

Environmental Enforcement – Annual Assessment Of The Local Environmental Quality Enforcement Strategy And Annual Performance Report 2016/17

CORPORATE COMMITTEE

12th December 2017

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. CORPORATE DIRECTOR'S INTRODUCTION

- 1.1 This report sets out the annual performance report across the environmental enforcement remit for the 2016/17 financial year and an annual strategic assessment of the Local Environmental Quality Enforcement Strategy.
- 1.2 The Corporate Committee has requested annual reports on the development of the Council's response to environmental enforcement and the [Local Environmental Quality Enforcement Strategy](#).
- 1.3 While this report sets out performance in 2016/17 it is the first report presented to the Corporate Committee since the implementation of a new Community Safety, Enforcement and Business Regulation Service, which was introduced on the 3rd of May 2017.
- 1.4 Environmental Enforcement in Hackney will continue to receive a holistic approach that looks at issues as littering and fly tipping together, so that the most appropriate action and legislation can be taken 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.

2. RECOMMENDATION

The Corporate Committee is recommended to:

- 2.1. Note the annual performance report for the service and the annual assessment of the Local Environmental Quality Enforcement Strategy 2016/17.**

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 Local Environmental Quality Enforcement Strategy sets out the Council's approach to environmental enforcement: <https://www.hackney.gov.uk/environmental-enforcement>

- 4.2. This includes enforcement activities in relation to:

- Graffiti
- Unregulated Waste
- Highways Obstructions
- Dog Fouling and Dog Control
- Littering
- Illegal street trading
- Flyposting
- Street Urination, fouling and vomiting

5. OBJECTIVES, PRIORITIES AND KPIS FOR 2016/17

5.1. The overarching objectives as set out in the Local Environmental Quality Enforcement strategy are to:

- Ensure that improvements 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

5.2. The overarching priorities as set out in that strategy are:

- To minimise the environmental impact of the growing Night Time and Weekend Economy
- To reduce Graffiti and control the level of Street Art within the borough.
- To reduce Fly posting
- To reduce unregulated waste
- To reduce Illegal highway obstructions
- To reduce non-compliance costs
- To reduce Dog Fouling and Improve Dog Controls
- To change behaviours

5.3. The objectives set for 2016/17 were as follows:

- Tackling Unregulated Waste
- 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.
- Fly-tipping Campaign.

5.4. The priorities for 2016/17 were as follows:

- Ensure compliance improvements delivered in 2015/16 are sustained.
- Maintain processes 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 Housing 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 tonnage reductions of unregulated waste as a proportion of total waste through Unregulated Waste Project and fly-tipping campaigns.
- 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.

5.5. The Corporate Performance Indicators and targets for 16/17 are set out in the table at 4.5 below.

6. PERFORMANCE FOR 16/17

6.1. Overall the service has performed very well against all set performance indicators with 4 out of 5 CPI targets exceeded. The exception is tonnage of unregulated waste (HCS PR 058). A reduction in tonnage of unregulated waste has been achieved (from 5624 tonnes in 15/16 to 5380 in 16/17) but did not quite meet the target of 5230 tonnes by 16/17. As such, this is one of the priority areas for 17/18 as described further at paragraph 7.6 below:

PI Code	Short Name	Frequency of reporting	2014/15	Annual Target 2014/15	2015/16	Annual Target 2015/16	2016/17	Annual Target 2016/17
			Outturn	Outturn	Outturn			
HCS PR 058	Tonnage of unregulated waste	Years	5458 tonnes	5890 tonnes	5624 tonnes	5250	5380	5230
HCS PR 063	Number of Environmental Enforcement formal notices served (cumulative measure)	Quarters	3474	2500	3263	2500	2734	2500
HCS PR 057	Number of businesses in the borough with a trade waste agreement in place	Quarters	6307	6000	6171	6000	6359	6000
HCS PR 059	Number of litter, dog fouling, graffiti and highway obstruction operations carried out in the period	Quarters	660	260	280	75	272	260
HCS PR 060	% of environmental crime complaints responded to within 2 working days of receipt	Quarters	98.0%	98.0%	99.0%	98.0%	99.0%	98.0%

7. SERVICE HIGHLIGHTS

7.1. The following sections provides detail on work undertaken against our wider outcomes.

A-Boards: The A-board policy which was implemented in 2013/14 is continuously being enforced by Enforcement Officers. There are high levels of compliance with the policy once businesses become aware of the Councils approach to dealing with A-boards. There still remains a challenge with new businesses often displaying A-boards but once notified they fall into compliance. Officers are still proactive in identifying A-boards and taking relevant action. We also get referrals from members of the public where they have also seen A-boards as they are aware of this offence due to the publicity and information being published about A-boards.

7.2. TFL are responsible for the red route areas throughout Hackney and have uniformed officers who visit periodically and take action where required in line with their policy which mirrors the process we currently have in place in Hackney. We also have good working relationship where cases referred or identified by Hackney is actioned and feedback provided. However we are aware that some further work is required regarding timely action being taken by TFL when requested by the Council, so that actions and enforcement work across the borough are consistent.

7.3. Members will be aware that previously Council Officers have shared our best practice and protocols with other boroughs and TFL. We will again approach TFL directly regarding our current concerns and will provide an update on our current position with TFL.

7.4. **Unregulated Waste:** The main objective of the unregulated waste 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.

7.5. 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 (time bands in place). Positive changes have also been progressed through wider findings and changes to operational resources i.e. dedicated Waste Enforcement Officers with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

- 7.6. Enforcement Officers in the new service are continuing to address the issue of unregulated waste by undertaking targeted patrols with staff from waste operations and in the first instance will engage with businesses by speaking to the owner/manager of the business in the first instance and providing them with an advisory leaflet. If the business fails to comply with this informal approach then a second visit undertaken to ensure compliance when a warning letter is issued. Failure to comply with this request will result in formal action being undertaken. Officers are undertaking visits with staff from Waste Operations and undertaking visits during the day, evenings and at night in an effort to reduce the impact of unregulated waste.
- 7.7. The service instituted a number of legal proceedings against a number of businesses who operate in Hackney and are unwilling to adhere to the Council's initial requests to change their behaviour or rectify issues through informal and formal channels. Prosecutions are normally the last resort. £26,830 have been awarded to the Council in fines and costs associated with cases that have been taken to Court from the service. Below are the case summaries and outcome:

HIGHLIGHTS	
The Barrel Boulangerie 110-112 Hoxton Street	
Offences of failing to comply with duty of care.	£880
Star Café 25 Marsh Hill	
Offences of failing to comply with duty of care.	£5,765
Cafe Hisar (S and A 2011 Ltd) 179 Hoxton Street	
Offences of failing to comply with duty of care.	£2,235
Donner Sandwiches 324 Green Lanes	
Offences of failing to comply with duty of care	£3,110
East London Community Arts (Trading as Passing Clouds)	
Offences of failing to comply with duty of care.	£1,527.50
Perfect Chicken (UK Fried London PVT Limited) 24 Stoke Newington Road	
Offences of fly tipping and failing to comply with duty of care.	£3,492.50
Dogu Food Centre Limited 158 Stoke Newington Road	
Offences of failing to comply with duty of care and obstructing an authorised Officer.	£9,870
Total	£26,880

- 7.8. **Dog Control:** We have continued our ongoing campaign regarding Dog Control working with Keep Britain Tidy in the use of their "We are Watching You" programme; both in educating all dog owners/walkers and enforcing against where necessary. A good example of this was in Clissold Park in August 2016 when Officers undertook an operation to ascertain that dog owners ensured their dogs behaved responsibly and maintain control over the dogs under their control in the café area, Clissold Mansion House and the wider areas of Clissold Park, prevented dog fouling and took enforcement action if irresponsible dog ownership was observed. It also provided a visible enforcement presence, educated dog owners of

responsible behaviours and helped build mutually beneficial stakeholder relationships with Parks.

7.9. **Seamless Public Realm:** A number of enforcement actions have been carried out on Estates across Hackney. Enforcement activities included a number of advisory notices under the Environmental Protection Act 1990 issued against offenders. Enforcement Officers will continue to work with the Housing to maintain and improve even further the general environmental quality of the estates across the borough.

7.10. Partnership working is effected via good working relationships with cross Council services. Environmental Enforcement managers utilise partnership tasking to share intelligence and inform other services regarding protocols and best practice. This has included risk raising and best practice planning concerning effective relationship with the Police, particularly concerning resources and support in our Night Time Economy (NTE) areas. A continued relationship of strength and effectiveness with the Waste Operations Service has supported on going communications regarding waste issues and compliance across the borough.

8. Annual Assessment of the Local Environmental Quality Enforcement Strategy

8.1. Policy Context

8.2. The LEQ strategy has been in place since 2013/14. As set out above, since it's implementation the service has been restructured. As such, we will be reviewing whether the policy remains fit for purpose.

8.3. Legislative Considerations:

8.4. 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.

8.5. 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.

8.6. 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 representations 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 issued.

8.7. 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.

8.8. 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. Under this legislation the Councils existing Dog Control Orders (DCOs) transitioned into a Public Space Protection Order (PSPO) on 20th October 2017. A new FPN became effective in May 2016 under section 33 of the Environmental Protection Act 1990 to enable more effective progression of fly-tipping offences with the fine set at £400 as opposed to £80 for littering under section 87/88 of the Act.

8.9. Equality Impact Assessment

8.10. The current EIA for the LEQ Enforcement Strategy remains appropriate for the service. An EIA has been undertaken for any new policy changes arising from the Enforcement review.

8.11. Sustainability

8.12. 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.

8.13. Consultations

8.14. There are no consultations to report.

9. New Community Safety, Enforcement and Business Regulation Service

9.1. With effect from 3rd of May 2017 a new service titled "Community Safety, Enforcement and Business Regulation Service" was created within the Public Realm Division of the Neighbourhoods and Housing Directorate.

9.2. Prior to this enforcement was carried out in three services, Community Safety (within the Chief Executive's Department), Environmental Enforcement (within the Environmental and Waste Strategy Team in the Public Realm Division) and more specialised enforcement was carried out within the Projects and Regulatory Services Team (also within the Public Realm Division).

9.3. Using the principles of the previous re-structure that amalgamated Community Safety and Pollution Control, the new service has created an integrated enforcement service, all of these enforcement responsibilities

were brought together under one service located within the Public Realm Division which would include three separate teams:

- Community Safety
- Enforcement
- Business Regulations

- 9.4. The existing CCTV, Emergency Planning, Integrated Gangs Unit, and Prevent Co-ordinator were placed within the Community Safety team.
- 9.5. The new service includes the creation of an Integrated Partnership Unit and Intelligence Hub – This area brings together all strategy, partnership, partnership support and intelligence capabilities, undertakes and coordinates 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. It also brings together all performance management and enables implementation of effective joint tasking based upon strong integrated evidences. It also enables simplification of reporting and data management processes and ensures that all functions benefit from analytical expertise.
- 9.6. Creation of a Business Regulation Unit – This brings together Food Safety, Health and Safety, Environmental Protection (dealing with noise and odour issues in commercial premises), Licensing and Trading Standards 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 serves 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.
- 9.7. New Generic Uniformed Borough Wide Enforcement – This brings together all the various frontline enforcement response services and maximises capacity to address visibility and volume offences such as street urination, dog fouling, domestic 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 Anti-Social Behaviour (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.
- 9.8. Managing out of hours demand and improving response – Prior to the implementation of the new structure the out of hour's service provision was

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 Team) 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) was built into revised Job Descriptions and plugged the gap that previously existed in the out of hour's service provision and has developed a larger peak time out of hour's resource.

- 9.9. 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 were highlighted in role design and training needs of new post holders is assessed once they commence employment and a continuous professional development plan is in place with other essential training such as dealing with aggressive situations, manual handling and first aid provided if required.
- 9.10. 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.
- 9.11. Seamless Public Realm Enforcement Service delivery – The structure change proposed ensures that the enforcement service operates in a seamless way across the public realm including Council housing estates and has a service level agreement with Hackney Housing. This enables 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.
- 9.12. 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. Before enforcement takes place the enforcement service looks at 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 benefits all businesses but particularly new businesses and it also reduce demands on the enforcement service making it more efficient.
- 9.13. Creating a single point of contact for customers - A unified back office has resulted in more efficiencies and improved support to both customers and frontline Officers. This pooling of back office resource has also enabled 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 will be designed to be automated through ICT development.

- 9.14. Building flexibility for the future – The new model enables 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.

10. Risk Assessment

- 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.
- 10.2. Administering the enforcement process – Mobile ICT working solutions and business intelligence software are currently being managed through Public Realm ICT delivery programmes. These provide Council services with new technology that assists in ensuring efficiency and effectiveness of delivery. Environmental Enforcement is part of this programme particularly in relation to the service of Fixed Penalty Notices.
- 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 currently benefits from good corporate communications support.
- 10.4. The cross cutting enforcement programme picked up on measures to ensure coordinated and accountable processes for cross departmental problem solving. This in turn supports 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 helps address problems associated with the Night Time Economy 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.

11. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 11.1. This report requests the Corporate Committee to note the annual performance report across the environmental enforcement remit for the 2016/17 financial year and an annual strategic assessment of the Local Environmental Quality Enforcement Strategy.
- 11.2. Appendices 1 and 2 contain the performance information data for 2016/17 including a breakdown of the numbers of Fixed Penalty and other Statutory Notices issued.
- 11.3. Income from Prosecutions, Fixed Penalty and other Statutory Notices in 2016/17 contributed to the cost of running the enforcement services described in the main body of this report.
- 11.4. The new Community Safety, Enforcement and Business Regulation Service has a net revenue budget £6,099,805 in 2017/18.
- 11.5. The cost of delivering the Objectives, Priorities and Key Performance Indicators set out section in 15 of this report, will be managed within the available service revenue budgets.

12. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL AND GOVERNANCE

- 12.1. One of the terms of reference of Corporate Committee is to develop, review, monitor and maintain a strategic overview of the Council's regulatory function. This report falls within that term of reference.
- 12.2. All legislation quoted within the body of this report is correct. There are no immediate legal implications arising from this report.

13. FORWARD PLANNING

13.1. Objectives, Priorities and Key Performance Indicators for 2017/18

- 13.2. The objectives for 2017/18 are as follows:

- Tackling Unregulated Waste
- 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 Night Time Economy and contribution to Area Regeneration.
- Reviewing current time bands in conjunction with Waste Operations.
- Fly-tipping Campaign

13.3. The priorities for 2017/18 are as follows:

- Ensure compliance improvements delivered in 2016/17 are sustained.
- Work with Hackney Housing 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 stain age via a voluntary agreement with NTE premises, deploying litter control legislation in the worst cases.
- Continue to review and propose licence conditions on NTE 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 tonnage reductions of unregulated waste as a proportion of total waste through unregulated waste project and fly-tipping campaigns.
- 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.

LIST OF APPENDICES

Appendix 1: Environmental Enforcement – Performance Report 2016/17

Appendix 2: Fixed Penalties and statutory notices

Appendix 3 - Performance Priorities 2016/17 Update

Appendix 4 - Update for the period April-December 2017 – TO FOLLOW

BACKGROUND PAPERS

None

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APPENDIX 1

1. SERVICE PERFORMANCE - CORPORATE KEY PERFORMANCE INDICATORS

- 1.1 The service monitored 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 rated 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.
- 1.4 The number of businesses known to have a TWA in place shows an overall increase of 188 from 6171 in 3015/16 to 6359 in 2016-17. 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.
- 1.5 **HCS PR 058 (Annual -Tonnage of Unregulated Waste).**
- 1.6 This indicator is reported on an annual basis and captures the estimated amount of unregulated waste within the borough. The tonnage of unregulated waste decreased from 5634 tonnes in 2015/16 to 5380 tonnes in 2016/17 which is a decrease of 254 tonnes. As the economy of the Borough grows, particularly the night time economy, regulated (contracted) commercial waste tonnage also increases along with unregulated waste and therefore is a good reflection on the service. The percentage of unregulated waste in 2016/17 was 29% as opposed to 34% in both 2014/15 and 2015/16. This is a very positive movement as commercial waste tonnage increased by 11% in 2016/17 compared to 2015/16 and reflects the work being undertaken by Environmental Enforcement in relation to targeting unregulated waste.
- 1.7 **HCS PR 059 (Quarterly)** – (Number of litter, dog control/fouling, graffiti and highway obstruction etc. operations and patrols).
- 1.8 The above 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.

- 1.9 In 2016/17 272 targeted patrols/operations were delivered, this is a reduction of 8 from the figure of 280 for 2015/16 and continued the agreed approach at the beginning of 2015/16 to deliver larger planned campaigns producing higher quality operations and patrols based on intelligence rather than a continual quantity; this is reflected in the target set at the beginning of the financial year.
- 1.10 **HCS PR 060 (Monthly)** – (% of environmental crime service requests responded to within 2 working days of receipt)
- 1.11 When the Team receives a request, Officers contact the person highlighting the issue (where possible) and advise them of the 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 on the action taken by the Officer.
- 1.12 This breakdown below represents all external service requests for initial contact with the customer/complainant, the KPI does not reflect the internal service requests dealt with. As set out in the table at [] above, this customer response performance indicator shows an improved percentage above the set target and the figure of 99% achieved is the same as for 2015/16. The KPI does not reflect the internal service requests dealt with.
- 1.13 This breakdown below represents the number of external service requests for initial contact with the customer/complainant:

Animal Fouling	38
Flyposting	12
Graffiti	56
Highway Obstruction	359
Fly Tipping Private Land	272
Fly Tipping Public Land	111
Litter on Private Land	29
Litter on Public Land	18
Overgrown Hedge	3
Residential Waste –Duty of Care	42
Street Trading	18
Vehicle Over Highway	3
Vehicles for Repairs	4
Vehicles for Sales	5
Grand Total	970

Detailed Quarterly Breakdown of External Service Requests received:

Q1 (April-June)

271

Fly Posting - Enforcement
Fly Tipping - Private Land

1
81

Fly Tipping - Public Land	31
Graffiti - Enforcement	15
Highway Obstruction	101
Litter on Private Land	3
Litter on Public Land	6
Overgrown Hedge	2
Animal Fouling	8
Residential Waste Duty of Care	18
Street Trading - Enforcement	2
Vehicle Sales on Highway	1
Vehicles for Repairs on Highway	2
Q2 (July-Sept)	278
Fly Posting - Enforcement	3
Fly Tipping - Private Land	82
Fly Tipping - Public Land	25
Graffiti - Enforcement	11
Highway Obstruction	105
Litter on Private Land	13
Litter on Public Land	7
Residential Waste Duty of Care	12
Vehicle over Highway	2
Vehicle for Sales Highway	
1	
Fly Tipping Waste Operations	1
Street Trading - Enforcement	7
Animal Fouling	9
Q3 (Oct-Dec)	220
Fly Posting - Enforcement	5
Fly Tipping - Private Land	65
Fly Tipping - Public Land	25
Graffiti - Enforcement	15
Highway Obstruction	74
Litter on Private Land	7
Litter on Public Land	2
Residential Waste Duty of Care	8
Street Trading - Enforcement	8
Animal Fouling	8
Vehicle Over Highway	1
Vehicles for Repairs on Highway	1
Overgrown Hedge	1
Q4 (Jan-Mar)	201
Fly Posting - Enforcement	3
Fly Tipping - Private Land	44
Fly Tipping - Public Land	30
Graffiti - Enforcement	15

Highway Obstruction	79
Litter on Private Land	6
Litter on Public Land	3
Animal Fouling	13
Vehicles for Sale Highway	2
Residential Waste Duty of Care	4
Street Trading - Enforcement	1
Vehicle for repairs Highway	1
Grand Total	970

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 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.

1.19 The figure of 2734 formal notices served in 2016/17 represents a decrease of 529 in the number of formal notices issued compared to 2015/16. This is due to the volume crime of fly-posting which identified as a priority area in 2014-15, but did not have this as a set priority for 2015/16 or 2016/17.

1.20 For the financial year 2016/17 the payment receipts for FPN’s was **£57,860** which is decrease of £4729.77 in comparison to 2015/16.

2. **LEGAL CASEWORK AND PROSECUTION ACTIONS**

2.1 The Environmental Enforcement Team have progressed a number of cases to the prosecution stage. However at this stage depending on the nature of the offence, offenders still have the opportunity to settle before the start of the hearing. In settling this may lead to:

- The fine being paid and no further action is taken in relation to that offence.
- A simple caution signed by the offender which stays on file for 5 years
- A simple caution issued and costs are also paid by the offender. Costs may include the recharge for clearing the waste, and any other

rechargeable costs incurred as a result of the case being progressed to this level.

- Decision taken by our legal team that the case might not be in the public's interest to progress.

2.2 Below is a breakdown of the cases that have been progressed to the prosecution stage.

TYPE OF OFFENCES	No. of Prosecution Cases	Outcome
Nuisance (ASB Act)	1	Successful
Fly tipping & DOC	18	11 successful, 6 pending and 1 withdrawn
Highways	1	Successful
Littering	24	16 successful , 6 withdrawn and 2 pending
Illegal Street Trading	1	Withdrawn
Total	45	

2.3 A total of 7 simple cautions have been signed by offenders over the period April 2016 to March 2017 and these relate to duty of care and fly tipping offences.

2.4 Fixed penalty notices (FPN) have always been a very useful tool for the enforcement service. We have a number of offences where FPNs can be used an option to discharge liability from prosecution and also acts as a deterrent to future offences.

APPENDIX 2

1. SERVICE PERFORMANCE BREAKDOWN– Fixed Penalty and other Statutory Notices

1.1 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 with a total 2734.

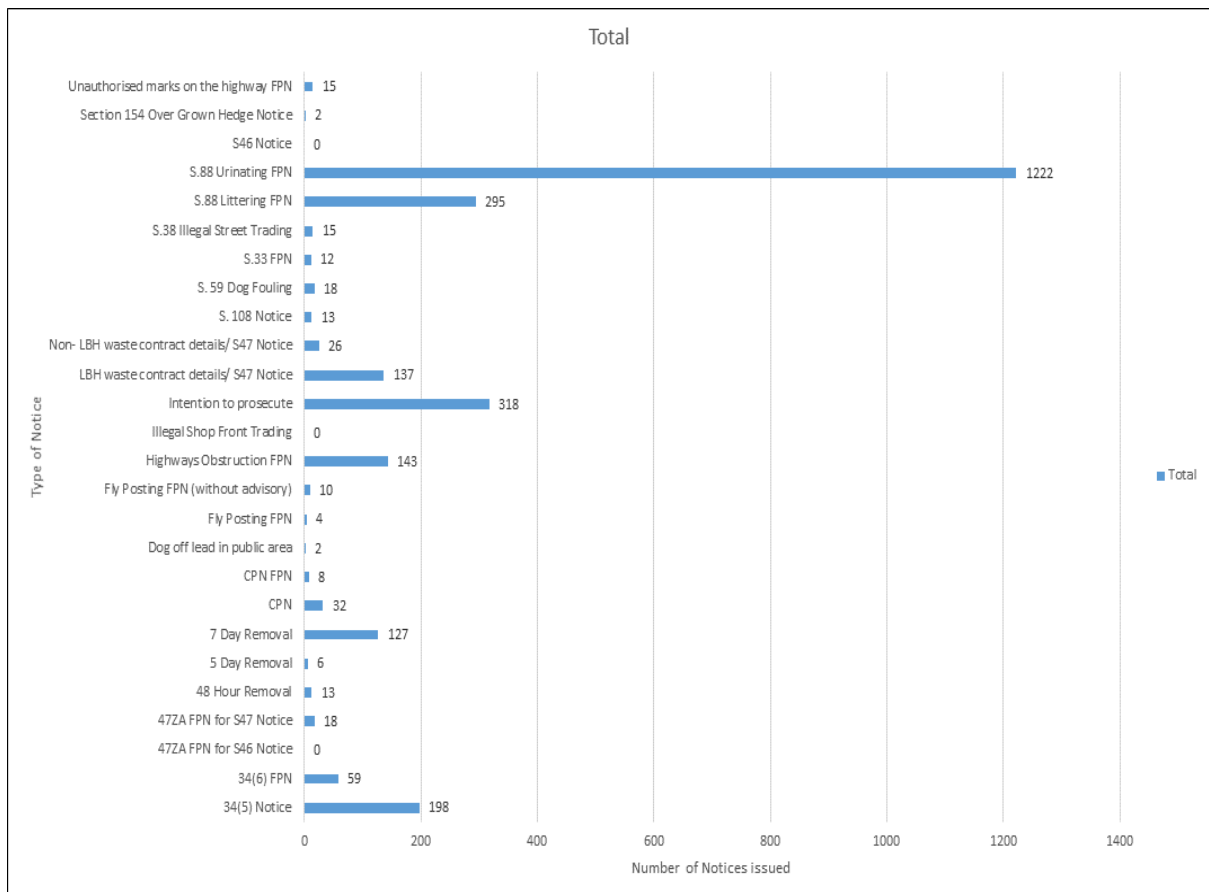
1.2 As you can see a large proportion 55% of enforcement actions have concerned volume crime issues regarding littering and urination; this primarily related to work progressed in our two biggest commercial and NTE neighbourhoods of Shoreditch and Dalton. 18.7% of actions taken are aligned to Waste Enforcement which includes commercial and residential waste enforcement and the tackling of unregulated waste and fly-tipping. Highways enforcement such as skips, A-boards, graffiti and flyposting is the next most active area for formal action taking up 12.5 % of our outturn. These actions are reflective in the services priority work and achievements throughout 2016-17 concerning unregulated waste, and Highways Act Enforcement and volume crime.

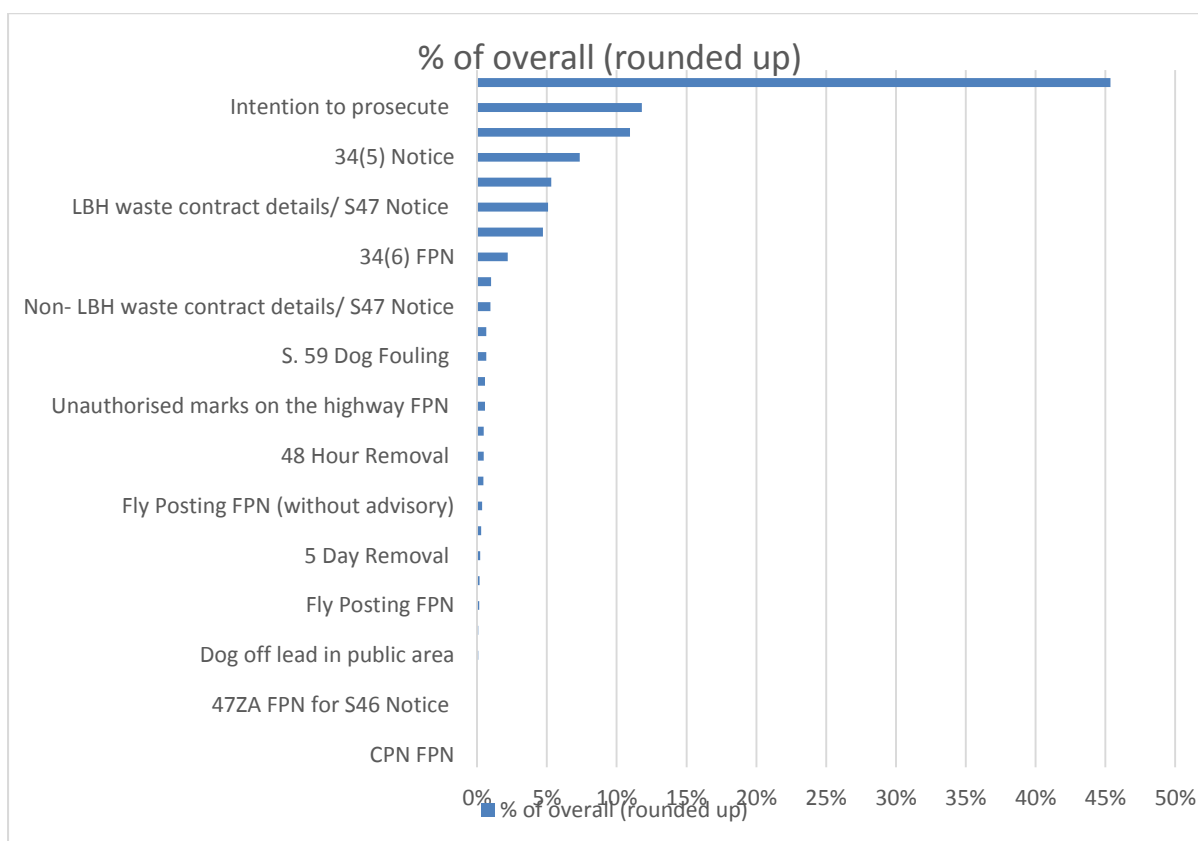
1.3 Table Breakdown 2016/17

HCS PR 063 Formal Notice

Formal Notice Issued	No.	% of overall (rounded up)
S. 59 Dog Fouling	18	0.7
Graffiti Enforcement		
CPN	5	0.2
CPN FPN	0	
Unauthorised marks on the highway FPN	15	0.6
Highways Act Enforcement		
48 Hour Removal	13	0.5
5 Day Removal	6	0.2
7 Day Removal	127	4.8
Highways Obstruction FPN	143	5.4
S.154 Overgrown Tree Notice	2	
Illegal Street Trading		
Illegal Shop Front Trading	0	
S.38 Illegal Street Trading	15	0.6
Contravention of Street Trading Conditions FPN	2	
Litter Control Enforcement		
CPN	27	1
CPN FPN	8	0.3
Littering Enforcement Volume Crime		
S.88 Littering FPN	295	11.1
S.88 Urinating FPN	1223	46
Poster/ Advertising Volume Crime		
Fly Posting FPN	4	0.2
Fly Posting FPN (without advisory)	10	0.4

Prosecution Instigation		
Intention to prosecute	318	12
Request for information		
S. 108 Notice	13	0.5
Waste Enforcement		
S33za FPN	12	
34(5) Notice	198	7.4
34(6) FPN	59	2.2
47ZA FPN for S46 Notice	0	0
47ZA FPN for S47 Notice	18	0.7
CPN	32	1.2
CPN FPN	8	0.3
LBH waste contract details/ S47 Notice	137	5
Non- LBH waste contract details/ S47 Notice	26	1
S46 Notice	0	0
Total	2734	100%





1.4 Detailed Quarterly Breakdown 2016/17

Quarter 1

Formal notice type	No. of formal notices	No. of FPN issued
Section 88 Urinating FPN	294	294
Section 88 Litter FPN	101	101
Highway Obstruction FPN	34	34
34(6) FPN	15	15
Section 38 Illegal Street Trading FPN	7	7
47ZA FPN for Section 47 Notice	6	6
Section 59 Dog Fouling FPN	6	6
Fly Posting FPN	2	2
Fly Posting FPN (without advisory)	2	2
Community Protection Penalty Notice	1	1
Dog Off Lead in General Public Area	1	1
Unauthorised Marks on the Highway FPN	1	1
34(5) Notice	42	0
Community Protection Notice	6	0
Highway Obstruction 5 Day Removal Notice	1	0
Highway Obstruction 7 Day Removal Notice	36	0
Highway Obstruction 48 Hour Removal Notice	1	0
Intention To Prosecute Letter	65	0
LBH Waste Contract Details / Section 47 Notice	48	0

NON-LBH Waste Contract Details / Section 47 Notice	4	0
Section 33za FPN (N2U)	0	0
Section 108 Notice	3	0
Total	676	470

Quarter 2

Formal notice type	No. of formal notices	No. of FPN issued
Section 88 Urinating FPN	331	331
Section 88 Litter FPN	100	100
Highway Obstruction FPN	41	41
34(6) FPN	26	26
Unauthorised Marks on the Highway FPN	13	13
Fly Posting FPN (without advisory)	8	8
47ZA FPN for Section 47 Notice	5	5
Community Protection Penalty Notice	3	3
Section 59 Dog Fouling FPN	3	3
Dog Off Lead in General Public Area	1	1
Section 38 Illegal Street Trading FPN	1	1
34(5) Notice	74	0
Community Protection Notice	18	0
Highway Obstruction 5 Day Removal Notice	2	0
Highway Obstruction 7 Day Removal Notice	35	0
Highway Obstruction 48 Hour Removal Notice	7	0
Intention To Prosecute Letter	156	0
LBH Waste Contract Details / Section 47 Notice	37	0
NON-LBH Waste Contract Details / Section 47 Notice	6	0
Section 33za FPN (N2U)	0	0
Section 108 Notice	5	0
Total	872	532

Quarter 3

Formal notice type	No. of formal notices	No. of FPN issued
Section 88 Urinating FPN	257	257
Section 88 Litter FPN	44	44
Highway Obstruction FPN	20	20
34(6) FPN	12	12
47ZA FPN for Section 47 Notice	5	5
Section 38 Illegal Street Trading FPN	4	4
Section 59 Dog Fouling FPN	4	4
Community Protection Penalty Notice	2	2
Contraventions Of Street Trading Conditions FPN	1	1
Unauthorised Marks on the Highway FPN	1	1
34(5) Notice	48	0
Community Protection Notice	5	0
Highway Obstruction 5 Day Removal Notice	1	0
Highway Obstruction 7 Day Removal Notice	28	0
Highway Obstruction 48 Hour Removal Notice	3	0
Intention To Prosecute Letter	71	0
LBH Waste Contract Details / Section 47 Notice	25	0
NON-LBH Waste Contract Details / Section 47 Notice	8	0
Section 33za FPN (N2U)	0	0
Section 108 Notice	5	0
Total	544	350

Quarter 4

Formal notice type	No. of formal notices	No. of FPN issued
Section 88 Urinating FPN	340	340
Section 88 Litter FPN	50	50
Highway Obstruction FPN	48	48
Section 33za FPN (N2U)	11	11
34(6) FPN	6	6
Section 59 Dog Fouling FPN	5	5
Section 38 Illegal Street Trading FPN	3	3
47ZA FPN for Section 47 Notice	2	2
Community Protection Penalty Notice	2	2
Fly Posting FPN	2	2
Contraventions Of Street Trading Conditions FPN	1	1
Section 33za FPN (SRU)	1	1
34(5) Notice	34	0
Community Protection Notice	3	0
Highway Obstruction 5 Day Removal Notice	2	0
Highway Obstruction 7 Day Removal Notice	28	0
Highway Obstruction 48 Hour Removal Notice	2	0
Intention To Prosecute Letter	26	0

LBH Waste Contract Details / Section 47 Notice	27	0
NON-LBH Waste Contract Details / Section 47 Notice	8	0
Section 154 Overgrown Tree etc Notice	2	0
Total	603	471