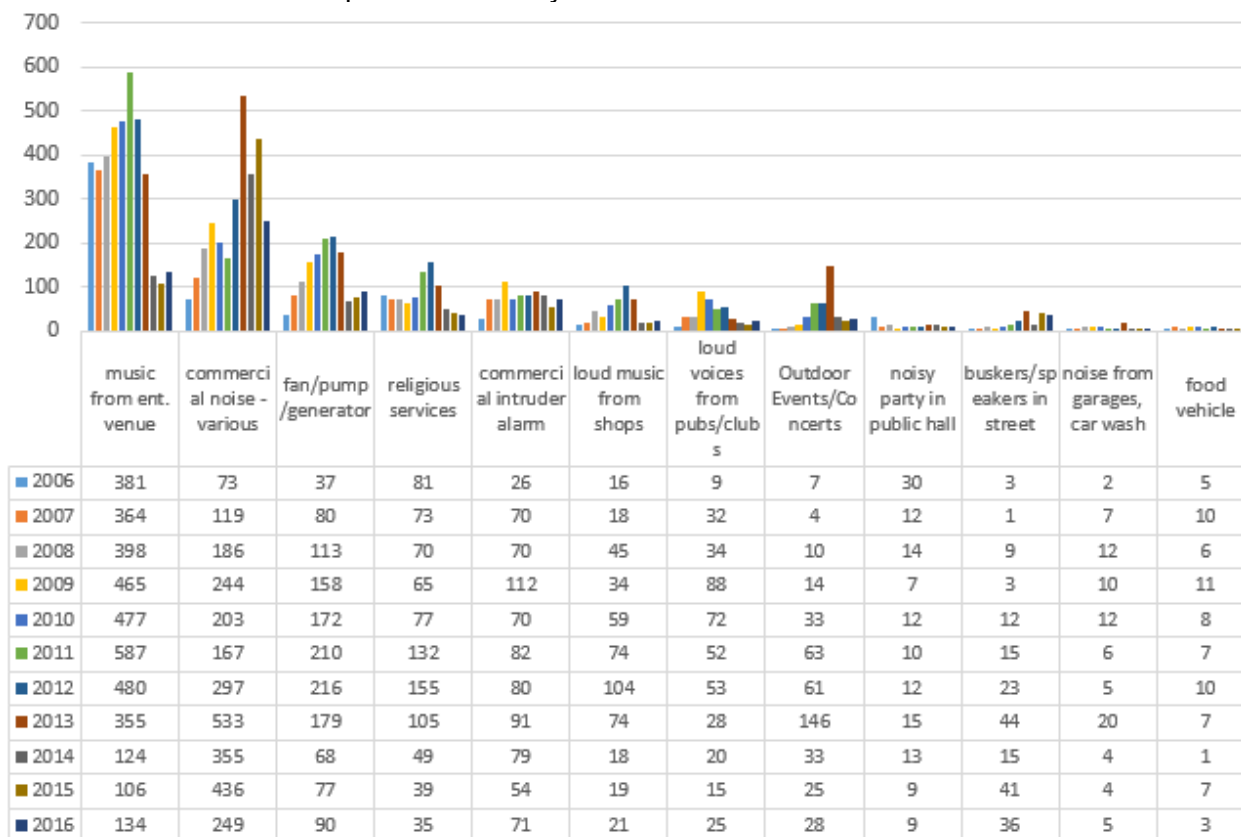


Chart 5: TEN's Applications - Calendar Years 2006 to 2016

	January	February	March	April	May	June	July	August	September	October	November	December	Total
2011	50	89	105	118	107	97	108	87	98	81	162	186	1288
2012	93	121	105	155	125	162	182	186	123	162	191	260	1865
2013	98	124	140	170	153	145	174	166	150	156	175	245	1896
2014	76	120	106	182	163	225	203	159	170	202	159	372	2137
2015	70	122	146	175	164	184	145	126	132	172	257	367	2060
2016	69	143	173	160	199	172	146	159	205	179	255	353	2213
2017	108												108
Average	<b>81</b>	<b>120</b>	<b>129</b>	<b>160</b>	<b>152</b>	<b>164</b>	<b>160</b>	<b>147</b>	<b>146</b>	<b>159</b>	<b>200</b>	<b>297</b>	