

Annual Performance Report Of The Noise Service**CORPORATE COMMITTEE
MEETING DATE 2017/18****27th March 2018****CLASSIFICATION:****Open****If exempt, the reason will be listed in the
main body of this report.****WARD(S) AFFECTED****All Wards****GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING****KIM WRIGHT**

1. INTRODUCTION

- 1.1 This report sets out the annual performance report in relation to noise nuisance for the period 1st January-31st December 2017.
- 1.2 The Corporate Committee has requested annual reports on how the Council responds to noise nuisance.
- 1.3 While this report sets out performance for the period 1st January 2017-31st December 2017 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 May 2017.
- 1.4 Noise nuisance in Hackney will continue to receive an approach that looks at statutory noise nuisance and noise arising from anti-social behaviour together, so that the most appropriate action can be taken based upon the individual circumstances of the case. The service area brings together a range of enforcement services providing the opportunity to apply greater resources to a particular problem area and a better ability for specialists to collaborate and cases to be prioritised.
- 1.5 This report provides an update on the volume of noise complaints, a breakdown of the individual types of noise within the services workload, including Temporary Event Notices (TENs), which continue to place significant demand on existing resources.

2. RECOMMENDATION(S)

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

Note the annual performance report for the service.

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 Noise Enforcement service.

4. BACKGROUND

- 4.1 On 3rd May 2017 a new service titled "Community Safety, Enforcement and Business Regulation Service" was implemented within the Public Realm Division of the Neighbourhoods and Housing Directorate.
- 4.2 The new service created an integrated enforcement service, in which all of the enforcement responsibilities were together under one service located within the Public Realm Division of the Neighbourhoods and Housing Directorate in which three separate teams:

Community Safety
Enforcement
Business Regulations

The new service also includes the creation of an Integrated Partnership Unit and Intelligence Hub which brings together:

- all [service area] strategy, partnership support and intelligence functions and capabilities;
- the information and

thus creating a consistent joined up approach to strategy development and delivery.

- 4.3 The current approach in dealing with noise complaints involves case management techniques and when identified pro-active deployment against persistent premises or the persons responsible for causing the noise. This has resulted in four consecutive years of a gradual reduction in noise nuisance cases overall compared with the years prior to the 2013 which had seen annual increases.
- 4.4 The approach taken as part of the restructuring of the service was to split noise nuisance complaints and service requests into two distinct categories, one concerning commercial operations such as licensed venues or other business related activities and the other in relation to residential premises dealing with domestic noise situations such as the playing of amplified music, repeated late night parties etc and dealing with these residential issues as anti-social behaviour.
- 4.5 Non-uniformed staff consisting of a small team of trained and qualified Environmental Protection Officers (EPOs) focus on noise from commercial premises both through case management and through reactive deployment at times when the noise is occurring including at night.
- 4.6 Uniformed Officers are generalists and do not have the specialised training of the EPOs, but will deal on a more reactive basis to residential sources of nuisance. There is crossover and co-working between the teams and currently uniformed staff are currently receiving external training and additional training from the specialist officers. This is particularly so at night as the specialist noise service can be very stretched during periods of heavy demand.
- 4.7 In addition to this Principal Enforcement Officers (PEOs) who are Ward based deal with the more difficult to resolve and entrenched domestic noise and Anti-Social Behaviour (ASB) cases and also work out of hours.
- 4.8 Aside from reactive noise complaint work the EPOs have additional duties being a statutory consultee for licensing applications, the assessment of and making of representations on TENs, consultations in relation to planning

matters and issues related to construction noise and other commercial nuisance.

4.9 Operational Issues - Noise and ASB Management

4.9.1 The key challenges for 2017/18 were:

- Improving the noise service including our response to residents
- Improving the TENS process
- Improvements in our response to Licensing consultations and Planning applications

4.9.2 The key actions that were undertaken on 2017/18 which had been included in the Service Delivery Plan were:

- Delivering service procedures, process maps and updating the website
- Developing pollution procedures handbook
- ICT improvements
- Integrating Environmental Protection and Enforcement Teams into the new service.

4.9.3 The merging of the staff dealing with domestic noise within the previous Safer Communities Service to improve the overall service provision towards noise and antisocial behaviour (ASB) has been continued and developed. The clear synergy between these elements of nuisance has been recognised by government in legislation and consequently noise is included as a category of ASB. The aim of the local changes was specifically to move towards a more uniform approach to managing noise and ASB.

4.9.4 Initially the teams were co-located when an earlier service restructure was undertaken, to combine the two teams into one and also to deliver cost savings as part of the Council wide enforcement review. This 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 to 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.

4.9.5 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 using the Intelligence Hub capabilities, leading to better identification of repeat and vulnerable persons which is a key responsibility for Officers.

4.9.6 Developments have continued and in October 2017 changes were implemented that allowed a simpler and more streamlined approach for

residents to complain of noise nuisance issues. Using the online noise reporting service residents can complain instantly at any time detailing their concerns.

- 4.9.7 The noise nuisance webpage has been reviewed and the updated webpage is now live. Multiple noise webpages have been streamlined to a single webpage which provides clear and concise information that can be navigated with ease. The online noise nuisance reporting form has been redesigned to allow complainants to complete a more detailed, yet non-taxing self-triage which will allow Officers to receive relevant information, better understand issues and plan an appropriate course of action.
- 4.9.8 Complainants now receive a same-day acknowledgement accompanied by newly developed 'Noise Action Guidance' which will detail next steps and assist with managing expectations. The reporting form has gone live and the link is www.hackney.gov.uk/noise. One of the ongoing focusses will be considering how we can build on the steps taken to date to improve the user friendliness of the noise service.
- 4.9.9 When staff receive completed requests during service hours (including out of hours) they are assessed and triaged for engagement if required. Residents can also telephone during normal office hours and out of hours at times when the service is operating but in busy periods it may not be possible to answer the call and they are directed to the online reporting service.
- 4.9.10 Back office changes also mean that complaints are no longer referenced to the caller but are assigned to the perpetrator which makes enforcement action much easier to determine for the level of engagement required. Further developments are planned to automate the service even more which will release resources from the back office to ensure a better more effective level of service.
- 4.9.11 The PEOs undertake a role much wider than that of investigating domestic noise complaints which includes investigating ASB, Police liaison and supporting a range of crime and ASB prevention initiatives. ASB casework can involve some very complex and protracted investigations with parties sometimes having particular vulnerabilities and multiple needs. These investigations can be very resource intensive and present a challenge when balanced with noise related matters. Officers also undertake enforcement work that includes making applications for Closure Orders, Injunctions, and use of all the new powers provided by the Antisocial Behaviour, Crime and Policing Act 2014.
- 4.9.12 The service is also required to deliver an out of hours' noise nuisance service from within the resources allocated. 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.

4.9.13 The provision of an out-of-hours service is challenging as the demand is unpredictable and at times of peak fluctuation can result in up to twenty service requests in an hour, with a planned maximum of two staff to answer the requests and two to three deployed outside to respond to them. In each reported case research needs to be done, prior to responding to establish past history which could impact on the risk to attending Officers.

4.9.14 Equally the time taken to attend a service request and deal with it can range enormously from fifteen minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift spent dealing with for a complex rave in a remote area in the marshes or a derelict industrial building, often in liaison with Police. In the case of the latter, there would be no further Officer availability to deploy to other calls received on that shift.

4.9.15 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 and Table 1a and 1b of Appendix A of this report show comparisons of Noise Complaints recorded by LBH and MPS by day and hour for 2017:

	2014	2015	2016	2017
Jan	273	344	217	329
Feb	285	290	264	242
Mar	330	353	307	249
Apr	285	432	337	231
May	350	477	419	219
Jun	313	324	343	298
Jul	340	368	450	508
Aug	354	272	404	491
Sep	378	285	388	462
Oct	381	376	392	601
Nov	387	316	240	545
Dec	268	243	220	462
Total	5958	6095	5997	6654

The figures above relate to new and unique cases that are raised but do not reflect the complete workload of the team.

4.9.16 The method of working introduced was designed to identify repeat calls and make 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 more resource intensive than a basic call handling role but essential to prevent new cases being logged and not dealt with in their true historical and

risk based context. However with the use of the online reporting form and the ongoing planned automation changes will make this triage process far simpler and less resource intensive.

4.9.17 The activities of the EPOs especially in respect of commercial licenced premises are routinely directed through the weekly tasking process where inspections and engagement are co-ordinated. Officers work closely with the Licensing section and are routinely involved in all Licencing consultations and applications. Officers also lead on taking for licensing reviews through the Licensing Committee and the Courts.

4.9.18 In summary the 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.

4.10 Temporary Event Notices (TENs)

4.10.1 The Licensing Act 2003 is the empowering legislation for TENs, implemented in November 2005. There have been three subsequent legislative changes, the first was a Legislative Reform Order (LRO) in July 2010 and implemented in October 2010. This minor change gave Police Licensing teams three working days to respond to a TEN from the previous maximum of two days.

4.10.2 The second change was the Police Reform and Social Responsibility Act 2011 that came in to effect in April 2012. This was more substantive and had a significantly wider scope than the earlier LRO and had the effect of:

- enabling an objection to a TEN to be based on all four of the licensing objectives rather than just the prevention of crime and disorder.
- allowed the Environmental Health Service to be able to object to a TEN in addition to the Police.
- extended the period for which an objection could be made from 2 working days to 3 working days.

4.10.3 However it also allowed the "late TEN" which saw the number of TENs received in Hackney increase by around 25% in the first year. The third was the Deregulation Act 2015 that came in to effect in January 2016. This increased the maximum number of TENs a premises can have from twelve to fifteen per calendar year.

4.10.4 The number of TENs received has increased considerably over recent years, placing a considerable demand on Police Licensing, Council Licensing and EPOs dealing with noise from commercial premises. The Responsible Authorities (RAs) of which Environmental Protection is one and the Police the other in the case of TENs, have the sole responsibility to ensure minimal public nuisance is 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.

4.10.5 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. As part of the restructure one Officer has been dedicated to dealing with TENs to make the careful assessment of which applications to make a representation on thus targeting those applications which stand out as the most obvious through risk, enforcement, evidence or ones that have been historically problematic.

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

Differences and similarities between Standard and Late TENs for comparison

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

4.10.7 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 and has one of the highest number of TENs in London.

Hackney TEN's

Numbers:

2012	1315
2013	1937
2014	1967
2015	1969
2016	1121
2017	2402

4.11 Construction Noise

4.11.1 Construction noise normally manifests itself as a result of planning permission being approved for development and normally after actual work on site starts. The amount of construction in the borough has increased considerably in the past ten years and this has led to an increase in the average number of notices served or applications for consents approved under s60 and s61 of the Control of Pollution Act 1974. In the period April–December 2017 60 s60 notices were served while 132 consents were issued under s61. Many of these require very detailed negotiations and many site visits throughout the lifetime and various phases of each construction project.

5.1 Policy Context

Not applicable to this report

5.2 Equality Impact Assessment

Not applicable to this report

5.3 Sustainability

Not applicable to this report

5.4 Consultations

Not applicable to this report

5.5 Risk Assessment

Not applicable to this report

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

- 6.1 This report requests the Corporate Committee to note Annual Performance report for the Noise Service. This report is retrospective and has no immediate financial implications.
- 6.2 The cost of the Noise Service is met from the revenue budgets in Community Safety, Enforcement and Business Regulation.

7. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL AND GOVERNANCE

- 7.1 There are no legal implications arising from this report.

List of Appendices

Appendix A - Breakdown of case categories and demand between 2012 and 2017
Appendix B - Draft Environmental Protection Service Delivery Plan – TO FOLLOW

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