



Enforcement and Environmental Protection Service Delivery Plans 2020/21

**CORPORATE COMMITTEE
MEETING DATE**

16th December 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 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 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.
- 1.4 The Environmental Protection Service Delivery Plan sets out the objectives of the Team and demonstrates how they are linked to the Mayor's Priorities and Hackney's Community Strategy.
- 1.5 The Plan sets out 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 that have been allocated for this work including key targets and performance indicators.
- 1.7 In fulfilling its duties both Teams provide support to individuals, communities and businesses in Hackney.

2. RECOMMENDATION(S)

- 2.1 There are no recommendations and the Corporate Committee can consider both the level and scope of work being carried out to meet the requirements of both the Enforcement and Environmental Protection Service Plans.

3. REASONS FOR DECISION

- 3.1 It was previously agreed that the Service Delivery Plans are presented to the Corporate Committee to ensure local transparency and accountability in relation to Enforcement and Environmental Protection.

3.2 The Plans ensures that there is a programme of enforcement activity undertaken to address issues relating to environmental enforcement, anti-social behaviour (ASB), statutory nuisance, being a responsible authority with regard to Licensing applications and preventing issues such as noise and other nuisance associated with proposed developments by providing comments to Planning on the implications on such proposals.

4 BACKGROUND

4.01 Both the Enforcement Service and Environmental Protection were 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 2020/21.

4.02 The Enforcement Service is split into two, Teams North and South, each headed by a Team Leader. Each Team comprises 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 to 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.

4.06 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 the Housing ASB team ensures 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 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 concerns 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

	<p>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.</p>
<p>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 localised cultural events.</p>	<p>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.</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 businesses 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 non-compliance, 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 traveller camps.</p>	<p>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</p>
<p>Dealing with and preventing sources of atmospheric pollution and other detriments to air quality.</p>	<p>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.</p>
<p>Leading and Coordinating Antisocial Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB officers.</p>	<p>This is regular specialised cross departmental activity led by Enforcement Team Leaders to ensure individual cases are dealt with.</p>
<p>Public Reassurance achieved through regular visible patrolling through town centres and estates.</p>	<p>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.</p>
<p>Dealing with and providing customer responses to enquiries and complaints (including freedom of information matters and members enquiries).</p>	<p>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.</p>

4.08 Both services provide the staffing for the out-of-hours noise service, which is challenging as the demand is unpredictable and at times of peak fluctuation

can result in up to twenty service requests in an hour. In each reported case research needs to be done, prior to responding to establish past history which could impact on the risk to attending Officers.

- 4.09 Equally the time taken to attend a service request and deal with it can range enormously from fifteen minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift spent dealing with for a complex rave in a remote area such as Hackney Marshes or a derelict industrial building, often in liaison with Police. In the case of the latter, there would be no further Officer availability to deploy to other calls received on that shift.
- 4.10 In relation to commercial noise the initial triage process when new service requests were received, in addition to physically logging a case, requires research to ensure past history and action is collated so that a full history is available.
- 4.11 Each service request requires this research process, which is more resource intensive than a basic call handling role, but essential to prevent new cases being logged and not dealt with in their true historical and risk based context. However with the use of the online reporting form and the ongoing planned automation changes, this triage process is less resource intensive.
- 4.12 The activities of the Environmental Protection Officers especially in respect of commercial licensed premises are routinely directed through the weekly tasking process where inspections and engagement are co-ordinated. Officers work closely with Licensing and are routinely involved in all Licensing consultations and applications. Officers also lead on taking for licensing reviews through the Licensing Committee and the Courts.
- 4.13 In summary, the approach balances a need to have a service that can respond to service requests for Officer attendance at incidents with a proactive approach that appoints Officers to investigate often complex cases that have high risk or vulnerability attached and/or involve persistent perpetrators or premises.
- 4.14 Coronavirus has had a huge impact in relation to reports of domestic noise in particular which is likely to be due to the extended period of lockdown between March and July with residents working from home, schools being closed and employees being furloughed.
- 4.15 Compared to similar months in 2019 the number of noise complaints increased by 79%, 110% and 111% in April May and June which can be seen in the charts below though during this period the out of hour's noise service every weekend

Chart 1 Daily Noise Complaints

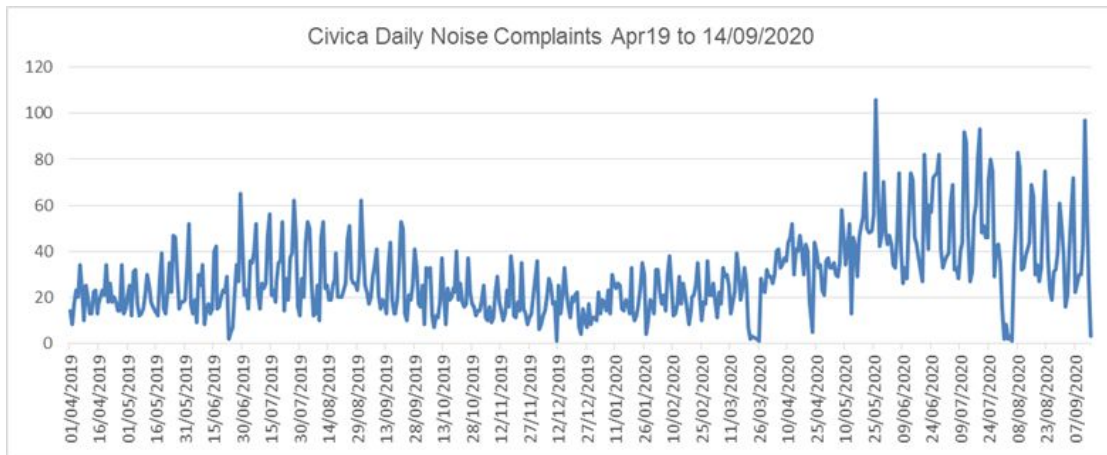


Chart 2-Monthly Noise Complaints

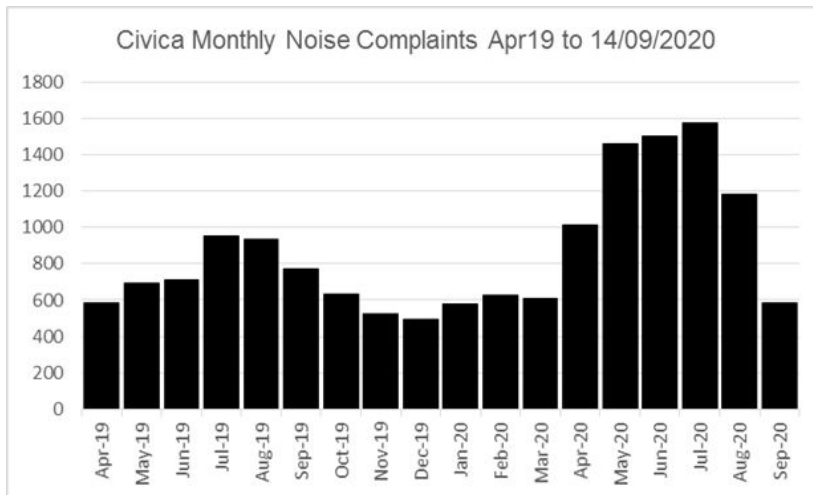


Chart 3-Monthly Noise Complaints

Apr-19	584	Apr-20	1014	73.6%
May-19	693	May-20	1458	110.4%
Jun-19	712	Jun-20	1505	111.4%
Jul-19	951	Jul-20	1574	65.5%
Aug-19	934	Aug-20	1181	26.4%
1-14 Sep19	348	1-14 Sep20	582	67.2%

4.1 Policy Context

- 4.1.1 The Plans have been prepared in accordance with Council guidelines and set out how the Council is going to discharge its responsibilities in relation to Enforcement and Environmental Protection.
- 4.1.2 The performance of each of the Services is measured against its fulfilment of the Plans.

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 and Environmental Protection Service Delivery Plans sets out how both Teams 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 noise, fumes, 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 (NTE) which has resulted in increased reports of noise and anti-social behaviour as residents live in the NTE area, 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 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 2017, 2181 domestic noise reports were received while for the same period in 2018, 3825 reports were received which is an increase of 75% and in 2019, 5516 reports received which is a further increase of 44%. Staffing the out of hours’ service requires 3.19 FTE Enforcement Officers, 1 FTE Environmental Protection Officer 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. Offices are investigating an alternative means of reporting noise and other ASB 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 (currently not operational due to the cyber attack).
- 4.5.13 Environmental enforcement continues to be a priority with significant numbers 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 which is detailed overleaf. Officers are undertaking a diverse range of duties, ranging from environmental enforcement to out of hours noise, NTE visits, tasking duties and reassurance patrols. 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.

	2017/18	2018/19	2019/20
Mobile	416	742	2019
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
Paper	716	776	203
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
Grand Total	1132	1518	2222

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

5.1 This report requests that Corporate Committee note work being carried out to meet the requirements of both the Enforcement and Environmental Protection Service Plans. There are no financial implications arising from this report.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

6.1 The Enforcement and Environmental Protection Service Delivery Plans set out the organisational structure of both services, their aims and objectives and the scope of both services.

6.2 The Service Delivery Plans make 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 and Environmental Protection Service Delivery Plans, Offices should ensure that they act 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

Appendix 2-Environmental Protection Service Delivery Plan

BACKGROUND PAPERS

None

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