

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY, 9TH APRIL, 2019

Councillors Present: Councillor Jessica Webb in the Chair
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Vincent Stops, Cllr M Can Ozsen,
Cllr Ajay Chauhan, Cllr Margaret Gordon,
Cllr Clare Joseph, Cllr Peter Snell and
Cllr Tom Rahilly

Apologies: Councillor Katie Hanson, Councillor Brian Bell and
Councillor Sade Etti

Officers in Attendance: Gerry McCarthy (Head of Community Safety,
Enforcement and Business Regulations,
Neighbourhoods and Housing) and Dawn Carter-
McDonald (Head of Legal and Governance).

Also in Attendance: Cllr Caroline Selman

1 Apologies for Absence

1.1 Apologies for absence were submitted from Councillors Hanson, Bell and Etti.

1 Declarations of Interest - Members to Declare As Appropriate

2.1 There were no declarations of interest.

3 Consideration of Minutes Of The Previous Meeting

RESOLVED that the minutes of the previous meeting held on 8 January 2019 be approved as a correct record.

Matters Arising

The following updates were provided in relation to the actions arising from the previous minutes:

- **Regulatory Services Service Plan update**
Mr McCarthy confirmed that the sale of e-cigarettes to under 18 year olds was illegal.
- **Planning AMR 2017/18**
The Committee noted that officers were acquiring information in relation to the number of public houses in Hackney and a response would be circulated in due course.

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ACTIONED: Following the meeting it was reported that 'According to the Council's licensing records, there are approximately 140 pubs in the borough.'

4 Nomination from Corporate Committee to Council Joint Committee

4.1 Dawn Carter-McDonald introduced the report seeking a member of the Corporate Committee be appointed on the Council Joint Committee which had a vacancy since May 2018 following the stepping down of a former elected councillor.

4.2 Councillor Fajana- Thomas enquired about how the Corporate Committee was represented since May 2018. Ms Carter-McDonald advised that since May 2018 there had been two meetings of the Council Joint Committee.

RESOLVED to appoint Councillor Jessica Webb as the Corporate Committee Member for the Council Joint Committee.

5 Annual Performance Report of the Noise Service 2018

5.1 Gerry McCarthy outlined the report setting out the annual performance in relation to noise nuisance for the period 1st January to 31st December 2018 and 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). The Environmental Protection Service Delivery Plan sets out the objectives of the Team and the key areas relating to Environmental Protection addressing statutory nuisance including commercial noise and odours, artificial light nuisance and construction noise, the management arrangements and resources allocated for the works.

5.2 Mr McCarthy stated that noise nuisance was the largest anti-social behaviour (ASB) in the borough and a range of resources had been allocated to address this issue. He highlighted the key areas within the report:

Noise and ASB management

- The Council's Environmental Protection Officers (EPOs) focused on noise from commercial premises and issues related to construction noise and Principal Enforcement Officers focused on domestic noise and ASB cases and work out of hours.
- The online noise reporting service had been made simpler and streamlined.
- The e-form had been redesigned to allow the complainant to report noise nuisance issues and to complete a more detailed self-triage allowing officers to receive relevant information.
- The use of the online complaint e-forms and the ongoing planned automation changes would make the triage process less resource intensive
- The Council's noise nuisance webpage had been updated providing clear and concise information.
- Any completed form requests received during service hours including out of hours were assessed and triaged for engagement if required. Complaints were now assigned to the perpetrator.
- The provision of an out-of-hours service was challenging as demand had been unpredictable with officers dealing with both commercial and residential noise nuisance and at times of peak fluctuation could result in up to twenty service requests in an hour.
- EPOs worked closely with the Council's Licensing Section in respect of noise nuisance from commercial licensed premises.

Temporary Event Notices (TENs)

- Hackney had the second highest number of TENs in London and the number of TENs received in Hackney had increased by approximately 25% following the introduction of legislation. The demand in Hackney had been disproportionately high with a total of 1,315 TENs in 2012 and increasing to 2,401 in 2018. The maximum number of TENs a premises could apply for was from twelve to fifteen per calendar year.

Construction Noise

- The rise in construction noise had resulted from an increase in developments and construction within the borough within the past ten years. This had led to an increase in the average number of notices served or applications for consents approved under Section 60 and Section 61 of the Control of Pollution Act 1974. In the period from April to December 2018 there were 103 Section 60 notices served and 122 Section 61 consents issued.
- Funding had been agreed for two additional officers on fixed term contract until 31st March 2021 to assist with the increased number of requests received and out of hour's service and to continue the proactive service on Sundays in relation to construction noise

5.3 Mr McCarthy responded to questions and comments from Members relating to the report as follows:

- Environmental Protection Officers had been jointly working with external agencies such as the police and the Council's Licensing Services to address commercial noise nuisance. Progress had been made in responding to Members' queries and complaints relating to noise nuisance and work had been continuing on further improving this service.
- The Council had been successful in three noise nuisance complaints that were not upheld at review and an Ombudsman case dating from 2018.
- The Council had been working on improving its pro-active intelligence gathering and further strengthening of local borough protocols to address this issue.
- The service's approach had been to deal with the premises when a complaint relating to noise was received.
- A high number of late night TENs applications had been submitted although the spirit of the legislation had been intended for events such as birthdays. The Council had also been concerned about the potential for crime and disorder at these late night events.
- TENs were risk assessed but late night TENs in particular had contributed to a rise in noise nuisance.
- All TEN applications received by the Council were published on its website.
- People could report noise nuisance complaints by phone or email and both these methods were effective and a response would be received.
- An agreement was drawn between the Council and construction setting out the hours of construction work. In drawing up the agreement the Council took in to consideration and balanced the needs of residents and the disruption of works and other factors such as the number of construction sites in an area.
- Construction and building site noise was governed by legislation in particular Sections 60 and 61 of the Control of Pollution Act 1974, which set out the permitted hours and exemptions. Companies could submit a Section 61 application for consent for construction works including on Sundays or out of hours. The applications for consent for Sundays or out of hours were granted in very few circumstances and subject to strict conditions.

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- Officers engaged with residents regarding noise nuisance arising from construction work occurring outside permitted hour and residents were informed of any hours of construction and building site noise.
- Information on any construction works taking place within the borough including out of hours and Sundays were available on the Council's website.
- Councillor Selman emphasised that the service had made good progress in addressing noise nuisance as demand had increased but no additional resources had been provided. The Council was currently examining the reasons for the increase in noise nuisance within the borough in order to address this issue.
- The increase in noise nuisance was a combination of making it easier for residents to report noise nuisance online together with a gradual rise in both commercial and residential noise. Councillor Selman added that the Council was currently examining the reasons for the increase in noise nuisance within the borough in order to address this issue.
- The Council also had the powers to take action against domestic noise not considered normal domestic activity that was causing a nuisance such as noise emanating from power showers. It was confirmed that the Council had been received complaints related to noise nuisance from power showers.
- Noise emanating from laminate or wooden flooring in a block could be considered as normal domestic activity depending on a tenant's lease. Councillor Selman stated that tenants of Hackney Council properties were required to seek permission prior to installing wooden floors and this condition had been included in the tenants' leases. With regard to Housing Associations this issue would be included in their lease or tenancy agreement.
- Any technical issues that were still being identified as a result of the migration of the database from M3 PP to CIVICA in May 2018 were being resolved as soon as possible. Officers had been provided training on the database and the data had been used in a review of a licensed premises that had been revoked based on the noise nuisance complaints recorded.
- The Council had received a total of 5,874 noise complaints in 2018 and the complaints were now recorded under a complainant's name.
- The outcomes of the Sections 60 Notices served by the Environmental Protection Team between April 2018 and January 2019 were measured by whether any further action was necessary. If no further action was required than the case was considered resolved.
- The Council had not yet prosecuted any individuals for noise nuisance. The Council's approach had been to consider alternative enforcement action such as requesting a licensing review before considering prosecution as a final resort.
- Upon receipt of a noise nuisance complaint, Council officers visited the property to discuss the complaint and an individual was given a few weeks to respond. If the noise nuisance persisted, an officer would arrange a further visit to the property.
- There were seasonal variations in service demand with more noise nuisance complaints received in the month of July. Councillor Selman added that during high stress periods managers monitored staff leave to ensure that there was sufficient staff to meet the demands of the service and the service was currently being reviewed.

5.4 Councillor Snell requested that domestic noise and any enforcement action be included in future reports. Councillor Selman undertook to incorporate residential noise nuisance into future reports.

5.5 Councillor Gordon requested that the outcomes of Section 60 Notices served by Environmental Protection Team be included in future reports.

RESOLVED to:

- 1 Note the annual performance report for the service.**
- 2 Note the level and scope of work being carried out to meet the requirements of the Plan.**

6 Annual Report Of Public Space Protection Order (PSPO) 2018 Previously Designated Public Places Order (DPPO)

6.1 Gerry McCarthy introduced the report on the Public Space Protection Orders for the period from 1st January 2018 to 31st December 2018. The following areas were highlighted:

- The visible street population appeared to have had increased in the previous three years, but the behaviour of individuals had been moderated by use of the DPPO/PSPO and other powers
- The complaints relating to street drinking had reduced to 26 reports in 2018 from the 609 reports recorded prior to the implementation of the DPPO.
- The Council had maximised the resources available and established very effective operational partnership working and tasking to address street drinking and related ASB issues.
- Monthly Street Users Outreach Meeting (SUOM) were held with Council officers, Police and outreach staff regularly meeting to discuss individual cases and co-ordinate the enforcement activity and improve treatment efforts in order to tackle alcohol related ASB and street drinking.
- The Partnership Tasking Group met regularly to identify any emerging or actual hotspots and the tasking of police and enforcement resources.
- The Community Safety Team had identified hotspots and action plans were in place and supplemented by joint patrols involving Police, Enforcement Officers and Community Safety Officers. Referrals had been made to Westminster Drugs Partnership and other support agencies as appropriate.
- There were currently two Anti-Social Behaviour Orders (ASBO) in place on individuals in Hackney.
- The Group Director, Neighbourhoods and Housing had convened a working group consisting of Officers from Housing Needs, Community Safety, Enforcement and Public Health to review the current support and interventions commissioned or offered to street users.
- The Council had recognised in its Manifesto commitment that officers would engage with street users/drinkers and refer them to Street Link to moderate their behaviour. Hackney Enforcement Officers and the Metropolitan Police Officers issued anti- social behaviour warnings prior to the issuing of Fixed Penalty Notices for street drinking in an attempt to tackle the problem in a proportionate manner. Prosecution would be considered in extreme circumstances and in the event a failure to pay a fine or breaching an injunction.

6.2 Councillor Stops asked whether further work could be carried out to prevent or stop the sale of alcohol cans by off licences to people already drunk, which was contributing to street drinking in Hackney. Mr McCarthy stated that the Council was taking action against off licences and targeted work had been taken in the Narrow

Way in Mare Street. In addition there had been no restrictions on the off licences to sell no more than one can of alcohol. Councillor Selman highlighted that Licensing had the powers to take enforcement action against a licensee in breach of their premises licence, however, no action could be taken against those holding a historic licence that did not have any condition restricting the sale of alcohol cans. Further, legal action against a street drinker had been a challenge as the Council had to provide evidence and meet a high legal threshold.

6.3 Councillor Rahilly noted the drop in ASB warnings issued for street drinking since May to November 2018. Mr McCarthy replied that the fall had resulted from the ongoing engagement with street drinkers and support provided by officers and various agencies. Councillor Selman emphasised that there were currently no injunctions in place in relation to ASB associated with street drinking under the PSPO. The two current active ASBOs on the individuals had been issued under the former DPPO and prior to the introduction of the Anti-Social Behaviour Crime and Policing Act 2014.

6.4 Councillor Snell referred to the fewer calls made to the Police for street drinking from 126 in 2014 to 26 in 2018 and enquired about underlying reasons relating to the drop and the ASB warnings in Dalston issued by the police. Mr McCarthy stated that there were many factors that had led to a drop in warnings. With regard to Dalston, Council officers and the police had issued warnings during the days of action undertaken in Dalston.

6.5 Councillor Gordon asked if any FPN had been issued for ASB related to drinking. Mr McCarthy replied that no FPN had been issued yet and that the Council had taken an approach to refer street drinkers for support before applying for injunction against vulnerable people. Councillors Joseph and Gordon asked if Members could have quantitative data and a case study relating to vulnerable people in particular ASB associated to substance misuse. Mr McCarthy advised that any information would have to be anonymised. Councillor Selman indicated that it would be feasible to look at outcome measures and data and case profile.

6.6 Councillor Ozsen commented that there was no evidence to suggest that off licences had been contributing to the crime within the borough.

6.7 Councillor Stops commended the service for its successful work in tackling drinking in public places.

RESOLVED to note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO.

7 Draft Work Programme 2019/20

7.1 The Committee's draft work programme for 2019/2020 was noted.

8 Any Other Business Which In The Opinion Of The Chair Is Urgent

8.1 There was no other urgent business.

Duration of the meeting: 6.30- 8.00 pm

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