



**London Borough of Hackney**

# **Environmental Protection Law Enforcement Service Plan 2020/21**

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#### INTRODUCTION

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

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

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

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

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

This service plan aims to provide such an approach and demonstrate new strategies enacted by the service to overcome obstacles and other impediments faced by the department. However, it also identifies areas that will need to be addressed for 2020-2021 in order to maintain the current level of service being provided.

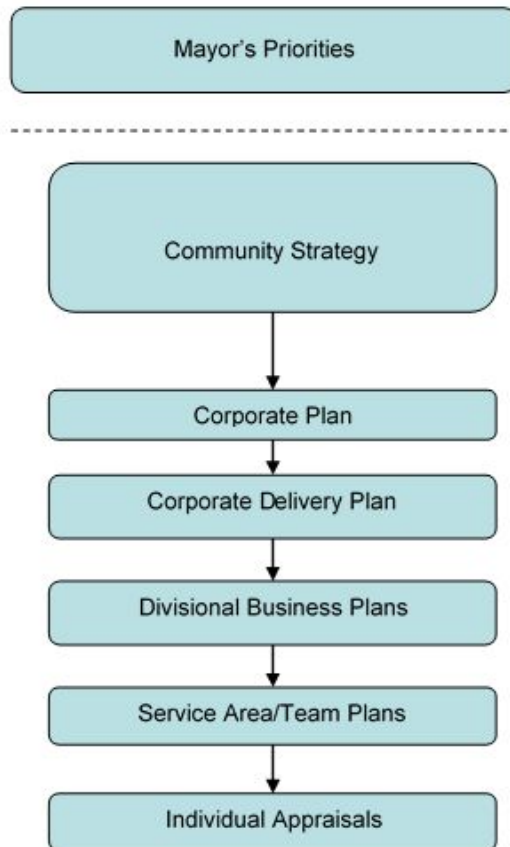
**1.1 ENVIRONMENTAL PROTECTION TEAM**

**1.1.0 How the Service Links to Corporate Priorities**

**1.1.1 Corporate Priorities**

**How the Service Links to Corporate Priorities**

***Hackney's Vision: A place for everyone***



**Mayor's Priority 1:** Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities and excellent schools; where everyone can play a part and where tackling inequality is at the heart of what we do.

**Mayor's Priority 2:** Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks and estates.

**Mayor's Priority 3:** Making Hackney an economically and environmentally sustainable place, with strong, cohesive and diverse communities.

The **2018-2028 Community Strategy** has five cross-cutting themes:

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

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

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

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

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

### **1.1.3 Profile of the Local Authority**

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

Hackney has become a nightlife hotspot in London and as a result there has been a substantial increase in the number of commercial premises providing late night regulated entertainment in the borough. These are primarily located in the South and North West of the borough with new premises being registered each week providing similar late night entertainment. Attraction of the night life has also witnessed large scale gentrification in Hackney resulting in an increase in the number of new residents to the borough. This in combination with derelict land being redeveloped for mixed residential and commercial use has resulted in the increased number of complaints received by the Environmental Protection Team in regards to nuisance.

### 1.1.4 Organisational Structure

The Environmental Protection Department structure is as following:

- 1 x Team Leader
- 3 x Senior Environmental Protection Officers
- 2 x Environmental Protection Officers (2 years Fixed Term Contracts – August 2021 End)\*
- 1 x Temporary Event Notice's Officer.

\*Funding was secured for 2 fixed term Senior Environmental Protection Officers from July 2019 to July 2021.

## 2.0 Scope of the Service

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The Environmental Protection Team primarily enforces the following legislation:

- Section 79 of 'The Environmental Protection Act 1990' (EPA 1990). This is the primary legislation which authorises local authority officers to investigate nuisance complaints received from residents within their borough. Section 79 of the Act lists all nuisances which must be investigated by the enforcing local authority. Nuisances such as noise, odour and light are covered in the legislation.
- Section 60 and 61 of The Control of Pollution Act 1974 and
- Licensing Act 2003. The Environmental Protection Service acts as the responsible authority for licensing applications, are consulted for planning applications with regards to noise and also for Section 61 applications received under The Control of Pollution Act 1974.

Environmental Protection provides the following service:

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

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

## 2.1 Performance Indicators

### 2.1.1 Key Performance Indicators

Key Performance Indicators	Frequency of reporting	Target for Service Year 2019-2020	Target for Service Year 2020-2021
Percentage of First Response to new service requests met within target (10 days)	Monthly	100%	100%
Percentage of Licensing Application comments made within target (28 days)**	Monthly	100%	82%
Percentage of Temporary Event Notices met within target (3 days)	Monthly	100%	100%
Percentage of Section 61 Applications met within target (28 days)	Monthly	100%	100%
Percentage of compliance from service of COPA section 60 Notice (7 Day Target – Site monitoring will be arranged if further complaints are received)	Monthly	90%	90%
Percentage of compliance from service of EPA section 80 Notice (28 Day Target – However this will be dependent on the nature of the nuisance and its complexity to abate).	Monthly	80%	80%

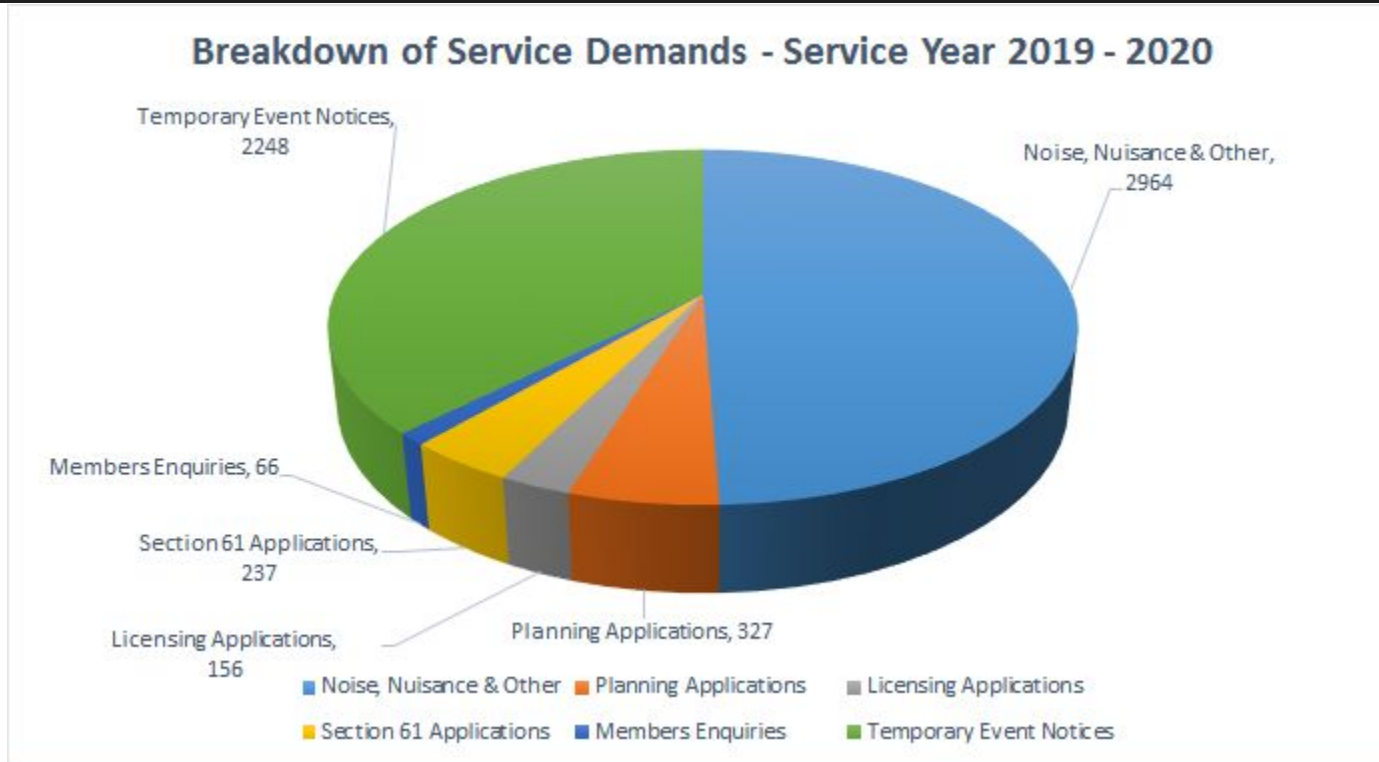
Number of noise abatement notices served under section 80 EPA 1990 in respect of commercial noise and nuisance*	Monthly	N/A	N/A
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### 2.1.2 LPI

Local Performance Target	Frequency of reporting	Target for 2020-2021
Officer Response to nuisance complaints once assigned	Quarterly	<b>10 working days</b>
Response to general queries (These are questions and concerns raised by members of the public or other agencies)	Monthly	<b>10 working days</b>
Planning applications	Monthly	<b>21 days</b>
Premises Licence Applications (including variations & minor variations)	Monthly	<b>15 working days</b>
Determination of Section 61 applications	Monthly	<b>21 days</b>
Response to members' referrals/enquiries	Monthly	<b>2 working days</b>



3.0 Demands on the Service



The above pie chart covers service data from the period 1st April 2019 – 31st March 2020 and represents the total breakdown of all the service requests received by the service.

## 3.1.0 Service Request by Service Year

	Service Year 2017-2018	Service Plan 2018-2019	Service Plan 2019-2020	Percentage Difference from previous year
Noise & Nuisance Complaints	1988	2635	2964	+12.5%
Temporary Event Notices (TEN's)	2297	2108	2248	+6.6%
Section 61 Applications	138	116	237	+104%
Planning Applications	291	328	327	-0.3%
Licensing Applications	229	169	156	-7.7%
Members & Mayoral Enquiries, Corporate Complaints	No data	96	66	-31.25%
<b>Total (Excluding TEN's)</b>	2646	3344	3750	<b>+12%</b>

The above table breaks down the service requests received for each service type by the Environmental Protection Team. It also compares the data with previous service years.

**3.1.2 Temporary Event Notices(TENs).**

Service Year	Total Number of TEN's Received	Total Number of TEN's responded on target	Percentage of Temporary Event Notices met within target (3 days)
2017-2018			<b>99%</b>
2018-2019	2108	2019	<b>95%</b>
2019-2020	<b>2248</b>	<b>2162</b>	<b>96%</b>

The above table presents the data from the number of Temporary Event Notices received by the service and compares it with previous service years.

**3.1.3 Enforcement Action – Notices Served**

Months	Number of Section 80 EPA 1990 Notices Served in Service Year 2018-2019	Number of Section 80 EPA 1990 Notices Served in Service Year 2019-2020	Difference	Number of Section 60 COPA 1974 Notices Served in Service year 2018-2019	Number of Section 60 COPA 1974 Notices Served in Service year 2019-2020	Difference
<b>Total</b>	<b>127</b>	<b>115</b>	<b>-9.5%</b>	<b>112</b>	<b>66</b>	<b>-41%</b>

The above table shows the number of Enforcement Notices Served by the Environmental Protection Team between Service Year 2018-2019 and Service Year 2019-2020. Section 80 Environmental Protection Act 1990 Notices are notices served when a Statutory Nuisance is witnessed under Section 79 of the Environmental Protection Act 1990. Section 60 Notices are notices served under the Control of Pollution Act 1974 on construction companies or those carrying out construction work outside of the permitted hours for noisy construction work and to also impose noise and vibration conditions on the site.

**4.0 Service Delivery**

#### **4.1.1 Complaints and Service Requests**

Residents and businesses can contact the service through the online e-form platform. This has recently been updated and streamlined for each type of noise complaint either residential or commercial. Complaints can also be made telephone or via the Environmental Protection email address. It should be noted that a large number of service requests for commercial premises are received via the Out of Hours Noise Service. Consultation applications such Planning and Section 61 Applications are all received via the email address.

#### **4.1.2 Visits**

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

#### **4.1.3 Proactive Visits**

Proactive visits will be arranged by officers to sites for which prior intelligence has already been received. This can be regarding a premises which has been served a Section 80 Notice or information received by the service for a potential illegal rave.

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

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

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

Environmental Protection officers provide 'Out of Hours' support to the Enforcement Team to manage commercial noise and nuisance complaints. The Out of Hours Service provides the Officers the best opportunity to carry out visits to assess nuisance. This is due to the fact that the majority of complaints emanate from premises which operate during the evening. Pro-active visits will also be arranged by Officers for the Enforcement Team and the Environmental Protection Officer working on the service. However, the officers will also be carrying out their own proactive visits arranged as part of their investigation work.

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

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

#### **4.1.7 Tasking**

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

#### 4.1.8 Licensing Operational Enforcement Group

This is a monthly meeting chaired by the Licensing Team to bring together all agencies involved in the consultation of Licensing Applications and the enforcement of Licensed Premises, this includes the Police, Trading Standards and Public Health. Concerned licensed premises are discussed in the meeting and action points are drawn up for each responsible authority regarding enforcement.

#### 4.2 Enforcement Policy

- 4.2.1** A revised Enforcement Policy was approved by Cabinet on 21<sup>st</sup> January 2019 and the Team recognises that whilst commercial and licensed premises look to maintain their reputation and wish to maximize profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. Therefore, in considering enforcement action, the service will assist commercial and licensed premises to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution, license review or other formal action, where appropriate, against those who disregard the law or act irresponsibly.
- 4.2.2** The Environmental Protection Team also takes account of the principles of the Enforcement Concordat and has regard to Crown Prosecution Service guidelines and Equality Impact issues when undertaking any enforcement action.
- 4.2.3** The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as works in default and legal costs).
- 4.2.4** The new Hackney Enforcement Policy has been approved and plans are in place to make it available on the Hackney Council website.

## 5 RESOURCES

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<b>Officer Time Breakdown</b>	<b>52 weeks (260 days)</b>
Annual Leave / Bank Holidays	7 weeks (35 days)
Training / Briefing etc	2 weeks (10 days)
Sick leave / dependency / special leave etc	1 week (5 days)

Number of working weeks	42 weeks
Number of working days	210 days
<b>Total hours</b>	<b>210 days (1512 hours)</b>

**5.1.1 Staffing for Environmental Protection function for 2019-20 were follows:**

- 0.3 FTE – Regulatory Services Manager
- 1.0 FTE x Team Leader
- 3.0 FTE x Senior Environmental Protection Officers
- 2.0 FTE x Senior Environmental Protection Officers (Fixed Term Contract until 2021)
- 1.0 FTE x Temporary Event Notice’s officer.
- 0.4 FTE x Technical Business Support officer

**Total staffing resources = 7.7 FTE**

**5.1.2 Staffing for Environmental Protection function for 2020-21 is as follows:**

- 0.3 FTE – Regulatory Services Manager
- 1.0 FTE x Team Leader
- 3.0 FTE x Senior Environmental Protection Officers
- 2.0 FTE x Senior Environmental Protection Officers (Fixed Term Contract until 2021)
- 1.0 FTE x Temporary Event Notice’s officer.
- 0.4 FTE x Technical Business Support officer
- 1.0 FTE x Senior Environmental Protection Officer (Agency Contract until December 2020)

**Total staffing resources = 8.7 FTE**

**5.1.3 Total Resource Required**

Activity	Calculation	FTE
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<b>Noise and Nuisance complaints</b>	It is not possible to accurately calculate how much time is spent on each nuisance complaint as it depends on the complexity of the case. Therefore, a total of 4.0 hours is allocated to each service request to counter the different hours/time spent on each case. This can be broken down further into the following, 1 hours initial call and letter preparation, 1.5 hours for visit, a further 1 hour for follow-up call and letter preparation, finally a further visit taking 1.5 hours for confirmation of compliance.	<b>2964 (Service Requests) x 4 hours spent = 11856</b>  <b>11856 / 1512 = 7.8 FTE</b>
<b>Licensing Application Consultation</b>	Consultation on applications can vary depending on the nature of premises. Therefore, 7 hours is allocated to each application to be completed. This takes into account the varied nature of applications received.	<b>156 (Applications Received) x 7 hours spent = 1092</b>  <b>1092 / 1512 = 0.7 FTE</b>
<b>Planning Application Consultation</b>	The time spent on each application can vary depending on the size of the application. Therefore, to counter the difference in time spent on each application, 9 hours is allocated for each consultation.	<b>327 (Applications Received) x 9 hours spent = 2943</b>  <b>2943 / 1512 = 1.9 FTE</b>
<b>Section 61 Applications</b>	Applications can vary in complexity, some requiring complex acoustic calculations whilst others may be for weekend work only, therefore, 4 hours is allocated to each application.	<b>237 (Applications Received) x 4 hours spent = 948</b>  <b>948 / 1512 = 0.6 FTE</b>
<b>Temporary Event Notice Consultation</b>	A total of 1.4 hours is allocated to each application as a thorough interrogation of the database is required before approval/objection is submitted.	<b>2248 (Notices Received) x 1.4 hours spent = 3147.2</b>  <b>3147.2 / 1512 = 2.1 (1 FTE Available)</b>
<b>Members, Mayoral Enquiries, Freedom of Information Requests and Corporate Complaints</b>	A total of 9 hours is allocated to each type of request or enquiry. However, it must be noted that some take significantly longer, but to balance the numbers an average of 9 hours is allocated to each	<b>66 (Enquiries Received) x 9 hours spent</b>

		= 594
		594 / 1512 = 0.4 FTE
		<b>Total requirement FTE: 12.4 (This includes the 1 FTE for TEN's)</b>

**5.1.4 Projected FTE required to carry out Environmental Protection Function (12 months) = 12**

From the above calculations, a total of 12 officers will be required to perform all functions of the Environmental Protection service. Although the appointment of 12 officers is an unrealistic number that can be provided to support the service, it however demonstrates the high volume of complaints received by the service which is investigated by only a quarter of that number of officers. Streamlining the service further and implementing changes to the way the team provides the service will assist in easing pressure on the team and will also make sure that all targets are met. For example, the incorporation of carbonated inspection sheets which will reduce the requirement for additional letters being sent out post inspection (Please refer to section 7.1.1 – Service Streamlining) thus reducing the time spent on complaints.

**6 QUALITY ASSESSMENT**

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**6.1.1 Internal Arrangements**

- Monthly 'check-in' will be carried with each officer to monitor case workload, assess the quality enforcement work and to make sure that officers are meeting their targets and expectations. This will also provide the opportunity for officers to feedback on the service performance and case load allocations. Development needs and training plans will be reviewed at each check-in as part of the check-in process and officers will be required to demonstrate adherence to the competency framework.
- Monthly team meetings are held with the Regulatory Service Manager to discuss service performance and to address other issues.
- A 6 months review will be carried out for each officer to monitor performance against local targets.
- The service will also be measured on a monthly basis to make sure that KPI's and local targets are being met. This will be provided to the Head of Service to review each month.
- Material obtained from external and internal training will be cascaded to the the team
- Accompanied/validation inspections will be carried out by the Team Leader to confirm adherence to Policy.



## 7 KEY SERVICE DEVELOPMENT

### 7.1.1 Key Development FOR Service Plan 2020 - 2021

Key Activity	Objective	Target
<b>Digitization of Section 61 approvals on website via Earth light</b>	The aim of the 'Digitisation Process' is to provide location sites within the borough of approved Section 61 Works, Street Works and Statutory Undertaking Works on an interactive map available on the Council web site. By making this information available to the public, it is envisaged that complaints regarding out of hours noisy works from construction works will be reduced. Members of the public will be able to check on the website if the works have been approved and will have all the information regarding the works such as completion time and date. Complainants will be directed to the map when they access the website to make a complaint.	End of Q4
<b>Service Streamlining</b>	As part of the development of the service and to address the demand, the following streamlining measures are to be incorporated in the service: <ul style="list-style-type: none"> <li>- Carbonated inspection pads</li> <li>- Use of Chrome tablets for onsite inspections giving access to service database and documents</li> <li>- Remote working</li> <li>- Carbonated notice pads</li> </ul>	End of Q1
<b>Noise Limiter Certification Programme</b>	The Noise Limiter Certification Programme will address complaints emanating from premises which have a Noise Limiter installed to control their noise and to prevent disturbances to nearby residential properties. This chargeable service will provide certification on agreed sound levels for premises which will also assist addressing future complaints.	End of Q1
<b>Deliveries and Collections Policy</b>	The London Borough of Hackney currently does not have a Policy for deliveries and collections from commercial premises in the borough. Therefore, the only way a noise complaint for early morning or late night delivery/rubbish collection can be investigated is by physically witnessing the noise amounting to a statutory nuisance in the complainant's property. As most of these incidents occur outside of service hours, the logistics required to witness the nuisance is very difficult. The introduction of a unified policy for early morning and late night collections and deliveries will remove this obstacle in addressing these complaints.	End of Q3
<b>Outdoor Events Guide</b>	There is currently no working guidance available for outdoor events being held in the borough. Agreements to noise levels and additional conditions are currently made with event organisers, Hackney Events team and the Environmental Protection Team each time an event is held in the borough. However, a written guidance is required which not only provides information to the event organisers about the chosen site but also provides monitoring points and boundary noise levels. The guidance will also have an application for the event organisers to submit to	End of Q2

	the Environmental Protection Team which will provide a summary to the service regarding what the event will entail and also make the service aware of the event so that adequate resource for monitoring is in place.	
<b>Noise Application Tool</b>	As part of the digitalisation and streamlining of the Environmental Protection Service, a noise app will be made available to Hackney residents via the Hackney EP website. The app will be ONLY used as part of the initial investigation to obtain intelligence as a way of providing date and time stamps for when a nuisance has occurred. It will remove the need for diary sheets to be submitted and also provide officers with an insight into what type of nuisance has occurred.	End of Q4 (Dependent on management approval)
<b>Hackney Carnival Noise Management Plan</b>	The management of the Hackney Carnival has been brought in-house, this includes Noise Management. The Environmental Protection Team will manage and develop the Noise Management Plan for the Carnival in 2020. This will also be an income stream for the service.	End of Q1
<b>Online Submission of Section 61 Applications</b>	Develop an online application submission portal to process Section 61 Applications. This will work inline with the Digitization Process mentioned above. This was a key development in the Service Plan for Year 2019-2020. However, development was delayed to the new Hackney Website prioritising more front line services for development.	End of Q4
<b>Income Revenue Generation</b>	Methods of income generation will be explored further. For example, Nuisance Training for Enforcement Officers (External).	TBC

### 7.1.2 Projects

Activity	Objective	Target
Seasonal Operations	Carry out joint site visits with Licensing and Trading Standards to concerned premises prior to the start of the Christmas festive period. Aim of the visit is to make sure that the premises is prepared for any events they may have during this festive period.	End of Q3
River Lee - Bank Side Enforcement	Carry out joint patrols of the banks of the River Lee with officers from the Enforcement Team. Issues have been raised in previous years regarding Noise and ASB being caused by moored boats.	Summer Period
Licensing and EP Joint Visits	Carry out joint visits with the Licensing Team on a monthly basis to concerned premises, events being held in the borough and to also unlicensed sites.	Monthly
Police Operations	Participate in Police Operations in the Borough such as the recent Operation TYBO and LAGANA	As required

### 7.1.3 UPDATE - Key areas for Improvement/Development for 2019-2020

Aim	Objective	Target
<b>Carbonated Documents Pads (Notices, Letters of visits and inspection outcomes)</b>	<p>The process for the service of a Section 80 EPA Notices requires the officer to return to the office and draft, print, sign and then copy/scan the notice before it is served via post or hand delivered. The aim of the carbonated notice pad is to remove this stage in the initial enforcement process allowing the officer to serve a notice on the spot. This process will save the officer essential time which would have been lost in the preparation and service of the notice. Further to the development of the Carbonated Notice Pad, an Inspection Letter was also developed which states the outcome of the assessment and a copy is left for the complainant. The Investigation/Inspection Pad will make the process consistent with the other services under Business Regulation. The document will also act as evidence for service of notices and legal prosecutions. The document will then be scanned and saved on the database. The roll out of this process has been delayed due to the Covid-19 outbreak.</p>	Target Met.
<b>Develop policy and procedure for the introduction of Fixed Penalty Notices for breaches of Abatement Notices</b>	<p>The process and procedure for serving a Fixed Penalty Notice (FPN) for breach of a Section 80 Abatement Notice has been developed. The Environmental Protection Team can now issue an FPN when a breach of a Section 80 Notice is witnessed. Unfortunately due to the Covid-19 outbreak, no FPN have been issued as of yet.</p>	Target Met.
<b>Website Commercialisation Project</b>	<p>The Environmental Protection Service webpage on the Hackney Council website is under development and once complete will update and provide all the relevant information regarding the service in one area for members of the public and for consultation purposes. The final process of updating the webpage is with the Commercialisation Team.</p>	Target Met

<p><b>Environmental Protection Officer Performance Activity Monitoring Via Qlick.</b></p>	<p>A list of activities carried out by Environmental Protection Officers will be monitored live via the Qlick platform. The following are an example of the activities which will be measured:</p> <ul style="list-style-type: none"> <li>- Number of visits made for Nuisance Complaints, Planning and Licensing Consultation.</li> <li>- Number of Warning Letters served</li> <li>- Number of Objections made for applications</li> <li>- Number of Notices Served</li> </ul>	<p>End of Q4 – Delay caused by QLink Portal</p>
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**8 REVIEW**

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**8.1.1 Review against the Service Plan 2019-2020**

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

**9 COVID-19 IMPACT**

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**9.1.1 Impact on Service**

In order to adhere to government guidelines in relation to social distancing and for the safety and welfare of officers and the public, temporary procedures will be put in place for inspection procedures. This will inevitably affect the performance of the service and will likely cause delay in the resolution of a proportion of complaints.

A new working pattern will be introduced for officers which will consist of limited office presence and working from home. Officers will be put on a duty rota system and working hours will be more flexible so that it can accommodate evening site visits. This process will be in place until restrictions are eased and services can be fully resumed.

It is predicted that until commercial premises who provide licensed ‘Regulated Entertainment’ (Pubs, Clubs, Restaurants) are fully reopened, the number of nuisance complaints from such premises will be significantly reduced. However, when the restrictions are lifted and licensed premises

are permitted to reopen providing all their licensable activities, it is also predicted that there will be a temporary surge in the number of complaints against these premises as there will be a high demand for their services. The level of complaints will return back to the normal after the initial surge period is over, however, a timeline cannot be provided at this time.

It is also predicted that the level of complaints regarding construction sites will increase due to a large number of the public in lockdown or working from home. Residents who previously would not experience such noise will now be exposed to loud construction noise and unfortunately for longer periods. Officers will be working on the new flexible working patterns in order to observe any breaches of the permitted hours for noisy construction work.

In order to maintain a fully functioning service, the retention of staff is paramount until service levels operated prior to the outbreak are again resumed.

## Appendix 1.0 - 6-month update to the Environmental Protection Law Enforcement Service Plan 2020/21

### Performance Against Service Performance Indicators - 6 month update (01/04/2020 – 31/10/2020)

Key Performance Indicators	Frequency of reporting	2020/21 Target	As of 31 <sup>st</sup> October 2020	RAG
Percentage of First Response to new service requests met within target (10 days)	Quarterly	100%	This data cannot be provided due to the current system outage	**
*Number of noise abatement notices served under s80 EPA 1990 in respect of commercial noise*	Quarterly	N/A	Total served: 6	
Percentage of compliance from service of EPA s80 Notice	Yearly	80%	100%	
Percentage of compliance from service of COPA s60 Notice	Yearly	90%	100%	
Percentage of Licensing Application comments made within target (28 days)**	Quarterly	100%		**

			This data cannot be provided due to the current system outage	
Percentage of Temporary Event Notices met within target (3 days)	Quarterly	100%	100%	
Percentage of Section 61 Applications met within target (28 days)	Quarterly	100%	100%	

**Notes**

**\*\* - Data which is held on the service database is not available due to the current ICT outage.**

**Noise Abatement Notices**

\* There is no target for the ‘The number of s80 EPA Notices served’, as the service of a notice is as a result of enforcement action from complaints received by the service.

**Temporary Event Notices (TEN’s)**

The total number of TEN applications received by the service from April 2020 to October 2020 was reduced significantly in comparison to the previous year. The total number of TEN’s received from the period of April 2020 to October 2020 is 179 and in contrast, in the same period last year, the total number of TEN’s was 1267. This reflects the impact of Covid-19 on the service as it not only has reduced the number of TEN’s it also reduced the income brought in by the application fee by each TEN.

Applications received during the lockdown period and especially when restrictions were heightened were made to demonstrate how they are going to meet all the government guidelines/restrictions. Therefore, applications that were not able to provide this information were objected to.

<b>Month (April 2020 - October 2020)</b>	<b>Number of TEN's</b>	<b>TEN's responded on target</b>	<b>Number of Objections</b>	<b>Percentage of Temporary Event Notices met within target (3 days)</b>
April 2020	5	5	0	100%
May 2020	12	12	3	100%
June 2020	34	34	3	100%
July 2020	52	52	5	100%
August 2020	43	43	2	100%
September 2020	27	27	2	100%
October 2020	6	6	6	100%
<b>Total</b>	179	179	19	100%



**Key Development - Service Plan 2020 - 2021 - 6 Months UPDATE**

Key Activity	Objective	RAG
<b>Digitization of Section 61 approvals on website via Earth light</b>	The aim of the 'Digitisation Process' is to provide location sites within the borough of approved Section 61 Works, Street Works and Statutory Undertaking Works on an interactive map available on the Council web site. By making this information available to the public, it is envisaged that complaints regarding out of hours noisy works from construction works will be reduced. Members of the public will be able to check on the website if the works have been approved and will have all the information regarding the works such as completion time and date. Complainants will be directed to the map when they access the website to make a complaint.	<b>Due to the current ICT issues this activity is on hold.</b>
<b>Service Streamlining</b>	As part of the development of the service and to address the demand, the following streamlining measures are to be incorporated in the service: <ul style="list-style-type: none"> <li>- Carbonated inspection pads</li> <li>- Use of Chrome tablets for onsite inspections giving access to service database and documents</li> <li>- Remote working</li> <li>- Carbonated notice pads</li> </ul>	<b>This has been met</b>
<b>Noise Limiter Certification Programme</b>	The Noise Limiter Certification Programme will address complaints emanating from premises which have a Noise Limiter installed to control their noise and to prevent disturbances to nearby residential properties. This chargeable service will provide certification on agreed sound levels for premises which will also assist addressing future complaints.	<b>This activity is put on hold as licensed premises which were playing recorded music are no longer permitted to do so due to lock down restrictions and</b>

		<b>Covid-19 precaution measures. This activity will be reactivated in the next EP Service Plan (2021-2022)</b>
<b>Deliveries and Collections Policy</b>	The London Borough of Hackney currently does not have a Policy for deliveries and collections from commercial premises in the borough. Therefore, the only way a noise complaint for early morning or late night delivery/rubbish collection can be investigated is by physically witnessing the noise amounting to a statutory nuisance in the complainant's property. As most of these incidents occur outside of service hours, the logistics required to witness the nuisance is very difficult. The introduction of a unified policy for early morning and late night collections and deliveries will remove this obstacle in addressing these complaints.	<b>This target is on track and will be met by the End of Q4</b>
<b>Outdoor Events Guide</b>	There is currently no working guidance available for outdoor events being held in the borough. Agreements to noise levels and additional conditions are currently made with event organisers, Hackney Events team and the Environmental Protection Team each time an event is held in the borough. However, a written guidance is required which not only provides information to the event organisers about the chosen site but also provides monitoring points and boundary noise levels. The guidance will also have an application for the event organisers to submit to the Environmental Protection Team which will provide a summary to the service regarding what the event will entail and also make the service aware of the event so that adequate resource for monitoring is in place.	<b>This target was partially met before the Covid-19 outbreak. This document will now be created with the applicant requiring the measurement of the noise level at designated positions instead of the EP Team providing the data. This is because the data will not be available now due to the pandemic.</b>
<b>Noise Application Tool</b>	As part of the digitalisation and streamlining of the Environmental Protection Service, a noise app will be made available to Hackney residents via the Hackney EP website. The app will be ONLY used as part of the initial investigation to obtain intelligence as a way of providing date and time stamps for when a nuisance has occurred. It will remove the	<b>This target is partially met as we have details of the noise app and prior to the pandemic</b>

	need for diary sheets to be submitted and also provide officers with an insight into what type of nuisance has occurred.	outbreak we were in a position to obtain an app and trail it amongst a small number of residents. This target will now be met by the End of Q4.
<b>Hackney Carnival Noise Management Plan</b>	The management of the Hackney Carnival has been brought in-house, this includes Noise Management. The Environmental Protection Team will manage and develop the Noise Management Plan for the Carnival in 2020. This will also be an income stream for the service.	Due to the cancellation of the carnival, this target was postponed to the next Service Plan (2021-2022)
<b>Online Submission of Section 61 Applications</b>	Develop an online application submission portal to process Section 61 Applications. This will work inline with the Digitization Process mentioned above. This was a key development in the Service Plan for Year 2019-2020. However, development was delayed to the new Hackney Website prioritising more front line services for development.	Due to the current ICT issues this activity is on hold.
<b>Income Generation Revenue</b>	Methods of income generation will be explored further. For example, Nuisance Training for Enforcement Officers (External).	Due to the current Pandemic, this target has been put on hold.

## Projects

Activity	Objective	Target
Seasonal Operations	Carry out joint site visits with Licensing and Trading Standards to concerned premises prior to the start of the Christmas festive period. Aim of the visit is to make sure that the premises is prepared for any events they may have during this festive period.	Due to the current Pandemic, this target has been put on hold.
River Lee - Bank Side Enforcement	Carry out joint patrols of the banks of the River Lee with officers from the Enforcement Team. Issues have been raised in previous years regarding Noise and ASB being caused by moored boats.	Due to the current Pandemic, this target has been put on hold.

Licensing and EP Joint Visits	Carry out joint visits with the Licensing Team on a monthly basis to concerned premises, events being held in the borough and to also unlicensed sites.	<b>Due to the current Pandemic, this target has been put on hold.</b>
Police Operations	Participate in Police Operations in the Borough such as the recent Operation TYBO and LAGANA	<b>As required</b>

### **Covid-19 Impact on Service**

In order to adhere to government guidelines in relation to social distancing and for the safety and welfare of officers and the public, temporary procedures are put in place for inspection procedures. This will inevitably affect the performance of the service and will likely cause delay in the resolution of a proportion of complaints.

A new working pattern was introduced for officers which consisted of limited office presence and more working from home. Officers are on a duty rota system and working hours have become more flexible so that it can accommodate evening site visits. This process will be in place until restrictions are eased and services can be fully resumed.

It is predicted that until commercial premises who provide licensed 'Regulated Entertainment' (Pubs, Clubs, Restaurants) are fully reopened, the number of nuisance complaints from such premises will be significantly reduced. However, when the restrictions are lifted and licensed premises are permitted to reopen providing all their licensable activities, it is predicted that there will be a temporary surge in the number of complaints against these premises as there will be a high demand for their services. The level of complaints will return back to the normal after the initial surge period is over, however, a timeline cannot be provided at this time.

It is also predicted that the level of complaints regarding construction sites will increase due to a large number of the public in lockdown or working from home. Residents who previously would not experience such noise will now be exposed to loud construction noise and unfortunately for longer periods. Officers will be working on the new flexible working patterns in order to observe any breaches of the permitted hours for noisy construction work.

In order to maintain a fully functioning service, the retention of staff is paramount until service levels operated prior to the outbreak are again resumed.

### **Support of new Covid Response Team (CRT)**

The Environmental Protection Team (EPT) is also supporting the newly formalised Covid Response Team (CRT) by temporarily providing 3 officers to the team. Officers who are registered with the Environmental Health Registration Board (EHRB) can be legally authorised under the new Covid legislation to

instigate enforcement action. Please note that the EPT will not be experiencing a loss of function as a result of this support to the CRT primarily due to the reduction in service demand in the EPT. It should also be noted that this support is only possible due to the EHORB status of officers in the team which is a very limited resource in the Council.

### **Cyber Attack**

As a result of the recent cyber attack on Hackney, nearly all online portals are now no longer available to the public. This has resulted in a drastic reduction in the number of complaints received by the service. Residents can send an email through to the pollution support inbox with the nature of their complaint but unfortunately this process is not being widely used due to the fall in the number of complaints received.

However, the cyber attack has also affected the service operation as we are not able to access our internal complaints database. This has not only affected our ability to investigate noise and nuisance complaints but it also had a knock on effect on other services that we provide such as Planning, Licensing and Section 61 application consultation.

### **Planning Consultation**

Due to the Planning Portal being down, we are unable to access the relevant information required to provide adequate consultation to our Planning colleagues. As we are also not able to access our service database, we cannot search the premises history for complaints and therefore cannot provide evidence required as part of the consultation.

### **Licensing Consultation - Responsible Authority**

As stated above, due to the fact that we are unable to access our service databases, we cannot search a premises history and provide evidence as part of the consultation. A temporary condition is being drafted which will consist of a 3 month trial period after which subject to no complaints we will not instigate a review of the license. This process is still in the initial stages and will require further senior management approval.

As a service, we have been heavily impacted by this attack and as a consequence are provided a limited service as consultees, as a responsible authority and to residents.

### **Look Ahead**

It is hoped that the limitations presented by the cyber attack will be addressed and all services and functions returned back to normal by March 2021. It is envisaged that there will be a significant spike in the number of complaints in the initial period after the services are once again resumed. This also includes Planning, Licensing and Section 61 Applications as they have all been put on hold by the applicants during the outbreak. In order to address this

spike in both application and complaints, the EPT will need to return back to its full complement of officers prior to providing officer support to the CRT. It cannot be accurately confirmed when this surge in demand will level out and return back to those experienced prior to the Covid-19 outbreak, however, a period of 6 months is predicted before demand for the EPT is returned back to normal levels.