

Enforcement Service Delivery Plan 2019/20**CORPORATE COMMITTEE
MEETING DATES 2019/20****3rd June 2019****CLASSIFICATION:****OPEN****If exempt, the reason will be listed in the
main body of this report.****WARD(S) AFFECTED****All Wards****GROUP DIRECTOR****Kim Wright, Neighbourhoods & Housing**

1. INTRODUCTION AND PURPOSE

- 1.1 The Enforcement Service Delivery Plan sets out the objectives of the Service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy.
- 1.2 It also sets out the key areas relating to the service of environmental enforcement, addressing anti-social behaviour including the Night Time Economy and statutory nuisance, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.3 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.4 Enforcement in Hackney continues to receive a holistic approach including environmental enforcement which looks at issues such as Highway obstructions including A-Boards, littering and fly tipping together, so that the most appropriate action, in accordance with relevant legislation can be taken based upon the circumstances of the particular case. The 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(S)

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

Note the level and scope of work being carried out to meet the requirements of the plan

3. REASONS FOR DECISION

- 3.1 It was agreed that the Enforcement Service Delivery Plan is presented to Corporate Committee to ensure local transparency and accountability.
- 3.2 The Plan ensures that there is a programme of enforcement activity undertaken to address issues relating to environmental enforcement, anti-social behaviour (ASB) and statutory nuisance in particular.

4 BACKGROUND

- 4.01 The Enforcement Service was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and the plan details the scope and activities of the service and provides detail on the expected performance of the service for 2019/20.

- 4.02 The Service is split into two Teams North and South each headed by a Team Leader. Each Team comprises of five ward based Principal Officers (non-uniformed), one Principal Waste Enforcement Officer dealing with unregulated and commercial waste, two Technical Support Investigation Officers and fourteen uniformed Enforcement Officers together with two apprentices, one in each Team.
- 4.03 The ward based Principal Officer service deals with a variety of complex cases and casework including eliminating through enforcement activity ingrained ASB, repeated larger scale fly tipping activity and complex domestic noise complaints. Most of this type of complex activity will be delivered in close co-operation with a variety of other services namely the Police, Community Safety, Housing, Environmental Protection Service and Adult and Child Safeguarding. Principal Officers are Ward based and act as single points of contact for their Ward areas.
- 4.04 The uniformed service has no formal limits other than those imposed by legislation and by its own resource. The main objective of the service is to provide a highly visible protective and proactive service that can be deployed easily and quickly according to need. Naturally this is constrained by law on employment and particularly on health and safety. For example it cannot respond directly to those activities concerning crime more usually dealt with by the Police e.g. stabbings, drug dealing etc, although it may have a supportive role.
- 4.05 The Service is also expected support some it's provision through its own enforcement activities in preventing and tackling ASB, Highways obstructions including A-Boards, waste and other nuisance type issues that occur on the Borough's public spaces and streets. This is usually determined as a tool for behaviour change, where they can have considerable impact on the casual disposal of litter on the Boroughs streets.
- 4.06 The Enforcement Officer interactions will usually be for one-off offences and are dealt with at the time of the offence. More complex and ingrained activity is passed to the relevant ward based Principal Officer. The Enforcement Officers are also tasked on a daily and weekly basis to prevent and investigate instances of nuisance and ASB on the Borough's streets and Estates. One of the key indicators on this is the administration of Fixed Penalty Notices and other types of enforcement tools such as formal cautions and prosecutions.
- 4.07 Given the above, both elements of the service work through a close proactive and reactive intelligence based tasking processes, which are continually adjusted to ensure that resources are directed and managed to the best most efficient effect. Consequently they work very closely with the Intelligence Hub and the other statutory services in and throughout the Council.

Enforcement Service scope and activities

Functions	Activities and Comments
Area co-ordination and forward deployment of resources through the co-ordinated management arrangements with Business Regulation.	This is achieved through having a shared common management structure where common objectives and working can ensure co-ordinated responses and planning.
Intelligence material sourced from the Community Safety Team's Intelligence Hub used directly to inform tasking and problem solving with partners across the Council and Police.	Regular weekly tasking and action centred management meetings ensure this is maintained and delivered.
Fulfilling specific requirements as set out in the Service Level Agreement (SLA) between the service and the Housing Department, primarily focused in dealing with unauthorised waste disposal, ASB, and ingrained noise problems other smaller matters and issues such as the removal of pirate radio aerials and paraphernalia whilst providing a uniformed patrolling deterrent.	The SLA is vital to the functionality of the service and regular contact with Housing ASB team ensure that the work is relevant and is continuity adjusted to need. It works through tasking and other linkages to ensure complete functionality. The Enforcement service leads on the Anti-Social Behaviour Panels which primarily but not exclusively deals with Hackney Housing Tenants.
Managing complex and local ward based through enforcement case management (for all areas of non-compliance but especially noise and ASB).	This is ongoing work that concern complaint resident derived cases, for example include noisy cockerels to extreme cases of continual noise pollution in a particular locality from one individual playing amplified music and complex ASB issues such as Gillett Square, Dalston Square and Wilberforce Road. These can become complex matters which although local in nature can cause considerable harm and reputational damage to the council if not dealt with adequately.
Joint operations with the Police and Partners; some ad hoc 'on the night' and others with considerable forward planning involving cross border and working through tasking processes.	Joint operations have targeted issues such as kerb crawling operations or weapon sweeps planned through tasking or help in eliminating noise nuisance through entry and the

<p>This can include planned activity in controlling the noise and ASB issues in localised cultural events.</p>	<p>seizure of noise emitting equipment.</p>
<p>The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise nuisance issues.</p>	<p>This is regular reactive activity mainly late at night to deter and deal with noise nuisance by dealing with issues on the out of hours noise service and other ASB problems experienced in the evening particularly in the Dalston and Shoreditch areas.</p>
<p>Dealing with and preventing environmental ASB and waste including fly tipping, highway obstructions, street urination and littering through intelligence based tasking and formalised patrolling.</p>	<p>This is a regular service activity and results in increased levels of on the spot enforcement activity. It is an essential tool in achieving compliance in ensuring a visible deterrent especially in the fly tipping of waste by business outside authorised times and limits.</p>
<p>Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and Licensing.</p>	<p>Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age controlled products (e.g. alcohol, knives ,tobacco) to minors.</p>
<p>Highways Licensing Enforcement including skips and scaffolding through patrols and intelligence feeds from Street Scene.</p>	<p>The Uniformed Service will generally patrol areas of the Borough where there are suspected highway obstructions such as unlicensed skips. Street Scene will also provide intelligence relating to highway obstructions.</p>
<p>Uniformed service dealing with non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards.</p>	<p>These non-compliance issues are usually generated by businesses. The services are reactive in nature although focused operations are planned when resources allow. Officers are proactive in dealing with A Boards.</p>
<p>Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated</p>	<p>Two Officers who are embedded with the Waste teams located at Millfields Depot although managed by the service investigate these matters.</p>

traveller camps.	Proactively and reactively they are working solely on these issues
Dealing with and preventing sources atmospheric pollution and other detriments to air quality.	This is a developing area of work and there will be a focus on the reactive and proactive work on problems such as the enforcement of clean air legislation.
Special activity or projects focused on particular local areas of concern for example the prevention of noise and air pollution in London Fields over the summer.	A specific team has been set up to be set up and tasked with this on weekends and Bank Holidays over 21 weeks in Summer 2019. This is funded from budgets within Public Realm
Leading and Coordinating Antisocial Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB officers.	This is regular specialised cross departmental activity led by Enforcement Team Leaders to ensure individual cases are dealt with.
Public Reassurance achieved through regular visible patrolling through town centres and estates.	This is self-descriptive and is an important element of the service. For example there may be issues with ASB outside a school and therefore distinctively uniformed officers can be tasked to be in the vicinity to provide public reassurance at school leaving time.
Dealing with and providing customer responses to enquiries and complaints (including freedom of information matters and members enquiries).	The section receives a large quantity of incoming complaints and enquiries which need to be researched and responded to this is done in the main by Team Leaders and Principal Officers.

4.1 Policy Context

4.1.1 The Plan is prepared in accordance with Council guidelines and it sets out how the Council is going to discharge its responsibilities in relation to Enforcement.

4.1.2 The performance of the Service is measured against its fulfilment of the Plan.

4.2 Equality Impact Assessment

N/A

4.3 Sustainability

N/A

4.4 Consultations

N/A

4.5 Risk Assessment

4.5.1 The Enforcement Service Delivery Plan sets out how the Enforcement Service will take actions that contribute to achieving corporate priorities and desired outcomes. Without these being agreed, (that being clearly stated priorities and this plan), the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

4.5.2 **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 waste throughout their operating hours and managing appropriate commercial and household waste enforcement.

4.5.3 Officers and Partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, undertaking proactive patrols in relation to the Night Time Economy, highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.

4.5.4 **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. Enforcement is part of this programme particularly in relation to the service of Fixed Penalty Notices.

4.5.5 **Resource deployment**-Pressure to provide a visible presence on street impacts upon the resources 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. Enforcement currently benefits from good corporate communications support.

- 4.5.6 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.
- 4.5.7 Public space ASB such as drug use in Parks and other open spaces, begging, drunkenness, urination in public etc is a priority for the service and has placed increased demand on the service particularly at a time when there is considerable pressure on partner agencies the service works with in dealing with these issues such as the Metropolitan Police Service.
- 4.5.8 Other priorities for the service include issues associated the Night Time Economy which is the biggest market economy in the borough with a high impact on crime particularly violence, theft, hate crime, sexual offences, drug use/supply which has also increased demand on the service.
- 4.5.9 Nuisance neighbours and domestic noise are still the greatest source of ASB reported to the service with demand increasing as in the period January-December 2017, 2181 domestic noise service requests were received while for the same period in 2018,3825 requests were received which is an increase of 75%. Staffing the out of hours’ service requires 3.19 FTE Enforcement Officers and 1 FTE Technical Support Officer and impacts the capability of the service early in the week as these staff will be on rest days following their weekend duties.
- 4.5.10 In May 2018 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. This is one of the reasons for the increase in service requests received and there are now two teams of Officers on duty when the out of hours’ service is staffed to provide a better response to calls received. The service is currently trialling an alternative method of receiving calls when the out of hours’ service is operating and also at other times to meet the Manifesto commitment of making it easier to report ASB 24/7 though

a response will not be provided at other times and residents will only be able to report ASB.

- 4.5.11 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.
- 4.5.12 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 link to the form is www.hackney.gov.uk/noise.
- 4.5.13 Environmental enforcement continues to be a priority for the service and significant number of formal notices being served in relation to this area of work being Fixed Penalty Notices (FPNs) with 1650 being issued in 2018/19 compared to 1137 in 2017/18 due increased productivity and the introduction mobile technology. While this is less than the number issued in 2016/17 Officers are undertaking a broader range of duties ranging from environmental enforcement to out of hours noise, NTE visits, tasking duties and reassurance patrols compared to 2016/17 when Officers were only undertaking environmental enforcement duties. The approval by Cabinet in January 2019 has also assisted in the decision making process in relation to the enforcement action taken regarding a particular issue.

Table 1 FPNs comparisons

Env Enf FPNs	2016/17 issued	2017/18 issued	2018/19 issued
Total Mobile and Paper	1781	1137	1650
Mobile		417	831
-			6
47ZA for Section 47 Notice			17
Highway Obstruction			46
Section 33za (SRU)		1	57
Section 38 Illegal Street Trading			17
Section 67 Dog Control			3
Section 88 Litter		191	458
Section 88 Urinating		225	225
(blank)			2
Paper	1781	720	819
34(6)	53	28	33
47ZA for Section 47 Notice	18	6	32
ASB CPN			8
Community Protection Penalty Notice	8		4
Contraventions Of Street Trading Conditions	2		1
Dog Off Lead in General Public Area	2	1	
Fly Posting	4	3	5
Fly Posting (without advisory)	10	2	12
Highway Obstruction	140	261	552
Illegal Shop Front Trading		3	
N2U Community Protection	2	1	
N2U Community Protection Notice	1	3	
Section 33za (N2U)	11	52	47
Section 33za (SRU)	1	12	27
Section 38 Illegal Street Trading	15	13	4
Section 59 Dog Fouling	18	8	
Section 88 Litter	285	54	84
Section 88 Urinating	1195	268	3
Unauthorised Marks on the Highway	15	4	3
Vehicles for Sale on Highway	1		
Vehicles Repairs on Highway		1	3

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

5.1 This report notes the level and scope of work being carried out to meet the requirements of Enforcement Service Delivery Plan 2019/20.

5.2 This report is for noting and has no immediate financial implications. The aims and objectives described in the plan for 2019/20 will be delivered within the constraints of the existing Enforcement service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

6.1 The Enforcement Service Delivery Plan sets out the organisational structure of the Enforcement services, the aims and objectives and its scope. It also sets out the Service delivery and provides examples of the work that the Service has been involved with in 2018/2019.

6.2 The Enforcement Service Delivery Plan makes reference to the Council's Enforcement Policy which was approved on the 21st January 2019.

6.3 When considering any enforcement action in line with the Enforcement Service Delivery Plan, the Enforcement Service should ensure that it acts in accordance with the Council's Enforcement Policy, together with any other relevant legislation and the Regulators Code, Crown Prosecution Service Guideline and Equality Act 2010.

6.4 There are no legal implications arising from this report.

APPENDICES

Appendix 1-Enforcement Service Delivery Plan

BACKGROUND PAPERS

None

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