



ANNUAL PERFORMANCE REPORT OF THE NOISE SERVICE 2020

**CORPORATE COMMITTEE
MEETING DATES 2021/22**

14th September 2021

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

- 1.1 This report sets out the annual performance report in relation to noise nuisance for the period 1st January-31st December 2020.
- 1.2 The Corporate Committee has requested annual reports on how the Council responds to noise nuisance.
- 1.3 Noise nuisance in Hackney continues to receive an approach that looks at statutory noise nuisance and noise arising from anti-social behaviour together, so that the most appropriate action can be taken based upon the individual circumstances of the case. The service area brings together a range of enforcement services, providing the opportunity to apply greater resources to a particular problem area and a better ability for specialists to collaborate and cases to be prioritised.
- 1.4 This report provides an update on the volume of noise complaints, a breakdown of the individual types of noise within the services workload, including Temporary Event Notices (TENs), which continue to place significant demand on existing resources.
- 1.5 In fulfilling its duties the Team provides support to individuals, communities and businesses in Hackney.

2. RECOMMENDATION(S)

2.1 Corporate Committee is recommended to:

- 2.1.1 There are no official recommendations arising from this report. This report is for information purposes and Corporate Committee can 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 the Regulatory Committee to report annually on the Noise Enforcement service.

4. BACKGROUND

- 4.1.1 On 3rd May 2017 the Community Safety, Enforcement and Business Regulation Service (CSEBR) was established within the Public Realm Division of the Neighbourhoods and Housing Directorate.
- 4.1.2 The new service created an integrated enforcement service, in which all of the enforcement responsibilities were together under one service within three separate teams:

Community Safety
Enforcement
Business Regulation

- 4.1.3 The approach taken as part of the restructuring of the service was to split noise nuisance reports and service requests into two distinct categories, one concerning commercial operations such as licensed venues or other business related activities, and the other in relation to residential premises dealing with domestic noise situations such as the playing of amplified music, repeated late night parties etc and dealing with these residential issues as Anti-Social Behaviour.
- 4.1.4 Non-uniformed staff consisting of a small team of trained and qualified Environmental Protection Officers (EPOs) focus on noise from commercial premises both through case management and through reactive deployment at times when the noise is occurring including at night.
- 4.1.5 Uniformed Officers are generalists and do not have the specialised training of the EPOs, but will deal on a more reactive basis to residential sources of nuisance. There is crossover and co-working between the teams and currently uniformed staff continue to receive additional training from the specialist Noise Officers and from external providers. This is particularly so at night as the specialist noise service can be very stretched during periods of heavy demand.
- 4.1.6 In addition to this, Community Safety and Principal Enforcement Officers (PEOs) who are Ward based deal with the more difficult to resolve and entrenched domestic noise and Anti-Social Behaviour (ASB) cases and also work out of hours.
- 4.1.7 Aside from reactive noise complaint work, the EPOs have additional duties being a statutory consultee for licensing applications, the assessment of and making of representations on TENs, consultations in relation to planning matters and issues related to construction noise and other commercial nuisance.

4.2. Operational Report –Noise and ASB Management

- 4.2.1 The merging of the staff dealing with domestic noise within the previous Safer Communities Service to improve the overall service provision towards noise and Anti-Social behaviour (ASB) has been continued and developed. The clear synergy between these elements of nuisance has been recognised by the government in legislation and consequently noise is included as a category of ASB. The aim of the local changes was specifically to move towards a more uniform approach to managing noise and ASB.
- 4.2.2 This model included a more robust initial service request triage process, using all the information available to the Team which includes Police information

systems and the Intelligence Hub capabilities, leading to better identification of repeat and vulnerable persons which is a key responsibility for Officers.

- 4.2.3 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 could report 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 working with ICT to implement an alternative means of reporting noise (see para 4.2.7-4.2.12) and other ASB to meet the Manifesto commitment of making it easier to report ASB 24/7 though only an acknowledgment is provided at other times outside of the times when the out of hours noise service is operating.
- 4.2.4 The noise nuisance web page requires a further update to ensure it 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.
- 4.2.5 Residents now receive a same-day acknowledgement accompanied by 'Noise Action Guidance' which will detail next steps and assist with managing expectations. The link to the form is www.hackney.gov.uk/noise .
- 4.2.7 The Enforcement Team was approached in 2019 to work with other services on the 'Report a Problem'. The initial brief was to investigate the functionality of Fix My Street (FMS) and establish if it could extend the use of this tool to improve the customer experience when reporting noise.
- 4.2.8 In addition to providing tools to support citizens and visitors to the Borough, the solution also needed to have capabilities that support the management and resolution of issues reported, with a particular focus on;
- automated triage by category of problem and location of the report
 - management/reduction of duplicate reports
 - ongoing communications regarding the process to resolution
 - reduced repeat contact with the council
 - integration with line of business application to give close to real-time updates on the progress
- 4.2.9 Throughout the process, the vision changed to implement a back-end case management system for noise complaints, that reduced manual intervention from caseworkers and Integrated with the Council system Civica APP which existed before the cyber attack in October 2020.

- 4.2.10 During the corporate response to the cyber attack in October 2020, the Enforcement Team began working with FMS to develop a case management system to provide additional functionality for officers in the service to manage cases whilst a replacement for the previous database was sourced. A new system has now been selected and Officers will work with the provider to install a solution that covers the needs of each team within the service.
- 4.2.11 Following the cyber attack, the service was left with no access to our legacy system, Civica APP and their data, creating a critical need for a replacement. As an immediate consequence, the teams not only have limited historical data available but are using manual methods to collate and process current workloads and cases creating a strain on resources on an unstable platform which consists of approximately 100 users.
- 4.2.12 Hackney Procurement Board has awarded a contract of four years to a provider for the implementation, annual licensing and maintenance of a database over four years. It also includes the Housing ASB Team and will reduce the amount of administration around cases, enabling them to work more strategically to reduce repeat incidents and this option requires less development and has faster deployment than options created as part of other programmes within housing.
- 4.2.13 When staff receive completed requests during service hours (including out of hours) they are assessed and triaged for engagement if required. Residents can also telephone during normal office hours and out of hours at times when the service is operating, but in busy periods it may not be possible to answer the call and they are directed to the online reporting service.
- 4.2.14 The PEOs undertake a role much wider than that of investigating domestic noise complaints, which includes investigating ASB, Police liaison and supporting a range of crime and ASB prevention initiatives. ASB casework can involve some very complex and protracted investigations with parties sometimes having particular vulnerabilities and multiple needs. These investigations can be very resource intensive and present a challenge when balanced with noise related matters. Officers also undertake enforcement work including the use of Community Protection Warnings and Notices for cases where it proves difficult to witness statutory nuisance, making applications for Closure Orders, Injunctions, and use of all the new powers provided by the Antisocial Behaviour, Police and Crime Act 2014.
- 4.2.15 The service also delivers an out of hour's noise nuisance service from within the resources allocated. The out-of-hours service operates to deal both reactively and proactively with noise Thursday 18.30 to 02.00, Friday and Saturday 21.00–02.00 and Sunday 18.30–02.00. Staff work on a rota to cover this service.
- 4.2.16 The provision of an out-of-hours service is challenging as the demand is unpredictable and at times of peak fluctuation can result in up to twenty service requests in an hour, with a planned maximum of two staff to answer

the requests and up to four deployed outside to respond to them. 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.

4.2.17 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 unlicensed music event 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.

4.2.19 The total volumes of demand (individual contacts requiring a response) for all categories of service request relating to noise nuisance for 2018 are shown in charts 1 and 2 and for 2019 in charts 3 and 4. It should be noted the database used for recording service requests changed in May 2018.

Chart 1 Noise Reports received 2018

Noise Service requests 2018	M3PP Cases				Civica service requests								Grand Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Noise Commercial	71	53	73	46	208	150	359	249	249	199	217	175	2049
-					13	10	18	15	11	5	7	2	81
Aircraft							1				2		3
Car Alarm	4	4	3	3									14
Construction	29	19	21	15	43	31	80	56	52	40	38	33	457
Intruder Alarm	3		3	4	12	2	9	5	1	6	6	9	60
Music	11	11	13	10	122	84	176	99	120	113	103	92	954
Noise on the Road (Road Traffic)	1	1	4	1			2				3		12
Others	21	16	18	13	4	4	50	58	40	19	48	33	324
Outdoor Events		1	10			1	1						13
Shouting	2	1	1		14	18	22	16	25	16	10	6	131
Noise Residential	127	99	79	121	423	456	631	501	413	338	318	319	3825
-					12	24	19	16	11	12	15	12	121
Banging	13	12	7	11	34	25	22	11	31	28	71	53	318
Car Alarm					12	7	9	9	8	7	2	3	57
DIY	6	3	1	2	6	6	4	9	16	9	6	11	79
Dog Barking	4	1	1		5	11	16	19	13	7	12	10	99
Intruder Alarm	5	4	5		2	8	12	12	4	1	6	4	63
Music	71	65	53	93	298	314	475	364	275	222	160	187	2577
Others	14	8	5	11	4	7	1	4	2	4	2	5	67
Outdoor Events	1		1										2
Shouting	11	5	6	4	41	46	66	52	42	38	38	27	376
TV	2	1			9	8	7	5	11	10	6	7	66
Grand Total	198	152	152	167	631	606	990	750	662	537	535	494	5874

Chart 2 Noise Reports 2018 showing the commercial /residential breakdown

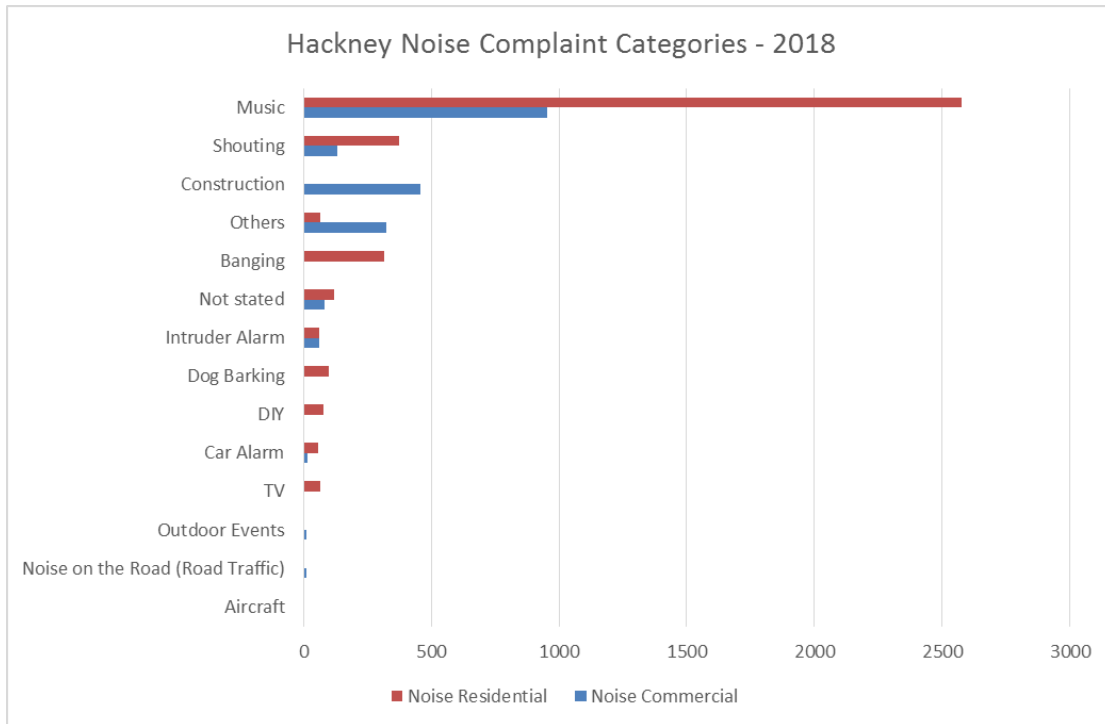
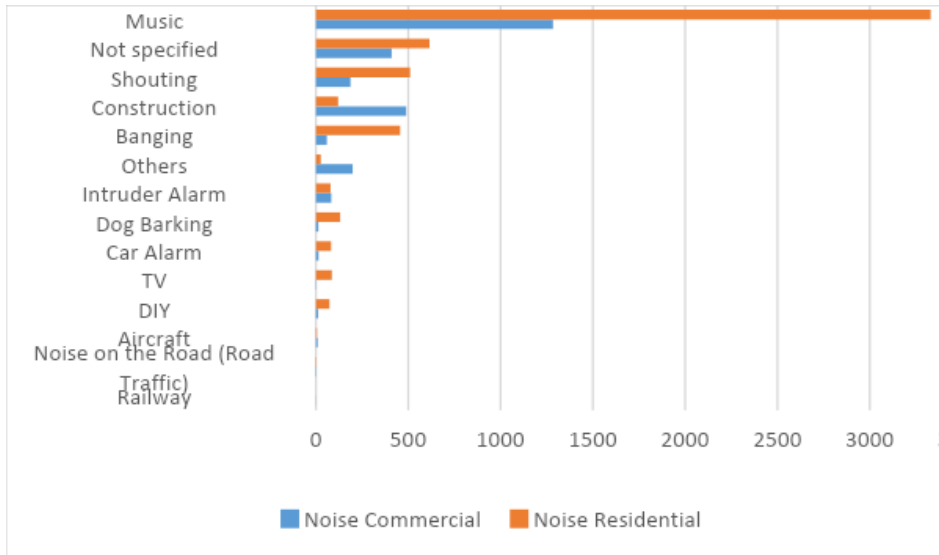


Chart 3, Noise Complaints received 2019

Noise Actions Service requests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 Total
Noise Commercial	192	146	239	217	258	237	342	330	281	183	169	171	2765
Aircraft		1	1		1		4	1	1				9
Banging	8	3	3	5	5	4	9	5	7	7	1	2	59
Car Alarm	1	2		4	1		1	1		3	1		14
Construction	34	37	40	47	49	28	43	77	45	29	34	26	489
DIY		1				2	2	1	5	1			12
Dog Barking							4		2	2	2	3	13
Intruder Alarm	8	2	9	12	3	6	12	11	3	12	3	2	83
Music	82	59	123	84	123	129	168	126	125	87	78	100	1284
Noise on the Road (Traffic)						2					1		3
Not specified	36	19	26	39	46	30	49	64	42	24	22	13	410
Others	12	14	16	16	18	23	21	23	25	4	16	11	199
Railway					1								1
Shouting	11	8	21	9	11	13	29	20	26	14	11	14	187
TV				1				1					2
Noise Residential	393	354	390	384	470	471	691	680	529	435	380	339	5516
Aircraft				1		1	1	2					5
Banging	60	58	30	32	38	31	27	36	19	41	30	54	456
Car Alarm	4	9	4	3	7	6	28	7	5	4	3	2	82
Construction	13	7	9	10	9	8	10	4	16	15	12	7	120
DIY	9	4	9	6	7	7	3	9	7	6	1	5	73
Dog Barking	7	10	11	6	9	11	18	19	6	17	8	9	131
Intruder Alarm	9	8	1	2	11	4	4	11	11	12	3	3	79
Music	182	169	239	234	287	328	442	442	334	260	228	185	3330
Noise on the Road (Traffic)				1	1		1						3
Not specified	60	42	36	43	45	24	98	74	54	50	53	36	615
Others	2	3	8	2			1	2	4		2	2	26
Shouting	35	34	34	36	47	41	55	71	65	29	31	32	510
TV	12	10	9	8	9	10	3	3	8	1	9	4	86
Com&Res Total	585	500	629	601	728	708	1033	1010	810	618	549	510	8281

Chart 4 Noise complaints 2019 showing the commercial /residential breakdown



4.2.20 In 2020 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.

4.2.21 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 5 Daily Noise Reports

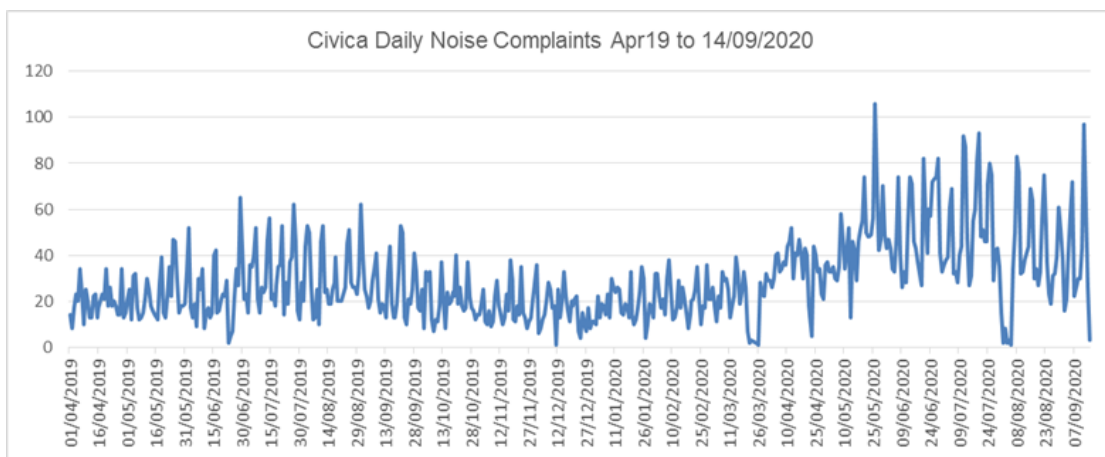


Chart 6-Monthly Noise Reports

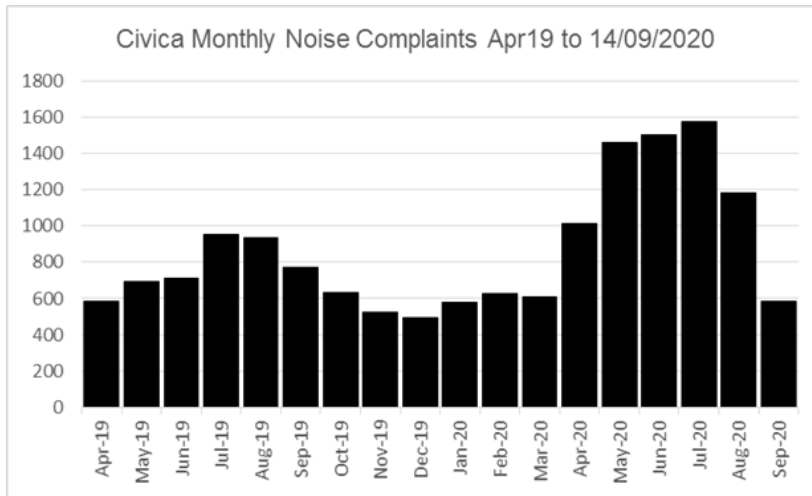


Chart 7 Monthly Noise Reports

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%

Chart 8- Residential Noise Reports October- December 2020

Noise Type / Month	Oct-20	Nov-20	Dec-20
Noise Residential - Loud Music	156	202	148
Blank	31	44	46
Noise Residential - Children Running Around/Playing Games	9	17	18
Rowdy Behaviour - Shouting/Swearing	20	20	9
Noise Residential - Building Work/DIY	16	31	14
Noise Residential - House/Smoke Alarm	12	18	5
Noise Residential - Barking Dog	7	2	4
Noise Residential - Extractor Fans/ Refrigeration Noise/AC Units	4	6	12
Noise Residential - Religious Ceremony/Celebration	2	1	
Nuisance Behaviour - Youth Congregation	2	10	
Pollution - Bonfire Smoke	2		2
Rowdy Behaviour - Drunken Behaviour	2	1	
Noise Residential - Other Animal Noise	3	1	
Nuisance Behaviour - Street Drinking	4	1	
Noise Other - Roadworks	2	1	
Harassment	3	1	
Noise			
Domestic			
Highway obstruction	1	1	
Pollution - Light Pollution	1	1	
Aggressive Begging	1	1	
Car Alarm			
Noise Other			
Nuisance Behaviour - Games in Restricted Areas		1	
Banging Noise	1		
Banging noises/vibrations	1		
banging the wall and ceiling			
Fly-posting			1
Graffiti		1	
https://drive.google.com/file/d/1EqFRm3kqCG08f51WoRdmqlbH			1
Illegal Street trading	1		
littering	1		
Loud music			1
Noise - domestic			1
Noise and asb			1
Noise Residential			
Noise Residential - domestic noise			
Ongoing complaint - Hackney Housing			1
tenant dispute	1		
unspecified noise		1	
Grand Total	283	362	264

Chart 9 Commercial Noise reports Jan-Dec 2020

Noise Service requests 2020	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Noise & Nuisance Complaints (Music, Alarms, Odour, Light etc)	252	175	117	125	189	274	29 8	252	219	-	203	219	2323
Noise Complaints - Construction Noise	30	48	36	75	70	81	70	61	71	-	-	-	542
Planning Applications	21	24	18	38	24	30	21	16	33	-	41	18	284
Licensing Applications	13	6	17	9	11	33	27	12	20	-	18	2	168
Section 61 Applications	40	22	33	5	12	11	16	8	20	-	12	8	187

Total Monthly	356	275	221	252	306	429	43 2	349	363		274	247	
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4.2.22 The figures above relate to new and unique cases that are raised, but do not reflect the complete workload of the team. The method of working previously undertaken was designed to identify repeat calls and make ongoing management of cases more effective. The initial triage process when new service requests are 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.

4.2.23 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.

4.2.24 The activities of the EPOs, 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 the Licensing section 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.

4.2.25 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.

4.3 Temporary Event Notices (TENs)

4.3.1 The Licensing Act 2003 is the empowering legislation for TENs, implemented in November 2005. There have been three subsequent legislative changes, the first was a Legislative Reform Order (LRO) in July 2010 and implemented in October 2010. This minor change gave Police Licensing teams three working days to respond to a TEN from the previous maximum of two days.

4.3.2 The second change was the Police Reform and Social Responsibility Act 2011 that came into effect in April 2012. This was more substantive and had a significantly wider scope than the earlier LRO and had the effect of:

- enabling an objection to a TEN to be based on all four of the licensing objectives rather than just the prevention of crime and disorder.
- allowed the Environmental Health Service to be able to object to a TEN in addition to the Police.
- extended the period for which an objection could be made from 2 working days to 3 working days.

- 4.3.3 However it also allowed the "late TEN" which saw the number of TENs received in Hackney increase by around 25% in the first year. The third was the Deregulation Act 2015 that came into effect in January 2016. This increased the maximum number of TENs a premises can have from twelve to fifteen per calendar year.
- 4.3.4 The number of TENs received has increased considerably over recent years, placing a considerable demand on Police Licensing, Council Licensing and EPOs dealing with noise from commercial premises. The Responsible Authorities (RAs) of which Environmental Protection is one and the Police the other in the case of TENs, have the responsibility to ensure minimal public nuisance is caused by the granting of TENs. However the legislation is extremely permissive for the premises user and specifies rigid timescales for response/refusal that if not met mean automatic acceptance of the TEN.
- 4.3.5 To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the premises user and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of TENs received and timescales imposed by the legislation. As part of the integrated service one Officer has been dedicated to dealing with TENs to make the careful assessment of which TENs to make a representation on. thus targeting those TENs which stand out as the most obvious through risk, enforcement, evidence or ones that have been historically problematic.
- 4.3.6 Additionally all TENs that have been issued are scrutinised at the regular weekly tasking meeting and potential events that need particular attention from a noise or ASB perspective are flagged by the Intelligence Hub. Enforcement resources may then be allocated to ensure that problems are prevented or reported on to prevent further occurrences through the licensing application processes.

Differences and similarities between Standard and Late TENs for comparison

Variable	Standard TEN	Late TEN
Number of working days' notice required before event	10	5 minimum 9 maximum
Maximum number of TENs permitted per calendar year by type for a personal licence holder	50	10
	50 maximum per calendar year	
	5	2

Maximum number of TENS permitted per calendar year by type for a non-personal licence holder	5 maximum per calendar year	
Rights of appeal after a representation made	Full rights	None
Maximum number of TENS for a single premises in one calendar year	15	15
Maximum duration of any one TEN	168 hours (7 days)	
Maximum number of days permitted for a premises to be used for activities authorised by a TEN in one calendar year	21 days	
Minimum time required to elapse between TENS	24 hours	

4.3.7 The demand in Hackney has been disproportionately high and has the second highest number of TENS in London.

Hackney TEN's

Numbers:

2012	1315
2013	1937
2014	1967
2015	1969
2016	1121
2017	2402
2018	2401
2019	2179
2020	583

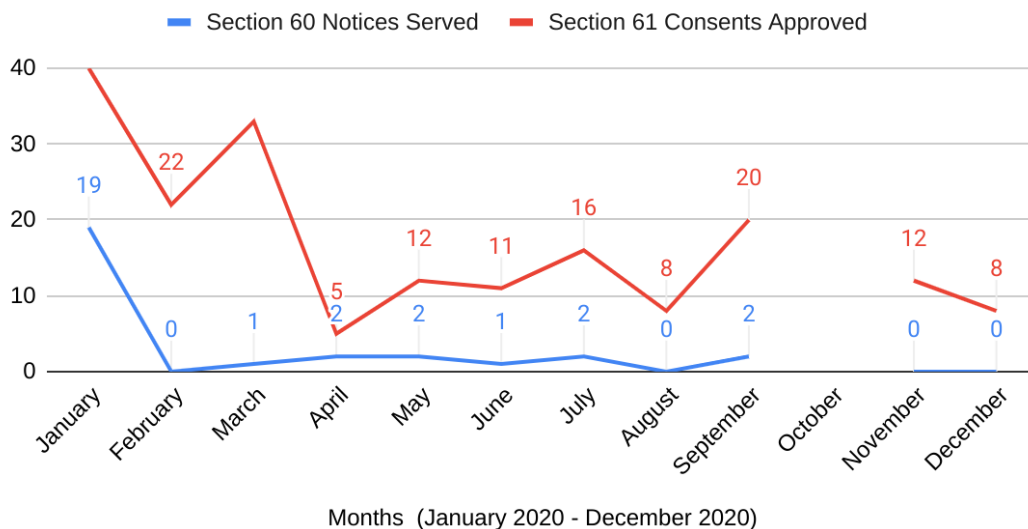
4.4 Construction Noise

4.4.1 Construction noise normally manifests itself as a result of planning permission being approved for development and normally after actual work on site starts. The amount of construction in the borough has increased considerably in the past ten years and this has led to an increase in the average number of notices served or applications for consents approved under s60 and s61 of the Control of Pollution Act 1974. In the period January–December 2020, 29 s60 notices were served while 187 consents were issued, which is shown in the charts below. Many of these require very detailed negotiations and many site visits throughout the lifetime and various phases of each construction project.

Months (January 2020 - December 2020)	Section 60 Notices Served	Section 61 Consents Approved
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January	19	40
February	0	22
March	1	33
April	2	5
May	2	12
June	1	11
July	2	16
August	0	8
September	2	20
October	Data available due to Cyber	
November	0	12
December	0	8
Total	29	187

Section 60 Notices Served and Section 61 Consents Approved



4.4.2 In order to deal effectively with the increase in reports of commercial noise received, assist with the out of hour's service and continue to provide the proactive service on Sundays in relation to construction noise, two additional Officers were recruited to the Team on fixed term contracts and following realignment of budgets these posts are now permanent.

5.1 Policy Context

Not applicable to this report

5.2 Equality Impact Assessment

Not applicable to this report

5.3 Sustainability

Not applicable to this report

5.4 Consultations

Not applicable to this report

5.5 Risk Assessment

Not applicable to this report

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

6.1 This report requests the Corporate Committee to note the annual performance in relation to noise nuisance for the period 1st January to 31st December 2020.

6.2 There are no immediate financial implications as the report notes retrospective data for 2020. The cost of the Noise Enforcement Service is managed within the Community Safety and Enforcement Budgets.

7. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

7.1 The content of this report informative purposes and sets out the annual performance report in relation to noise nuisance for the period 1st January-31st December 2020.

7.2 There are no legal implications arising from this report.

APPENDICES

N/A

Report Author	Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation gerry.mccarthy@hackney.gov.uk 020 8356 7087
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Comments of the Corporate Director of Finance and Resources	Avril Smith, Service Accountant Neighbourhoods and Housing avril.smith@hackney.gov.uk Tel:020 8356 3947
Comments of the Director of Legal Services	Jo Sterakides, Senior Lawyer josephine.sterakides@hackney.gov.uk Tel: 020 8356 2775