



**Enforcement Service - Annual Performance Report 2019/20**

**CORPORATE COMMITTEE  
MEETING DATES 2020/21**

**16<sup>th</sup> September 2020**

**CLASSIFICATION:**

**OPEN**

**If exempt, the reason will be listed in the  
main body of this report.**

**WARD(S) AFFECTED**

**All Wards**

**GROUP DIRECTOR**

**Ajman Ali, Neighbourhoods & Housing**

## **1. INTRODUCTION AND PURPOSE**

- 1.1 This report sets out the annual performance report across the enforcement remit for the 2019/20 financial year.
- 1.2 Corporate Committee has requested annual reports on the development of the Council's response to enforcement.
- 1.3 The report sets out the key areas relating to enforcement, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.4 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.5 Enforcement in Hackney continues to incorporate an integrated 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.
- 1.6 Officers also undertake a wide range of enforcement investigations relating to anti-social behaviour (ASB) with partners including Hackney Housing, Police and Housing Associations. This provides greater resilience and ability for specialists to collaborate and for cases to be prioritised using all of the powers available in the Anti-Social Behaviour, Crime and Policing Act 2014. This includes Closure Notices and Orders, Community Protection Warnings and Notices and Injunctions where necessary.

## **2. RECOMMENDATION(S)**

- 2.1 **The Corporate Committee is recommended to:**
- 2.1 **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 Enforcement activities.

## **4 BACKGROUND**

- 4.01 The Enforcement Service was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and this report details the scope and activities of the service and provides detail on the 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's deal 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, Hackney Housing, Housing Associations, Environmental Protection and Adult and Child Safeguarding. Principal Officers are Ward based and act as single points of contact for their Ward areas.
- 4.04 The Officers also work out of regular service hours on a rota basis covering Borough wide matters concerning either reactive or proactive issues as above but also including unlicensed street trading operations and the like through concerted action with other agencies and parts of the Council.
- 4.05 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.
- 4.06 The uniformed Enforcement Officers are tasked on weekly basis and is a vital component in ensuring that the service is addressing problems and concerns that residents and other departments (especially Housing) are experiencing. These Tasking meetings determine the following:
- Co-ordination and deployment of staff using an evidence based approach to provide targeted action and patrols based on weekly / ongoing analysis of intelligence and data (service wide). This includes planning for upcoming events, and seasonal peaks of activity that require action on a cyclic basis (e.g. Summer peaks, Christmas, Bank Holidays, Wireless, religious festivals, pre-planned events in Parks etc.)
  - Highlight emerging patterns and trends and plan targeted early intervention and activities.
  - Provide staff briefing: to include issues of concern that they need to be aware of (officer safety, missing persons, suspect premises, suspect vehicles, suspect people etc.), and to request additional information and data to fill information gaps.

- Enable a joined up and efficient use of service provision in Hackney (From Enforcement Officer patrols to licensed premises, business regulation enquiries and checks, plus other enforcement functions), and task Officers dependent upon need and demand.
- Provide a transparent and auditable decision making process that will stand up to scrutiny and justify how and why decisions have been reached. Particularly relevant in this respect is where action is not possible or evidence is insufficient, and that alternative solutions or referrals have been considered.
- Provide a full list of all action/tasking's completed and action taken to resolve issues.

4.07 In addition to this a larger Partnership Tasking takes places on a monthly basis and is associated more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any strategic requests from Police are currently either discussed at the weekly tasking process (generally regarding requests for the service area e.g. CCTV & Enforcement Officers), or discussed at Partnership Monthly Tasking if a multi-agency problem solving approach is better suited.

The Partnership Tasking meeting has developed from a need to improve joined-up working practices across a broad range of Council departments, organisations and agencies. Its purpose is to effectively tackle, control and reduce crime and ASB related problems; it is recognised that tackling problems together is a more effective approach to crime prevention and enforcement and has a broad two fold purpose:

- 1) Tasking is focused on a discussion around crime trends and hotspots that identify problem locations and associated issues. Where relevant and appropriate, partners are asked to undertake specific actions to help resolve current problems. Enforcement Officers are frequently tasked to undertake patrols and enforce Fixed Penalty Notices at specifically defined hours and locations. The actions are relevant to the identified problem, and allotted to the relevant partner(s) only. A lead member is identified to co-ordinate and collate the response in a given time period; this usually consists of an initial response after two weeks, but some of the more complex or ongoing issues will require a longer period of resolution.
- 2) Development of problem solving more generally and a forum for partners to bring forward specific problems that require a partnership focused resolution. Some of the problems tackled under this umbrella have originated from Councillor Enquiries and complaints. As above a lead partner co-ordinates action and is responsible for the development of more detailed action plans and responds back to the group.

4.08 The Service is also expected support some of its 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.

- 4.09 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.
- 4.10 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**

<b>Functions</b>	<b>Activities and Comments</b>
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	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 continually 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

deterrent.	Hackney Housing Tenants.
Managing complex and local ward based issues through enforcement case management (for all areas of non-compliance but especially noise and ASB).	This is ongoing work that concerns complaint resident derived cases, which, for example includes anything from 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. This can include planned activity in controlling the noise and ASB issues in relation to localised cultural events.	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 seizure of noise emitting equipment.
The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise nuisance issues.	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.
Dealing with and preventing environmental ASB and waste including fly tipping, highway obstructions, street urination and littering through intelligence based tasking and formalised patrolling.	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 businesses outside of authorised times and limits.
Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and	Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age controlled products (e.g. alcohol,

Licensing.	knives ,tobacco) to minors.
Highways Licensing Enforcement including skips and scaffolding through patrols and intelligence feeds from Street Scene.	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.
Uniformed service dealing with non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards.	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.
Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated traveller camps.	Two Officers who are embedded with the Waste teams located at Millfields Depot although managed by the service investigate these matters. Proactively and reactively they are working solely on these issues
Dealing with and preventing sources of 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 Unlicensed Music Events and air pollution in public spaces including 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 This report sets out how the Council discharges its responsibilities in relation to Enforcement.

### SERVICE HIGHLIGHTS

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

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

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

**Unregulated Waste:** The main objective of the unregulated waste programme is to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with



waste management processes. This principle was embedded in each operational objective delivered within the programme in relation to environmental enforcement to identify non-compliant residents and businesses, take appropriate action and change behaviours.

Specific streams of the project targeted the main roads which had amongst the highest volume of unregulated waste, namely the A10 (Kingsland Road through to Stamford Hill), Broadway Market and Chatsworth Road. The programme has produced a reduction in unregulated waste through direct enforcement; changes to contracts (both private and Hackney), new contracts where none were in place previously, positive behaviour change around placing out of waste in the right locations and during the correct time for collection (time bands in place). Positive changes have also been progressed through wider findings and changes to operational resources i.e. dedicated Waste Enforcement Officers with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

Enforcement Officers in the service are continuing to address the issue of unregulated waste by undertaking targeted patrols with staff from waste operations and in the first instance will engage with businesses by speaking to the owner/manager of the business in the first instance and providing them with an advisory leaflet. If the business fails to comply with this informal approach then a second visit is undertaken to ensure compliance when a warning letter is issued. Failure to comply with this request will result in formal action being undertaken.

Officers are undertaking visits with staff from Waste Operations and undertaking visits during the day, evenings and at night in an effort to reduce the impact of unregulated waste.

**ASB:** Principal Enforcement Officers have responsibility of dealing with ASB and related issues within their nominated wards. They intimately know their wards and will be aware of all issues. They attend relevant Panel meetings in their wards where they will meet and get to understand the concerns of local residents alongside the Police and other relevant staff in Housing, Parks and other services. They will also know and communicate regularly with their Police SNT Officers and Sergeants in their ward clusters. In association with Police services and other sections they will carry out routine enforcement action which can include for example obtaining entry warrants and applying for Closure Orders at the Magistrates' Court.

**Pirate Radio Stations:** Principal Officers also deal with the removal of illegal pirate radio stations in conjunction with Ofcom, as not only do pirate stations interfere with vital radio communications used by the emergency services, aircraft systems, they can have an impact on the lives of our residents affecting their television or radio signals. The pirates frequently cause damage to property when siting equipment which can have an impact on residents. On many occasions as they are unregulated they can found to be broadcasting

homophobic or other hate speech material. Officers arrange to have aerials, wood, metal work, cabling and transmitters removed where possible.

**Public Space Protection Order (PSPO):** A PSPO was approved by Cabinet on 29<sup>th</sup> April 2019 under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and requirements in the specific area of Wick Woodland outlined in this report, for an initial period of three years. This was necessary as Council and Kings Park Police Safer Neighbourhood Team have received numerous complaints about noise, littering and other antisocial behaviour (ASB) taking place in Wick Woodland by Hackney Marshes. These include large anti-social parties that cause significant noise disturbance in the local area, as well as significant environmental and wildlife damage. Complaints were received initially in 2014 and continued until the PSPO was approved.

While the PSPO has been successful to deal with behaviours complained of these activities then moved to the adjoining Hackney Marshes and the Council successfully applied to the High Court for an injunction in June 2020 to address this and consideration is being given to extending the current PSPO to Hackney Marshes.

**Night Time Economy (NTE):** Enforcement Officers have always been involved with undertaking patrols and issuing fixed penalty notices for littering, urination and Illegal Street trading particularly of nitrous oxide the night time economy. Since the introduction of the Late Night Levy (LNL) their patrolling activity has been increased to include all parts of the Borough and has been programmed through an increased level of staffing using overtime. Activities are mostly focused on NTE areas. Officers deal with issues some of which are tasked such as checking Temporary Events and focusing on areas known for ASB resulting from intoxication whilst providing a visible uniformed presence in these areas.

The Police have also commenced Patrolling the NTE on a focused overtime basis funded by the LNL and the Enforcement Officers co-ordinate and work closely with these teams.

**London Fields:** The Council agreed to ban all barbeques in the Parks and open public spaces in the Borough in 2019 and a dedicated team of Enforcement Officers were in place working throughout the summer on the weekends and Bank Holidays in 2019 to ensure that no barbeques were used in the key location of London Fields. This was seen as vital in ensuring that atmospheric pollution is kept to a minimum and that there were minimal levels of ASB. Officers worked with the Parks Service to ensure Park users complied with this as it was easier to explain and enforce than in previous years.

## 4.2 Equality Impact Assessment

N/A

### 4.3 Sustainability

N/A

### 4.4 Consultations

N/A

### 4.5 Risk Assessment

4.5.1 Enforcement Officers will take actions that contribute to achieving corporate priorities and desired outcomes. Without these being agreed, (that being clearly stated priorities), 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 need 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 with 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 2018, 3825 domestic noise service requests were received. For the same period in 2019 5516 requests were received which is an increase of 44%. Staffing the out of hours' service requires 3.19 FTE Enforcement Officers and 1 FTE Technical Support Officer in addition to Environmental Protection Officers on duty 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. An alternative method of receiving calls when the out of hours' service is operating was introduced in May 2019 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 and work to meet the Manifesto commitment is ongoing.
- 4.5.11 The noise nuisance webpage has been reviewed and updated in 2019 and is again currently being reviewed. 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 allows Officers to receive relevant information, better understand issues and plan an appropriate course of action.

4.5.12 Residents 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](http://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 2222 being issued in 2019/20 compared to 1518 in 2018/19 which is due increased productivity and the introduction of mobile technology. It also needs to be acknowledged that 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 of a revised Enforcement Policy has also assisted in the decision making process in relation to the enforcement action taken regarding a particular issue.

**Table 1, Fixed Penalty notices issued in 2019/20**

FPNs Issued 2019/20	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
<b>Mobile</b>	<b>70</b>	<b>108</b>	<b>66</b>	<b>124</b>	<b>121</b>	<b>144</b>	<b>194</b>	<b>251</b>	<b>240</b>	<b>317</b>	<b>236</b>	<b>148</b>	<b>2019</b>
47ZA FPN for Section 47 Notice	3	4	3					1	1	2	1		15
ASB Act 2003, amended by S28 of Cleaner Neighbourhoods Various			1		1		1		1				4
Anti Social Behaviour, Crime and Policing Act 2014 Section 67								1					1
Environmental Protection Act 1990 Section 46									2		2		5
Fly Posting				33	2	5	2	4	3	3	2	2	56
Flytipping	2	9	1	11	6	3	2	3	6	7	4	1	55
Highway Obstruction	27	49	29	36	31	56	75	88	68	120	60	63	702
Highways Act 1980 Section 138										2			2
Highways Act 1980 Section 139(4)							1				1		2
London Local Authorities Act 1990 Section 34(1)							1			1	1		3
Section 138 Erecting a building, fence or hedge on highway	1	1	2	2	1	4	2			5	10	2	30
Section 148(d) Pitching of booths, stalls etc	1												1
Section 153(5) Failure comply notice requiring alteration of door etc												1	1
Section 161(1) Depositing on highway cause injury or danger					1	1	1				1		4
Section 34(6) duty to furnish documents							1						1
Section 38 Illegal Street Trading	1		1		6	9	14	6	3	13	2	1	56
Section 87 EPA 1990 Littering/Urination	1	2	2	1	1	1	8	36	40	3			95
Section 88 Litter	17	17	14	26	45	36	26	68	66	87	48	33	483
Section 88 Urinating	6	8	5	3	9	11	50	34	34	45	92	27	324
Skip Offences	11	17	9	10	19	15	11	8	17	27	16	17	177
Town and Country Planning Act 1990 Section 244(3)				1						1			2
<b>Paper</b>	<b>37</b>	<b>16</b>	<b>9</b>	<b>20</b>	<b>33</b>	<b>14</b>	<b>18</b>	<b>22</b>	<b>7</b>	<b>12</b>	<b>8</b>	<b>7</b>	<b>203</b>
47ZA FPN for Section 47 Notice		3		1	3	1	1	1				2	12
Community Protection Penalty Notice					5		1						6
Fly Posting	4		1	1			1	2					9
Flytipping	6	1	1	7	5	5	5	13	2	6	7	2	60
Highway Obstruction	14	6			3	1	1	1		1			27
Section 34(6) duty to furnish documents	10	5	5	6	2	5	1	3	2	4	1	1	45
Section 38 Illegal Street Trading		1	1										2
Section 88 Litter	3		1	5	15	2	8	1	3	1		2	41
Vehicles Repairs on Highway								1					1
<b>Grand Total</b>	<b>107</b>	<b>124</b>	<b>75</b>	<b>144</b>	<b>154</b>	<b>158</b>	<b>212</b>	<b>273</b>	<b>247</b>	<b>329</b>	<b>244</b>	<b>155</b>	<b>2222</b>

**Table 2, three year comparison for service of Fixed Penalty Notices**

Notice Type	2017/18	2018/19	2019/20
<b>Mobile</b>	<b>416</b>	<b>742</b>	<b>2019</b>
47ZA FPN for Section 47 Notice		12	15
ASB Act 2003, amended by S28 of Cleaner Neighbourhoods Various			4
Anti Social Behaviour, Crime and Policing Act 2014 Section 67		3	1
Environmental Protection Act 1990 Section 46		2	5
Fly Posting			56
Flytipping	1	43	55
Highway Obstruction		43	702
Highways Act 1980 Section 138			2
Highways Act 1980 Section 139(4)			2
London Local Authorities Act 1990 Section 34(1)			3
Section 138 Erecting a building, fence or hedge on highway		2	30
Section 148(d) Pitching of booths, stalls etc		2	1
Section 153(5) Failure comply notice requiring alteration of door etc			1
Section 161(1) Depositing on highway cause injury or danger			4
Section 34(6) duty to furnish documents			1
Section 38 Illegal Street Trading		13	56
Section 87 EPA 1990 Littering/Urination		3	95
Section 88 Litter	190	388	483
Section 88 Urinating	225	231	324
Skip Offences			177
Town and Country Planning Act 1990 Section 244(3)			2
<b>Paper</b>	<b>716</b>	<b>776</b>	<b>203</b>
47ZA FPN for Section 47 Notice	6	32	12
Community Protection Penalty Notice	1	12	6
Dog Off Lead in General Public Area	1		
Fly Posting	5	17	9
Flytipping	64	69	60
Highway Obstruction	261	522	27
Illegal Shop Front Trading	3	1	
Section 34(6) duty to furnish documents	27	31	45
Section 38 Illegal Street Trading	13	4	2
Section 59 Dog Fouling	8		
Section 88 Litter	54	80	41
Section 88 Urinating	268	2	
Unauthorised Marks on the Highway	4	3	
Vehicles Repairs on Highway	1	3	1
<b>Grand Total</b>	<b>1132</b>	<b>1518</b>	<b>2222</b>

4.5.14 Officers use the powers available to them to address ASB and specifically the use of Community Protection Warnings/Notices and Closure Notices/Orders and Criminal Behaviour Orders which became available to local authorities through the Anti-Social Behaviour, Crime and Policing Act 2014 when dealing with ASB investigations.

4.15.15 A Community Protection Notice (CPN) can be issued against a perpetrator of persistent antisocial behaviour. Failure to comply can lead to a fixed penalty notice, remedial action or a court order. A person issued with a CPN can appeal to a Magistrates' Court with 21 days of service of the notice. There is

no restriction on the type of behaviour a CPN can deal with. Before issuing a CPN, the Council will issue a written warning to the perpetrator setting out that if the antisocial behaviour persists a CPN will be issued. The amount of time allowed between the written warning and the issuing of the CPN is to be determined on a case-by-case basis. In some cases it could be minutes, for example when someone persists with playing loud music in a park. For example, if a dog was frequently entering a neighbour's garden through a broken fence, the owner could be issued with a CPN requiring s/he fixes the fence and, if appropriate, require that the owner and dog attended dog behaviour training classes.

4.15.16 The 2014 Act also gave the Council and the Police new closure powers to close premises for the purpose of dealing with, or preventing, public nuisance and disorder. This power consolidated and simplified previously available provisions relating to closure of premises, which were repealed.

4.15.17 A Closure Notice prohibits access to the premises for the period specified in the notice to close premises which are causing antisocial behaviour, if they reasonably believe that there is, or is likely to be:

- a nuisance to members of the public, or
- disorder relating to the premises and in its vicinity

In addition, the notice must be necessary to prevent occurrence or reoccurrence of the nuisance or disorder. A notice is valid for a maximum of 48 hours and it can be cancelled or varied. In order to be confirmed as a Closure Order, the Council or the Police must apply to the Magistrates' Court.

4.17.18 A Closure Order can prohibit access to the premises, or part of them:

- at all times, or at specified times only
- by everyone (including the occupier and other residents), or by specified persons only.

A Closure Order can be made for a maximum of three months. However, the Council or Police can apply, before expiry of the original term, for an extension up to a (overall) maximum of six months.

**Table 3, Formal Notices issued in 2019/20**

<b>Environmental Enforcement Civil Formal Notices - FY2019/20 excluding FPNS</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>FY19/20</b>
34(5) Notice	12	17	13	13	5	10	17	9	10	4	4	13	127
ASB CPN Written Warning	1	1	1		1							1	5
Closure Notice			1					1					2
Closure Order			1					1			1	1	4
Community Protection Notice	1	1	2	1	1	1		1	1	1		1	11
Community Protection Warning	11	4	7	2	1		2	6	1	5	6	4	49
Highway Obstruction 7 Day Removal Notice		3	1	1				1					6
Highway Obstruction Advisory	2		5	3	1	3	1		2	3		6	26
Intention To Prosecute Letter	8	3	5	7	5	1	1	7	3	4	1	2	47
Invite To Interview (General)	4	6	6	10	7	11	5	4	2	3	2	1	61
LBH Waste Contract Details / Section 47 Notice	18	13	7	10	12	6	5	3	2	6	1	8	91
NZU Community Protection Warning		2				1							3
NON-LBH Waste Contract Details / Section 47 Notice	3	12	5	4	1	2	2	1	1	1	5	4	41
Notice Served - Section 80 EPA	1			1						1			3
Prosecution Documents	1	1	2		5	1			2	7	1	1	21
s143 Structure Removal Notice				1	1								2
Section 108 Notice	23	1										1	25
<b>Totals</b>	<b>85</b>	<b>64</b>	<b>56</b>	<b>53</b>	<b>40</b>	<b>36</b>	<b>33</b>	<b>34</b>	<b>24</b>	<b>35</b>	<b>21</b>	<b>43</b>	<b>524</b>

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

- 5.1 This report seeks the Corporate Committee to note the annual performance of enforcement service for the 2019/20 financial year.
- 5.2 The report is retrospective and has no immediate financial implications.
- 5.3 The cost of the enforcement service is met from the revenue budgets in Community Safety, Enforcement and Business Regulation

**6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

- 6.1 The content of this report informative purposes and advises on the annual performance across the enforcement remit for the 2019/20 financial year.
- 6.2 There are no legal implications arising from this report



## APPENDICES

N/A

## EXEMPT

N/A

## BACKGROUND PAPERS

None

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