

**Environmental Protection Service Delivery Plan 2019-2020**

**March 2019**

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## INTRODUCTION

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Hackney Council has a statutory obligation to investigate and take action on complaints of noise nuisance.

The definition of noise is 'unwanted sound'. The World Health Organisation (WHO) states on its website the following with regards to excessive noise exposure;

**'Excessive noise seriously harms human health and interferes with people's daily activities at school, at work, at home and during leisure time. It can disturb sleep, can cause cardiovascular and psychophysiological effects, reduce performance and provoke annoyance responses and changes in social behaviour'. [<http://www.euro.who.int/en/health-topics/environment-and-health/noise>]**

Annoyance from noise can have a variety of adverse effect on the health of people, however, the impact on sleep disturbance, interference with communication as well as an increase in the levels of stress hormones in the blood is viewed as the most common and immediate affect to health. Studies by the WHO has also found that long term exposure to noise can have detrimental effect on health and wellbeing and has now been linked to individuals developing cardiovascular disease and the impairment of cognitive performance amongst children.

Noise is an issue of concern for both Hackney residents and workers and it is agreed by all parties that a remedy to reduce its impact is sought and imposed. However, as the number of residents grow in the borough and business activity intensifies especially within the night time economy, demand for the service will also increase. Therefore, a sustainable long term approach must be found to investigate the increasing number of noise and nuisance complaints without being impeded by financial constraints, allocation of resource and directorate restructure/reorganisation.

This service plan aims to provide such an approach and demonstrate new strategies enacted by the service to overcome obstacles and other impediments faced by the department. However, it also identifies areas that will need to be addressed for 2019-20 in order to maintain the current level of service being provided.

## 1.0 ENVIRONMENTAL PROTECTION TEAM

### 1.1 Highlights from 2018-2019

- **Sunday Construction Patrol**

The 'Sunday Construction Patrol' (SCP) was introduced in Service Year 2018-2019 to specifically target construction sites the EPT had received complaints about 'breach of construction hours' occurring on a Sunday. Figure 1.0 below provides the data for the number of construction site noise complaints received by the EPT per month, the number and percentage of Sunday's complaints and the number of repeat complaints. There was only one repeat complaint received in September 2018, however, this was due to the original complaint not being assigned to a ward officer and therefore no referral was made for the SCP.

Months	Number of Construction Complaints for the month	Number of Construction Complaints received on Sundays each month	Number of Repeat Complaints	Sunday Complaint Percentage
May-18	43	4		9%
Jun-18	31	4	0	12%
Jul-18	83	15	0	18%
Aug-18	60	5	0	8%
Sep-18	56	16	1*	26%
Oct-18	40	7	0	18%
Nov-18	37	10	0	37%
Dec-18	32	8	0	25%
Jan-19	33	4	0	12%
<b>Total</b>	<b>415</b>	<b>73</b>	<b>1*</b>	<b>18%</b>

Fig.1.0

- **Online Nuisance Complaints Platform (E-forms)**

The online e-form complaints platform was launched in May 2018 and can be accessed via the Hackney Council website. The platform removes the need for residents and businesses to raise complaints about noise, nuisance and anti-social behaviour via the telephone number. It should also be noted that prior to the introduction of the e-form, complaints were required to be manually inputted on the database by officers and support staff. Since the new platform was introduced, the service has redirected resource to additional areas of need as a result of time saved.

- **Civica Database Migration**

As proposed in the Service plan for years 2018-2019, the migration of the Environmental Protection Database was completed in May 2018. As a result of this migration which coincided with the launch of the online complaints portal, the Environmental Protection Team is now able to accurately compile the total number of service requests received by the service. It also has reduced the requirement for an Officer/Support Officer to manually input new complaints on to the database.

## **1.2 Case studies 2018-19**

### **1.2.1 Light Nuisance**

#### **'Doughnut Time', 233B Old Street Hoxton London EC1V 9HE**

In May 2018, an Environmental Protection Officer (EPO) received a telephone call from a member of the public about light nuisance occurring every evening from a commercial premises near their property. The complainant informed the EPO that they had made several efforts to get the organisation responsible for the premises to consider addressing the problem informally. However, their efforts were ignored by the company and the nuisance continued.

A pro-active visit was arranged with the complainant to assess light illumination inside their property to establish of the light amounted to a statutory nuisance under section 79 of 'The Environmental Protection Act 1990'. At the beginning of June 2018, a visit to the complainant's property was made by the EPO and an assessment was carried out. The Officer observed that the light emanating from the commercial building was intruding into the complainant's property and thereby preventing them from enjoying the use of their property. The Officer concluded that light nuisance amounted to a Statutory Nuisance.

The EPO visited the premises and advised the manager about the level of illumination inside the complainant's property and the impact on the occupier/s of the property. The EPO requested that the light nuisance is abated within seven days or an Abatement Notice will be served on the company responsible. As a result of the officers' actions and their intervention, a week later the EPO confirmed via telephone from the complainant that the light is now permanently switched off and is no longer a nuisance to them. This case reflects how the cause of a large proportion of all nuisance complaints are due to negligence and oversight.

### **1.2.2 Noise Nuisance - Mechanical Noise**

#### **Noise nuisance from the 'Heart of Hackney', 255 Mare Street**

Following complaints from a resident of Mare Street regarding a 'loud mechanical' noise from a roof plant belonging to the 'Anatolia Restaurant' on Mare Street, a noise assessment was carried out which determined that the noise source was in fact emanating from the 'Heart of Hackney', a commercial premises next door which is also owned by the restaurant. The Ward EPO carried out an intervention and found that the source of the noise was coming from a faulty cellar chillier unit mounted on their roof. This particular unit was responsible for keeping their beer barrels cold in the cellar below the bar. The Officer confirmed that the noise amounted to a Statutory Nuisance and subsequently served a Section 80 Abatement Notice on owner(s) and licensee of the 'Heart of Hackney'. The notice required the nuisance to be abated within 21 days from the service of the notice. However, the prior to the end of

the 21 days, the EPO carried out a further visit and confirmed that no changes have been implemented to the noise and the noise was still a Statutory Nuisance.

The Officer immediately met with the owners of the premises to inform that they have one day to abate the nuisance and to avoid breaching the notice. The officer was informed by the owners that the acoustic consultant employed by them had advised that an anti-vibration breaker is needed to provide the necessary mitigation required to abate the nuisance. The Officer was reassured that as soon the part arrived, all works required to abate the nuisance will be carried out without delay.

In order to act in a fair and reasonable manner and to prevent the owners of the premises from breaching the abatement notice and thus committing a criminal offence, in consultation with the complainant and the EP Principal, the EPO extended the time on the notice so that the premises owners can carry out the works required without this risk of contravening the notice any further. Unfortunately it came to the EPO's attention that the part ordered to abate the nuisance failed to arrive and the nuisance continued unabated. The EPO met with the owner and discussed alternatives to the problem and to explore other avenues. The EPO advised the owner to consult with their acoustician about different mitigation proposals to remedy the nuisance and it was agreed that a wooden acoustic housing will be built around the unit.

The EPO visited the site a week later and confirmed that the housing was built surrounding the unit. However, due to the poor build, the noise got worst and the housing caused the motor of the unit to burn out by limiting ventilation air. Fortunately for the business owner, the original ordered part (anti-vibration breaker) arrived later that week. However, after the anticipated installation was carried out, the EPO observed no material change in the noise level. It was therefore advised to the owner that unless the entire system was overhauled at a substantial cost to them, their only option available is to relocate the unit. The owner agreed to relocate the unit and this was confirmed on a visit by the EPO at the beginning of July 2018.

The units were now mounted on the ground level of the premises and within a small passage at the rear of the premises and Officers were satisfied that the noise did not amount to a Statutory Nuisance. The nuisances were abated and the owner of the business learned a very expensive lesson to listen to expert advice and to not cut corners to avoid cost. This case highlights the importance of officer autonomy in Statutory Nuisance investigations, especially making judgment when a notice requires an extension in order for the perpetrator to avoid contravening an abatement notice.

### **1.2.3 Noise Nuisance - Street Event**

#### **Glyn Arms Pub- 1 Mandeville Street, London E5**

On the last Sunday of May 2018, the EPO working in on the 'Out-of-Hours Noise Service' together with Enforcement Officers (EOs) received complaints from residents about noise from a big street party in 'Gilpin Square, London E5'. The Officers visited the area at 20:40 hours that evening and upon arrival they witnessed heavy bass music from approximately 50 metres away from the site of the street party. Upon closer inspection, the Officers observed a large crowd of people being entertained on the street from a sound system that appeared to be connected to the 'Glyn Arm's Public House'.

The EOs liaised with CCTV who confirmed that there were approximately 300 persons in 'Gilpin Square' which included a number of identified gang nominals. 'Body Worn Video' was activated by the EO's for personal safety as the Officers made their way through the crowd. Loud amplified music was audible throughout 'Gilpin Square' and in the opinion of the EPO the noise was so indiscriminate that it would cause nuisance to a large proportion of the residential properties in the immediate area.

A decision was made by the Officers that due to the large number of persons partaking in the event, it would not be safe to engage with those responsible for the nuisance without police assistance. However, after the EO's contacted the Police for assistance but were advised that uniform Officers would not be attending unless serious crime and disorder was taking place. The Officers had no option but to remove themselves from the area without carrying out an intervention. Later that evening, the EPO was contacted by the CCTV and informed them that reports of gun shots had been fired at the location of the street party. The Officers were then informed that armed Police had attended the site shortly after the report was made and recovered a number of weapons including samurai swords. The dynamic risk assessment carried out by the EPO and EP's to remove them from the event on that evening may have prevented a serious incident.



**Photo 1**

Following on from the on-going investigation carried out by the EPT following this the premises owners agreed to close its doors for the interim. The premises is yet to reopen to date.

#### **1.2.4 Noise Nuisance – Licensed Premises**

##### **The Shacklewell Arm's, 71 Shacklewell Lane, London E8**

The Shacklewell Arm's Public House is located in a mixed residential and commercial area. The EPT had received a number of complaints regarding noise and public disorder issues emanating from the premises since April 2012. Correspondence has been on-going between the licensee and the EPT but unfortunately due to the complainants moving out of their properties before noise assessments could be carried out and the difficult character of the licensee the service was unable to take further action.

In April 2018 the 'Out of Hours Noise Service' received a complaint at 00:55 hours about noise from the premises. The EPO visited the complainant's property and witnessed excessive noise amounting to a statutory nuisance. The Officers visited the premises and requested that the manager to reduce the level of the music. Although the manager refused at first to comply with the Officers request, upon the threat of abatement notice on the spot, the manager agreed to lower the music.

A noise abatement notice was subsequently served on the licensee of the premises. The Licensee of the premises has appealed against the notice on the grounds that it was a one off incident involving human error, as the rear door had jammed open. The licensee of the premises demanded that the

notice be withdrawn based on that argument and also that no Officers visited on the evening of the nuisance to advise the manager of the nuisance and as a result logged a corporate complaint against the legal action taken by the service.

The allegation that the EPO did not visit was taken very seriously as the licensee had instructed a legal QC to challenge the Council's actions. A witness statement was presented by the licensee signed by the manager working on the evening stating that no visit was made by any Council official on that night. Fortunately, after request of the premises CCTV recordings was made, the challenge was immediately dropped as it transpired that the manager of the premises made a false statement. The licensee later requested that a meeting to discuss the notice and how to resolve any issues is to be arranged between themselves and the EPT. However, a few days later the EPT received a court summons from the local Magistrates' Court regarding the appeal of the notice served on the premises. In the first court hearing regarding the appeal of the notice, Hackney Council presented its case and proposed that subject to acoustic sound insulation or no further complaints for 6 months regarding noise, the notice will be withdrawn. However, the licensee declined the offer and wished to go ahead with a full hearing for a later date which was to be set by the courts. The later hearing was set for December 2018 and as the Council had not received any further noise complaints in the previous months. Since this was one of the proposal made by the Council Legal Team to withdraw the notice, it was agreed by the Magistrate that the Notice could be withdrawn with each side bearing its own costs.

This was a very complex case with a lot of legal challenges, however, this was a successful result for the EPT and the residents who had been experiencing noise nuisances from the premises since 2012. No further noise complaints have been received from the premises.



## 1.3 How the Service Links to Corporate Priorities

### 1.3.1 Corporate Priorities



#### **Community Strategy 2018-28**

1. A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth.
2. A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life.
3. A greener and environmentally sustainable community which is prepared for the future.
4. An open, cohesive, safer and supportive community.
5. A borough with healthy, active and independent residents.

#### **Mayor's Priorities**

- 1. Fairer**  
Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities, and excellent schools; where everyone can play a part, and where tackling inequality is at the heart of what we do.
- 2. Safer**  
Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks, and estates.
- 3. More sustainable**  
Making Hackney an economically, and environmentally sustainable place, with strong, cohesive, and diverse communities.

### **1.3.2 The Environmental Protection Team contributes to the delivery of the following local policies and plans:**

- The Environmental Protection Service meets the Mayor's Priority 2 (Safer) by providing a response service to residents and businesses to address Noise and Nuisance complaints.
- The 2018-28 Community Strategies 1 is met by the Environmental Protection Team by investigating complaints received by the service with the aim to provide a resolution to nuisance complaints.

#### **The Service aims to:**

- Respond and Investigate noise and nuisance complaints to ensure that residents and businesses in the borough are not disturbed by Statutory Nuisances.
- Work with commercial premises to abate and prevent the cause of nuisance. This will be in the form of general advice and guidance.
- Act as the Responsible Authority for Licensing Applications and Temporary Event Notices with regards to the 'Prevention of Public Nuisance' objective of the Licensing Act.
- Provide recommendations for Planning Applications with regards to noise
- Appraise and grant Section 61 Applications and Local Authority Agreements

#### 1.4 Environmental Protection Team Performance Indicators 2018-19

Short Name	Frequency of reporting	Directorate	Target	2017/18 Actual	2018/19 Actual	Target for 2019/20
Percentage of First Response to new service requests met within target (10 days)	Quarterly	Neighbourhoods & Housing	100%	100%	100%	100%
Number of noise abatement notices served under s80 EPA 1990 in respect of commercial noise	Quarterly	Neighbourhoods & Housing	No Target Figure only	***	93 (Feb 2019)	No Target – Figure only
Percentage of compliance from service of EPA s80 Notice	Yearly	Neighbourhoods & Housing	80%	98.9%	99%	80%
Percentage of compliance from service of COPA s60 Notice	Yearly	Neighbourhoods & Housing	90%	100%	100%	90%
Percentage of Licensing Application comments made within target (28 days)	Quarterly	Neighbourhoods & Housing	100%	92%	<b>*TBC</b>	100%
Percentage of Temporary Event Notices met within target (3 days)	Quarterly	Neighbourhoods & Housing	100%	100%	<b>**TBC</b>	100%
Percentage of Section 61 Applications met within target (28 days) *	Quarterly	Neighbourhoods & Housing	100%	100%	100%	100%

\*Licensing Applications KPI was not met due to allocation issues. This matter has been addressed and a new system will be introduced.

\*\*Temporary Event Notice KPI was not met due to staff shortages as a result of sickness and leave.

### 1.5 Environmental Protection Service - Local Target 2019/20

<b>Short Name</b>	<b>Frequency of reporting</b>	<b>Target for 2019/20</b>
Officer Response to nuisance complaints after allocation	Monthly	10 working days
Response to general queries	Monthly	10 working days
Planning applications	Monthly	21 days
Premises Licence Applications (including variations & minor variations)	Monthly	15 working days
Massage and Special Treatments applications	Monthly	21 days
Determination of S61 applications	Monthly	21 days
Response to members' referrals/enquiries	Monthly	10 working days

## 2.0 BACKGROUND

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### 2.1 Profile of the Local Authority

A service review of the Community Protection Directorate resulted in the commercial noise and nuisance section of the service migrating over to the community Safety, Enforcement and Business Regulation Service under the title 'Environmental Protection' in May 2017. The Team is approaching its second year of service delivery

### 2.2 Organisational Structure

The Environmental Protection Department structure is as following:

- 1 x Principal Officer
- 3 x Senior Environmental Protection Officers
- 2 x Environmental Protection Officers (funding until 31<sup>st</sup> March 2019)
- 1 x Temporary Event Notice's Officer.

The funding for 2 x Environmental Protection Officers was agreed in return for providing additional specialist support on the 'Out of Hours Noise Service' which will cease on 31<sup>st</sup> of March 2019.

### 2.3 Scope of the Service

Environmental Protection primarily enforces the following legislation:

- Section 79 of The Environmental Protection Act (EPA 1990)
- Section 60 and 61 of The Control of Pollution Act 1974 and
- Licensing Act 2003. The Environmental Protection Department acts as the responsible authority for licensing applications, are consulted for planning applications with regards to noise and also for Section 61 applications received under The Control of Pollution Act 1974.

Environmental Protection provides the following service:

- Respond to and Investigate commercial and industrial noise complaints
- Respond to and Investigate nuisance complaints listed under section 79 of the Environmental Protection Act 1990, such as artificial light nuisance, dust, smoke and odour (smell)
- Respond to and Investigate complaints regarding noise from Construction Sites
- Assess and comment on Planning Applications with regards to Noise and Nuisance
- Comment and act as a Responsible Authority for Licensing Applications

- Comment and act as a Responsible Authority for Temporary Event Notices
- Assess and comment on section 61 applications for consents
- Assess and grant Local Authority Agreements – This covers works that are required to be carried out within short notice such as Statutory Undertakings (road works, gas, water etc.). The agreement grants the applicant consent to carry out short period of works outside of the permitted hours for noisy construction works.
- Staff the Out of Hours Noise Service
- Working with commercial, industrial and licenced premises to help them comply with their legal and licensing responsibilities, by providing information, advice and guidance
- Instigate and review Premises Licences – Acting as Responsible Authority

2.4.1 Demands on the Environmental Protection Service

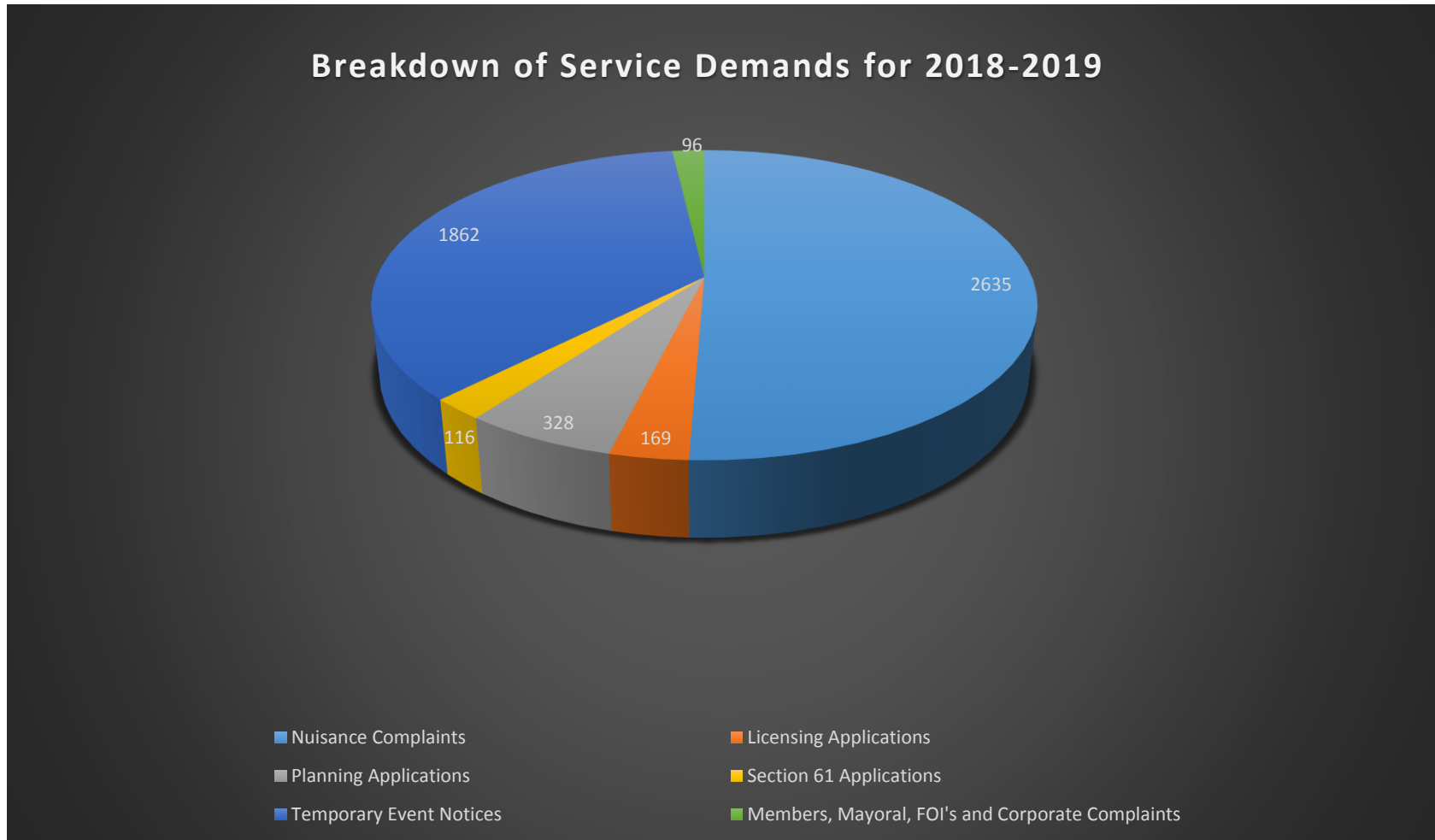


Fig 2.0

Please note that the above data covers from the period April 2018 – January 2019.

Figure 2.0 above represents the total breakdown of all the service requests the service has received from April 2018 – January 2019.

	<b>Service Year 2017/18</b>	<b>Service Year 2018/19 + 10% Deduction for to duplications</b>	<b>Difference of Service Requests from 2017/18 to 2018/19</b>	<b>Percentage difference (TNDP)</b>
Noise & Nuisance	1763	2372 (2635 actual)	609	<b>35%</b>
Planning Applications	305	328	23	<b>8%</b>
Licensing Applications	171	169	-2	<b>-1%</b>
Section 61 Applications	132	116	-16	<b>-12%</b>
Temporary Event Notices (TEN's)	1758	1862	104	<b>6%</b>
Members & Mayoral Enquiries, Corporate Complaints	85	96	11	<b>13%</b>
FOI		Unable to provide data due to system restrictions		
<b>Total (Excluding TEN's)</b>	<b>2315</b>	<b>3081</b>	<b>766</b>	<b>33%</b>

#### 2.4.2 Noise & Nuisance complaints received Service Year 2018 - 2019

The number of service requests for Noise and Nuisance complaints increased by 609 (this calculation takes into account the 10% deduction for duplications) from 2017-18 which represents a **35%** increase in requests demonstrating the demand and pressure experienced by the service for this period. The increase in the service requests is due to the way service requests are now recorded on the database, the introduction of the online complaints portal and due to general rise in commercial premises in the borough.



#### 2.4.5 Temporary Event Notices(TENs) received between April 2018 – January 2018

The TENs Officer consults on all TENs applications. There data is slightly skewed towards the end of the year due to an influx of applications in October and November 2017. These were identified as New Year’s Eve celebration applications. The service averaged 180 applications each month over this period.

#### Temporary Event Notice Monthly Break Down and KPI Target (100% Target)

Month (April 2018 - January 2019)	Number of TEN's	TEN's responded on target	Number of Objections	Percentage of Temporary Event Notices met within target (3 days)
April	206	205	10	*99.5%
May	216	216	16	100%
June	158	158	5	100%
July	130	130	1	100%
August	172	172	1	100%
September	132	44	1	*33.33%
October	195	195	0	100%
November	356	356	7	100%
December	170	170	2	100%
Jan-19	127	127	1	100%

## **Enforcement Action – Notices Served**

### **2.6.1 Number of Section 80 and Section 60 Notices Served by the Environmental Protection Team between April 2018 and January 2019.**

	<b>Section 80 EPA Notices Served</b>	<b>Section 60 COPA Notices Served</b>
<b>Apr-18</b>	6	2
<b>May-18</b>	1	2
<b>Jun-18</b>	0	0
<b>Jul-18</b>	4	2
<b>Aug-18</b>	6	37
<b>Sep-18</b>	2	4
<b>Oct-18</b>	9	6
<b>Nov-18</b>	49	17
<b>Dec-18</b>	9	14
<b>Jan-19</b>	7	13
<b>Total</b>	<b>93</b>	<b>97</b>

The above table shows the number of Enforcement Notices Served by the Environmental Protection Team between April 2018 and January 2019. Section 80 EPA Notices are notices served when a Statutory Nuisance is witnessed under Section 79 of the Environmental Protection Act 1990. Section 60 COPA Notices are notices served under the Control of Pollution Act 1974 on construction companies or those carrying out construction work outside of the permitted hours for noisy construction work.

## **2.5 Enforcement Policy**

**2.5.1** A revised Enforcement Policy was approved by Cabinet on 21<sup>st</sup> January 2019 and the Team recognises that whilst commercial and licensed premises look to maintain their reputation and wish to maximize profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. Therefore, in considering enforcement action, the service will assist commercial and licensed premises to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution, license review or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

**2.5.2** The Environmental Protection Team also takes account of the principles of the Enforcement Concordat and has regard to Crown Prosecution Service guidelines and Equality Impact issues when undertaking any enforcement action.

**2.5.3** The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as works in default and legal costs).

### **3 SERVICE DELIVERY**

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#### **3.1 Complaints and Service Requests**

Residents and businesses can contact the service through the online e-form platform. This has recently been updated and streamlined for each type of noise complaint either residential or commercial. Complaints can also be made by e-mail or by telephone. It should be noted that a large number of service requests for commercial premises are received via the Out of Hours Noise Service.

##### **Visits**

Officers will visit both complainants and perpetrators to carry out their assessment. This can be arranged during office hours, in the evening whilst the Out of Hours Service is operating or an alternative mutually convenient time.

##### **Consultation Meetings (External & Internal)**

Consultation meeting will be held with applicants for both Licensing and Planning Applications if required. Meetings will also be held with the relevant service in the Council to discuss any relevant application.

##### **Out of Hours Service (Including pro-active visits)**

The Out of Hours Service provides the Officers the best opportunity to carry out visits to assess nuisance. This is due to the fact that majority of complaints emanate from premises which operate during the evening. Pro-active visits will also be arranged by Officers for the Enforcement Team and the Environmental Protection Officer working on the service.

##### **Sunday Construction Patrol**

This will be on a referral basis from sites which have cause a nuisance the previous Sunday.

##### **Tasking**

Complaints that fall outside of the working hours for the Environmental Protection Service will be referred to Enforcement Officers via 'Tasking' on a weekly basis.

## 4 RESOURCES

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### 4.1 Resources for 2019-2020

#### 4.1.1 The staffing for Environmental Protection function for 2018-19 was as follows:

- 0.3 FTE – Regulatory Services Manager
- 0.4 FTE x Principal Officer
- 3.0 FTE x Senior Environmental Protection Officers
- 1.0 FTE x Temporary Event Notice's Officer.
- 0.4 FTE x Technical Business Support Officer

**Total staffing resources = 5.1 FTE**

\*Please note there are 2 x FTE x Agency Senior Environmental Protection Officers (Funded until 31<sup>st</sup> March 3019)

#### **Staffing for Environmental Protection function for 2019-20 is as follows:**

- 0.3 FTE – Regulatory Services Manager
- 0.4 FTE x Principal Officer
- 3 FTE x Senior Environmental Protection Officers
- 2 FTE x Senior Environmental Protection Officers (Fixed Term Contract until 2021)
- 1 FTE x Temporary Event Notice's officer.
- 0.4 FTE x Technical Business Support officer

**Total staffing resources = 7.1 FTE**

The additional 2 x Fixed Term Contracts budget was approved in February 2019.

#### **4.1.2 Resource allocation per activity**

##### **Noise and Nuisance complaints**

It is not possible to accurately calculate how much time is spent on each nuisance complaint as it depends on the complexity of the case. For example some may only require a phone call and a letter sent out whilst others may require a multiple visits to the complainant and to the perpetrating premises. Therefore, a total of 7.0 hours is allocated to each service request to counter the different hours/time spent on each case. This can broke down further into the following, 1 hours initial call and letter preparation, 2.5 hours for visit (1.5 hours for journey and 1 hour for assessment and intervention), a further 1 hour for follow-up call and letter preparation, finally a further visit taking 2.5 hours for confirmation of compliance = 18445 hours

**Noise and Nuisance investigation time = 18445**

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

##### **Licensing Application Consultation**

Applications are assessed and then the impact of the proposed activities are evaluated against the 'Prevention of Public Nuisance' objective of the Licensing Act. Depending on the nature of the premises and the activities sought, the time spent on each application can vary significantly. For larger complex cases, multiple site visits and meetings take place, this includes letters, emails and telephone calls between applicants and other agencies acting as Responsible Authorities such as the Police. Acoustic reports can also be submitted as part of the application, this can take a significant time to review by the officer. Therefore, each case is allocated 9 hours to counter the difference in time spent between each application = 1521 hours

**Licensing Application Consultation time = 1521 hours**

### **Planning Application Consultation**

The time spent on each application can vary depending on the size of the application. Some applications can take a number of weeks to assess. Whilst others may submit more than one acoustic report which takes a significant amount of time to assess and evaluate. Therefore, to counter the difference in time spent on each application, 9 hours is allocated for each consultation = 2952

**Planning Application Consultation time = 2952 hours**

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

### **Section 61 Applications**

Applications can vary in complexity, for example some applications may require complex acoustic calculations to be carried out and continued monitoring, whereas others may be for short small projects, therefore, 4 hours is allocated to each application = 464 hours

**Section 61 Application Consultation time = 464 hours**

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

### **Temporary Event Notice Consultation**

A total of 1.4 hours is allocated to each application as a thorough interrogation of the database is required for the premises history and administrative time is allocated to phone calls and emails = 2607 hours

**Temporary Event Notice consultation time = 2607 hours**

Please note that the hours are based on 9 months of service requests, therefore, the final data consisting of 12 months of data will be considerably more.

### **Members, Mayoral Enquiries, Freedom of Information Requests and Corporate Complaints**

A total of 4 hours is allocated to each type of request or enquiry. However, it must be noted that some take significantly longer, but to balance the numbers an average of 4 hours is allocated to each = 340 hours

**Members, Mayoral enquiries, Freedom of Information requests and Corporate Complaints time = 340 hours**

## **Total estimated hours required for carrying out Environmental Protection Function 2019/20: 25989 hours.**

The total hours required to carry out all Environmental Protection functions is 25989 hours. However, this does not reflect accurately the hours spent on each service request as there will be a percentage of complaints that require minimal interaction or no further follow up. Therefore, having taking into consideration the number of complaints that will require minimum or no action and the 35% increase in service requests as a whole, the Environmental Protection Team will require an additional 3 officers to maintain the increasing service demand. This calculation is based on the fact that the team currently has 6 officers (including 2 x agency staff), therefore, an increase in service demand by 35% can be met by an additional 3 officers.

### **4.2 Challenges to the service**

- The current staffing resource for 2018/19 is 5.1 FTE (this does not include the additional 2x FTE which end in March 2019). The service demand calculations made in the 2018/19 Service Plan was underestimated by **45%**. As a result the service has experienced severe pressure and demand on its resources with the current number of service requests received (data from April 2018 - January 2019).
- The additional two Officers provide support to the service in responding to the Out of Hours service requests. The total number of Officers still present significant challenges across the service whilst sustaining performance outcomes and Community/Member and Mayoral service expectations.
- With the addition of new residential developments being granted in very close proximity to existing highly saturated commercial areas, the cumulative impact from new and existing licensed and commercial premises will have a detrimental effect on residents and businesses if the problems are not addressed within a reasonable time and in a correct and efficient manner. This will be addressed by providing consultation comments to both the Licensing and Planning Departments within the target response time.
- To counter the staffing deficient, initial enforcement action via observations will need to be developed in context with the ability to Task work to the new Enforcement Officers. This will be an essential role in the delivery process of the service by removing the additional requirement for Officers to carry out visits for each and every complaint. However, the effectiveness and success of this will require continuous monitoring and review.

## **5 QUALITY ASSESSMENT**

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### **5.1 Internal Arrangements**

Monthly 'check-in' will be carried with each officer to monitor case work load to make sure that officers are meeting their targets and expectations. This will also provide the opportunity for officer's to feedback on the service performance and case load allocations. Monthly team meetings are held with the Regulatory Service Manager to discuss service performance and address other issues. A further 6 months review will be carried out for each officer to monitor performance against local targets.

The service will also be measured on a quarterly basis to make sure that KPI's and local targets are being met. This will be provided to the Head of Service to review.

## 6 REVIEW

### 6.1 Review against the Service Plan 2018/19

Monthly and quarterly briefings are provided to the Director of Public Realm, Enforcement and Business Regulation Service Management Team and Cabinet Member on performance against P.I's, performance targets detailed in the service plan. Performance of the service is reviewed through a variety of mechanisms which include performance appraisals, monthly one-to-one meetings and monthly team meetings.

### 6.2 Key Areas for Improvement/Development 2019/20

Aim	Objective	Target
<b>Online Submission of Section 61 Applications</b>	The current process for Section 61 applications requires the applicant to contact the service, are then emailed a blank Section 61 application. The form is then returned back to service via email. This process also requires the manual entry of the application on the database system. The online submission will remove much of the existing process and will only require the applicant to be directed to the web link. They can then fill in the online e-form and attach any additional documents. The information will then populate a new Service Request on the database and will only require to be allocated to the ward officer.	End of Q3
<b>Carbonated Documents Pads (Notices, Letters of visits and inspection outcomes)</b>	The current process for the service of a Section 80 EPA Notices requires the officer to return to the office and draft, print, sign and then copy/scan the notice before it is served via post or hand delivered. The carbonated notice pad will remove this stage in the initial enforcement process as the officer will be able to serve the notice on the spot. This will provide and save the officer with essential time which would have been lost in the notice service process. In addition to the notice pad, an inspection letter pad will also be developed which will state the outcome of the assessment and a copy will be left with the complainant. This will remove the need for the officer to write back to the complainant and thus saving further time spent.  The Investigation/Inspection Pad will make the process consistent with the other services under Business Regulation. The document will also act as evidence for	End of Q1



	service of notices and legal prosecutions. The document will then be scanned and save don the database.	
<b>Develop policy and procedure for the introduction of Fixed Penalty Notices for breaches of Abatement Notices</b>	Businesses can have the opportunity to waive liability and have the time to mitigate and abate a nuisance instead of legal proceedings or a licence review being instigated against them.	End of Q3
<b>Income Revenue Generation</b>	Methods of income generation will be explored further. For example, Nuisance Training for Enforcement Officers (External).	End of Q3
<b>Website Commercialisation Project</b>	To streamline the service and to provide information for residents and businesses, the website for the Environmental Protection Service is being updated to provide all the relevant information regarding the service in one area. The website will also act as a sign post for certain types of complaints, for example for those which the Council cannot investigate. This will remove the requirement to explain to the inquirer what service can be provided to them.	End of Q2
<b>Environmental Protection Officer Performance Activity Monitoring Via Qlick.</b>	<p>A list of activities carried out by Environmental Protection Officers will be monitored live via the Qlick platform. The following are an example of the activities which will be measured:</p> <ul style="list-style-type: none"> <li>- Number of visits made for Nuisance Complaints, Planning and Licensing Consultation.</li> <li>- Number of Warning Letters served</li> <li>- Number of Objections made for applications</li> </ul> <p>Number of Notices Served</p>	End of Q1

### 6.3 UPDATE - Key areas for Improvement/Development for 2018-2019

Aim	Objective	Update – December 2018
<p>Full integration of all service functions onto CIVICA APP database. This includes Licensing, Planning and Section 61 Application</p>	<ul style="list-style-type: none"> <li>- Provide real time data on service request</li> <li>- Integration with BI Platform</li> <li>- Accurate data retrieval for performance and audit purposes</li> <li>- Ease of use</li> </ul>	<p>The migration of the database from M3 PP to CIVICA was finalised in May 2018. This process caused some technical issue and required training for officers, however, in June 2018 and once the database was fully integrated with the online e-forms complaints service, the officers and the service were able to operate the database without too many issues. The service always envisaged a few teething issues, however, issues are still being identified and resolved as soon as possible. The service is now in a position to monitor the number of service requests which more accurately reflects the work carried out by the Service.</p> <p>The integration with the Business Intelligence Platform has been delayed as the service is still developing the new database. However, this will be met by end of Q4.</p> <p>The introduction of the new database has allowed management to retrieve data reports with ease and accuracy due to the functionalities provided by the database.</p>
<p>Develop policy and procedure for the introduction of Fixed Penalty Notices for breaches of Abatement Notices</p>	<ul style="list-style-type: none"> <li>- Businesses can have the opportunity to waive liability and have the time to mitigate and abate the nuisance, instead of legal proceedings or a licence review being instigated.</li> </ul>	<p>This process has been delayed due to a high numbers of service requests received during the services peak season. This work will be put on hold and moved to the 2019-2020 Service Plan as time to resolve this issues is not currently possible with work priorities and resourcing matters.</p>
<p>Develop a marketing plan for the rental of noise equipment</p>	<ul style="list-style-type: none"> <li>- Currently equipment held by the service is given out for free to Housing Associations. This includes an officer setting the system up, dismantling and reviewing the data.</li> </ul>	<p>The lending of noise equipment to internal or outside bodies has now ceased. However, the introduction of a rental plan has been delayed due to the increase on other service demands for the section. The service aims to have this be met by end of Q4.</p>

Develop Street Entertainment Policy – Busking	<ul style="list-style-type: none"> <li>- Benchmark/Review with other LA's regarding their Street Entertainment Policy.</li> <li>- This will provide a consistent approach for buskers to freely carry out their activities in the borough in locations set by the service.</li> </ul>	Delayed due to other Service priorities.
Explore Professional Consultation service	<ul style="list-style-type: none"> <li>- Provide Acoustic consultation services to non-Hackney businesses</li> <li>- Income generation</li> </ul>	Delayed due to other Service priorities. The target date for this is end of Q4, however, if the service demands continue this will be moved to 2019-2020 Service Plan.
Review Consultation Agreement between Environmental Protection and Planning	<ul style="list-style-type: none"> <li>- Cost recovery, from Pre-apps and other types of special applications</li> <li>- Explore cost recovery from general applications as we are no longer Statutory Consultees and therefore provide consultation for free.</li> </ul>	A review of the service agreement between the Environmental Protection Team (EP Team) and the Planning Team was carried out by heads of services. Although the EP Team is no longer classed as statutory consultees, it was agreed by the Director of Public Realm and the Heads of Community Safety, Enforcement and Business Regulation and Planning that the service will continue to provide consultation to Planning Applications.
Develop new Hackney Code of Practice for Construction	<ul style="list-style-type: none"> <li>- To provide guidance to construction companies</li> <li>- To have a standardised policy for construction</li> </ul>	Draft copy complete. Final draft to be submitted by mid Q4