

**Environmental Protection Enforcement Service Plan 2022/23**



INVESTOR IN PEOPLE

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## 1.0 INTRODUCTION

Hackney Council as a Local Authority has a statutory obligation to investigate and take action on noise and nuisance reports. The Environmental Protection Team investigates all nuisance complaints which emanate from commercial premises or are linked to a commercial activity.

After the surge in the number of Covid-19 related deaths and infections, government lockdown rules were implemented in the UK which not only required 'non-essential' commercial premises to close their doors but also limited social gatherings. Covid-19 impacted the Environmental Protection Service directly as a large percentage of nuisance reports and consultation applications were reduced due to 'non-essential' commercial premises in the borough closing their doors. Please refer to section 3.0 for further detail .

The cyber-attack on the entire Council in October 2020 also affected the service as the database used to store commercial complaints and premises history records were no longer available. For information please refer to section 3.0 for further detail.

### **What is a Statutory Nuisance?**

A statutory nuisance is 'an unlawful interference with a person's use or enjoyment of land (including their home) or some right over, or in connection with it'. Statutory Nuisance is defined by Part Three of the 1990 Environmental Protection Act. Section 79 of the Act lists the following matters which constitute to a 'statutory nuisance' :

- (a) Any premises prejudicial health or nuisance
- (b) Smoke
- (c) fumes or gases
- (d) dust, steam or smell arising from industrial, trade or business premises
- (e) Any accumulation or deposit which is prejudicial to health or a nuisance
- (fa) Insects emanating from relevant industrial , trade or business premises
- (fb) Light
- (g) noise from a premises
- (ga) noise from vehicle, machinery or equipment
- (h) any other matter declared by any enactment to be a statutory nuisance

Noise is the primary cause of all nuisance complaints and amounts to more than 90% of all nuisance complaints in Hackney.

### **What is Noise?**

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.

### **The Environmental Protection Team**

As the number of residents grows in the borough and business activity intensifies especially within the night time economy zones, demand for a service to address statutory nuisance complaints will also increase. As a result, the Environmental Protection Team was established to address statutory nuisance complaints specifically emanating from commercial premises and activities in the borough. Noise and Nuisance 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. 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.

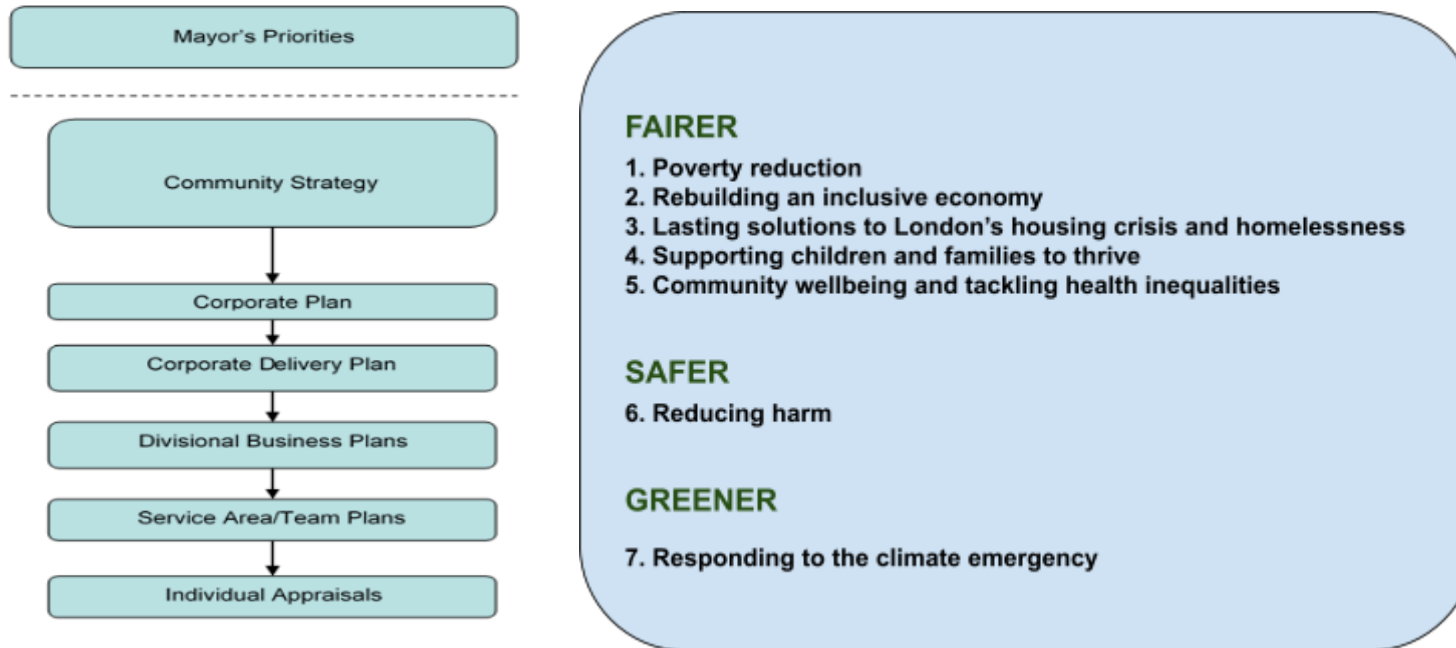
This service plan aims to provide such an approach and demonstrate new strategies enacted by the service to overcome obstacles and other impediments faced by the department. However, it also identifies areas that will need to be addressed for 2022-2023 in order to maintain the current level of service being provided.

## 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*



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The corporate plan refresh document can be found at the following link: <https://hackney.gov.uk/corporate-plan>.

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

- Respond and Investigate noise and nuisance reports 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**

The Environmental Protection Service is now in its 6th year of development since its creation in 2016. In this short period the number of service requests and consultation applications have increased exponentially. The main cause for this surge in service demand is due to Hackney becoming a nightlife hotspot in London. 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:

- 1.0 x Team Leader
- 5.0 x Senior Environmental Protection Officers
- 1.0 x Temporary Event Notice's Officer.
- 0.4 x Technical Business Support

## 2.0 Scope of the Service

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 reports
- Respond to and investigate nuisance reports listed under section 79 of the Environmental Protection Act 1990, such as artificial light nuisance, dust, smoke and odour (smell)
- Respond to and investigate reports regarding noise from Construction Sites
- Assess and comments 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.
- Supporting 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 2021-2022	Target for Service Year 2022-2023
Percentage of First Response to new service requests met within target (10 days)	Reporting Monthly	100%	100%
Percentage of Licensing Application comments made within target (28 days)**	Reporting Monthly	82%	100%
Percentage of Temporary Event Notices met within target (3 days)	Reporting Monthly	100%	100%
Percentage of Section 61 Applications met within target (28 days)	Reporting Monthly	100%	100%
Number of noise abatement notices served under section 80 EPA 1990 in respect of commercial noise and nuisance*	Reporting Monthly	N/A	N/A

### 2.1.2 Local Performance Indicator

Local Performance Indicator	Frequency of reporting	Target for 2022-2023
Officer Response to reports of nuisance complaints once assigned	Quarterly	<b>5 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>
Determination of 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>
Percentage of compliance from service of COPA section 60 Notice (7 Day Target – Site monitoring will be arranged if further complaints are received)	Monthly	<b>90%</b>
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	<b>90%</b>



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 were implemented at the start of the pandemic for both office presence and inspection procedures. This affected the performance of the service and delays in the resolution of a proportion of complaints.

A new working pattern was temporarily introduced for officers which consisted of limited office presence and working from home. Officers were on a duty rota system and home working hours providing a more flexible system so that it could accommodate evening site visits. This process will continue to be in place until full restrictions (Primarily Office Access) are eased and thus services can be resumed fully again.

### **March 2022 - Update**

As the government released guidelines which recommended a return to work (office), we have introduced a phased return to the HSE building for the service. This entails an officer on duty each day and physically present in the office. One day a week, the entire team is to be present in the office so that work, training and social interactions between the officers can take place. The service also now has face to face team meetings once a month.

### **Reduction in the number of commercial reports due to lockdown**

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As a result of lockdown, the majority of commercial premises within the hospitality industry in the borough which were not classed as 'essential services' were required to shut down under government guidelines. This meant that nuisance complaints primarily from bars, clubs and restaurants were reduced significantly. However, as food businesses which were providing a 'takeaway' service which was classed as an 'essential service' continued to operate. The surge in demand for this service resulted in the service receiving a steady number of complaints during this period.

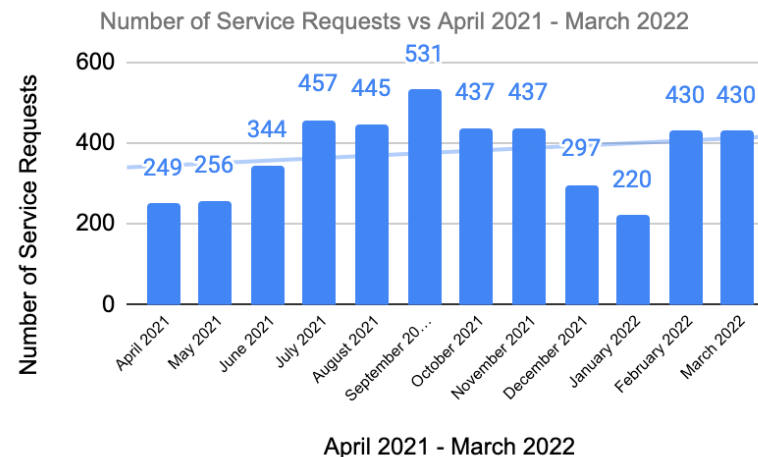
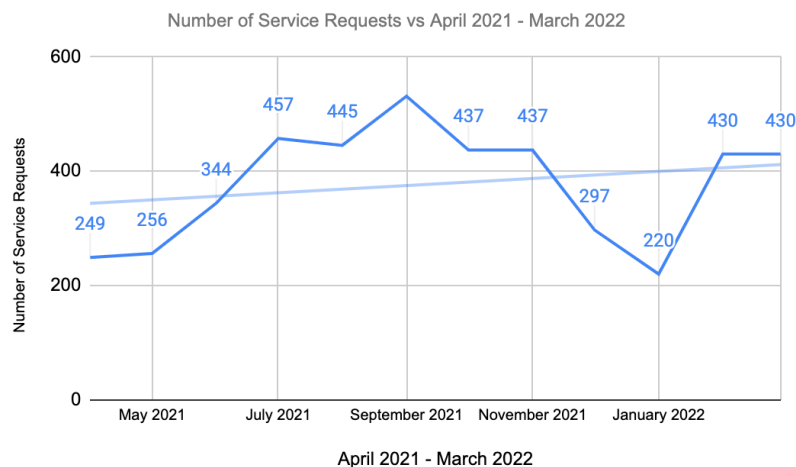
Furthermore, service requests for construction sites continued as normal due to a higher number of the public being at home during permitted construction work hours. Construction work was also supported by the government as 'essential work' and to this end increased the hours permitted for construction work per day from 6pm to 9pm Monday to Friday so that staff on site could be spread across the day and also cover covid related absences.

### **Enforcement Issues - Unable to carry out statutory requirement for internal assessments**

During this period enforcement action was limited due to the strict requirement of witnessing a breach of notice under the enforcing legislation. Therefore, instigating legal enforcement action was not possible as visiting residential properties were prohibited under covid restrictions. As a result, the service used the powers available under the enforcing legislation and served notice from witnessing nuisance externally and then instigating informal discussions with the offending premises. Unfortunately, as witnessing a breach of the notice was not possible, officers were only able to address complaints informally and therefore required to spend an inordinate amount of time investigating complaints compared to pre-covid periods.

## Service Request Breakdown Post Lockdown: July 2021 - March 2022

In July 2021, the government removed the restrictions on the hospitality industry and premises were allowed to return back to similar service levels prior to the lockdown. As a result, the Environmental Protection Service experienced a surge in the number of new service requests. Whilst this was welcoming for the service in terms of returning back to normal work, it also caused a delay to addressing the complaints due to the backlog of complaints awaiting for inspection that came through during the lockdown. The 2 graphs below show a monthly breakdown of service requests from July 2021 to the end of March 2022. (Please note that December and January have historically been low in service demand).



## Introduction of First Response Officer

During the lockdown as a result of the pandemic, the Environmental Protection Service (EPS) was prohibited from entering residential properties to carry out an internal assessment as part of their nuisance investigation. The requirement for an internal assessment is set in legislation in order to serve an abatement notice. Therefore in order to proceed onto legal enforcement action and to witness a breach of a notice, officers are required to assess from within a residential property. As a result of the lockdown, internal visits were temporarily put on hold to prevent the spread of Covid-19. Unfortunately, this prohibition was only lifted in May 2022 and as a consequence, there is a large backload of complainants who are awaiting an internal visit.

In order to further existing investigations (backlog) with visits and to completion, any new report received by the Team will have to experience a delay in the investigation due to Officers working on their backlog and ensure they respond to all consultation applications (Planning, Licensing & Section 61 Applications). For new reports to be addressed within the service target period, it was proposed that the initial stage of the investigation would be investigated by a First Response Officer (FRO). The role of the FRO is to filter and triage all new complaints received by the service. An agency staff was recruited in November 2021 to cover this role so that the ward Officers can continue to investigate complaints received in the pandemic period and to also respond to consultation applications.

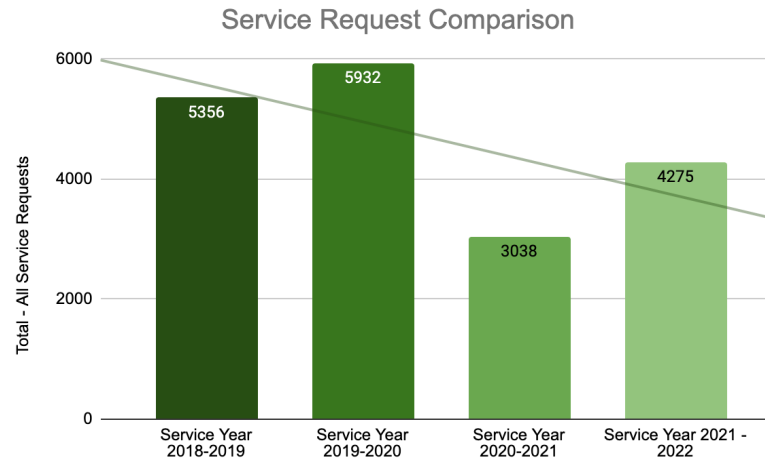
The role of the FROs is to address all new and incoming service requests received by the Environmental Protection Team. The Officer will acknowledge the initial report, send out acknowledgement letters and emails, carry out site visits and refer any case onto the ward officer should a statutory nuisance be witnessed or require further complex investigation. This process will save the time ward officers would have spent on new reports and thus can work on all their backlog of service requests.

The data below shows a monthly breakdown of the service requests carried out by the First Response Officer since the role was created in November 2021:

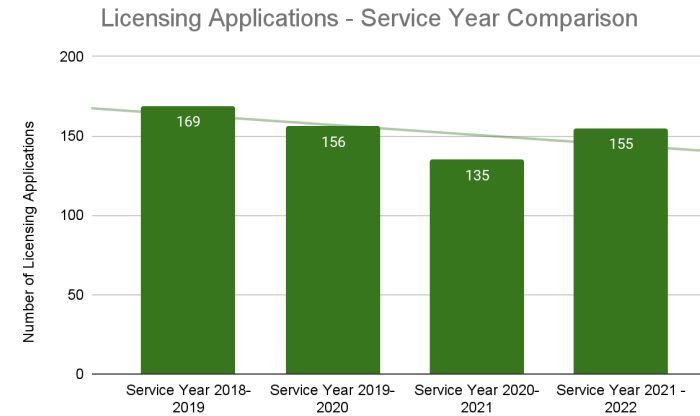
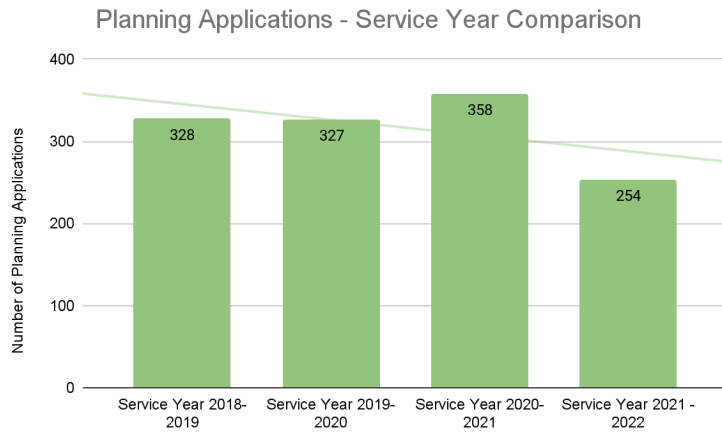
	Nov 2021	Dec 2021	Jan 2022	Feb 2022	March 2022	April 2022	May 2022
Total Complaints	101	84	91	99	78	89	107
Total Warnings	22	17	23	25	21	17	21
Total Referrals	14	11	9	12	9	10	7
Total Visits	37	42	39	52	41	48	56
Total Cases Closed	33	23	39	36	28	27	31

From the period of November to May 2022, the FRO has received on average 93 Service Requests. In the table above, total referrals are reports where the FRO has witnessed nuisance amounting to a statutory nuisance. The investigation is then referred to the original ward Officer to move forward with the next stage of enforcement action. On average, the FRO is carrying out 45 site visits a month and from those visits, an average of 10 investigations are referred onto the ward Officer for further enforcement action. From the number of reports received each month, on average, 31 reports are closed by the FRO. The introduction of the FRO not only has reduced the number of new Service Requests being taken on by the ward Officer, it has given the ward officers the time and tools to address ongoing and complex complaints, Planning, Licensing and Section 61 applications.

The graph below presents a comparison of service requests to previous years highlighting the extent of the reduction of service requests received during the pandemic periods. Please note that Service Years 2020-2021 and 2021-2022 are both pandemic years.

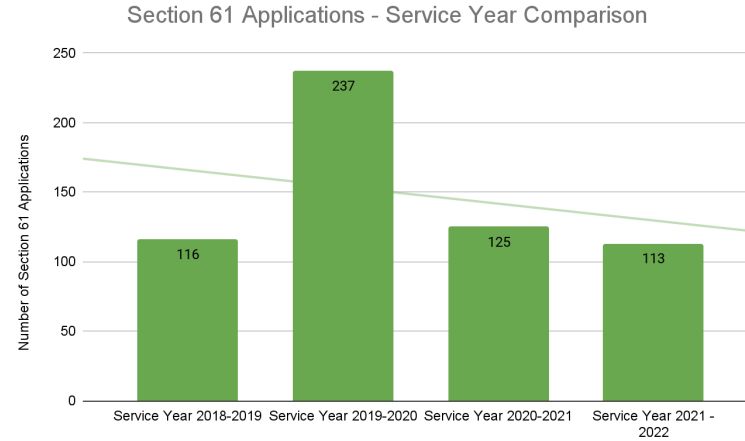


**Number of Planning Applications Increased & Licensing Applications reduced significantly**



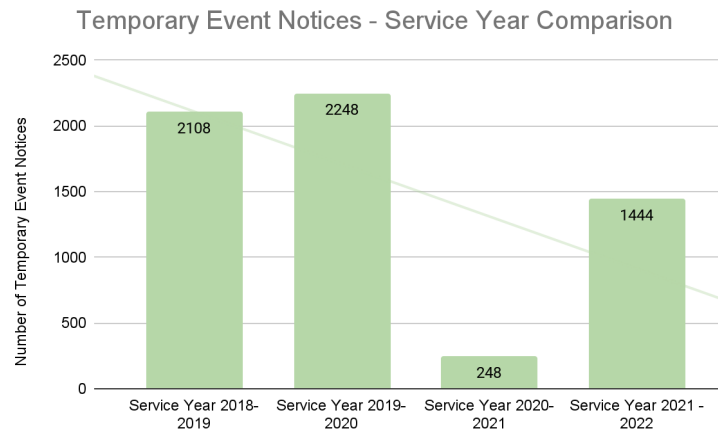
The above two graphs show the number of Licensing and Planning Applications received each service year from 2018. Both graphs highlight the fact that there has been a reduction of each application type for Service year 2021-2022.

## Section 61 Applications reduced



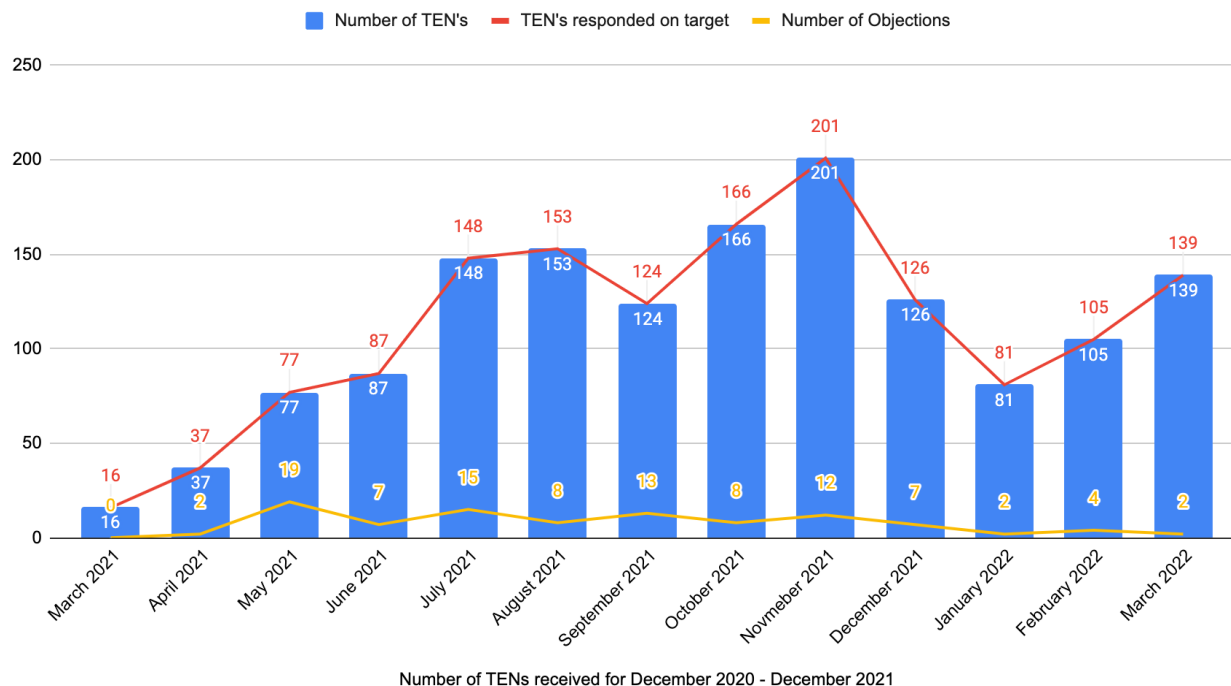
As explained in the Covid Impact statement above, the above graph shows the reduction in S61 Applications received for service year 2021-2022.

## Temporary Event Notices



The above graph shows the reduction in the number of TEN applications for the Covid affected service years. During the first pandemic year, service year 2020-2021, the level of TEN applications process was reduced to the lowest number experienced by the Council since the introduction of TEN's. As the restrictions were lifted in July 2021, the service experienced a surge in the number of applications for Temporary events. This is highlighted in the increase in application for service year 2021-2022.

### Number of TEN's, TEN's responded on target and Number of Objections - March 2022



The above graph provides a more detailed breakdown of Temporary Event Notices (TEN's) received by the service. The number of applications started to increase slowly from April 2021 and have continued this trend. Please note that Historically December and January have the lowest number of TEN's due to applications being submitted during the build up to the seasons period.

As part of the Service Development, a new procedure was introduced to the TEN's process which included more stringent checked ion documentation and the requirement for Noise, Dispersal, Covid and Smoking Policies to be submitted with the application. This allowed the service to be in a better position to approve TEN's as there was concern that the return to Ten's will cause much disruption to residents who have experienced a lengthy lul period.

#### **Support to the Covid Response Team (CRT)**

The Environmental Protection Team (EPT) also supported the Covid Response Team (CRT) by temporarily providing three 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 did not experience 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.

The service will return to full Officer number in April 2022 when the secondment will end and the officers will return back to the service.

### **Cyber Attack**

As a result of the cyber attack on Hackney in October 2020, all online portals were unavailable to the public. This resulted in a drastic reduction in the number of complaints received by the service. Residents were able to send an email through to the pollution support inbox with the nature of their complaint but unfortunately this process was not being widely used. 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.

As a service, we have been heavily impacted by this attack and therefore the Service had to find new ways of addressing nuisance complaints.

In order to maintain the service and manage individual officer caseloads, a temporary spreadsheet was created to log all incoming complaints and service requests. However, due to the rudimentary nature of the spreadsheet and its temporary use, the spreadsheet had limited data analysis capabilities. Therefore, it was not possible to obtain detailed information from each service request that is logged.

### **Arcus Database (Delivery July 2022)**

As a result of the cyber attack in October 2020, all databases used by the Council were lost therefore new database systems were explored. Business Regulations decided to use Arcus Global as their main database and training for the software started with all teams in early January 2022. The planned delivery of the database is July 2022. The new database will provide the much required access for the service to store premises history and officer actions.

It is hoped that the limitations presented by the cyber attack will be addressed and all services and functions are returned back to normal by April 2022.

Further to the easing of all restrictions will be lifted, it is envisaged that there will be a significant rise in the number of reports during this period. This also includes Planning, Licensing and Section 61 Applications as they have all been put on hold by applicants during the outbreak. 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 service is returned back to normal.

### **Noise Works**

Noise Works is a software developed to manage noise complaints received by the Council. The software is connected to the online noise reporting page. The software was introduced to the Service in late 2021 and is a shared application between the Environmental Protection Service and the Enforcement Team. This is an online working platform incorporating noise complaints, Fix my Street and a holding database allowing officers to access the platform remotely and manage complaints on the go. With the upcoming Arcus database, this platform will be working on top of Arcus and directly connected to the Arcus database.

## 4.0 Demands on the Service

As a result of the Covid Pandemic, the number of service requests experienced a significant drop in numbers. This is primarily due to the closure of licensed and commercial premises. However, due to the cyber attack in October 2020 a significant portion of data for Service Year 2020-21 was also a major factor in the low level of service demand. The number of service requests increased significantly further to the July 2021 lifting of restrictions and is highlighted in the service demands for 2021-2021 data.

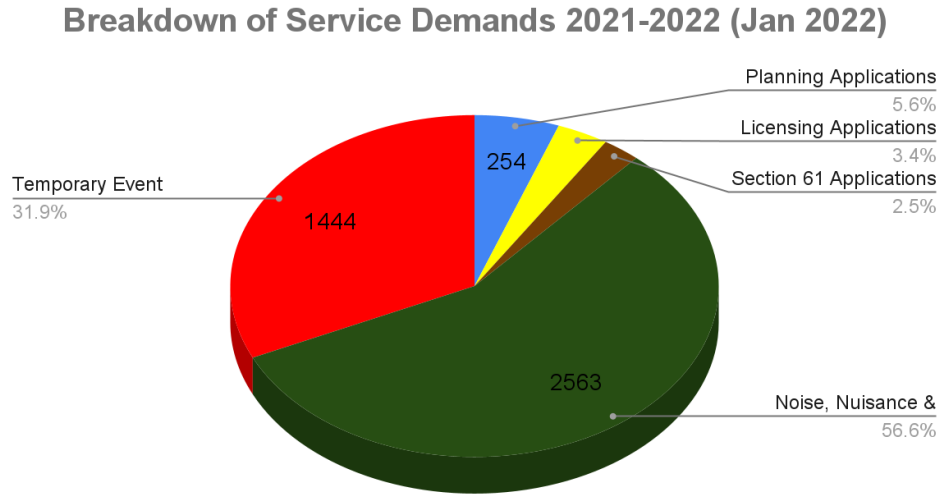


Fig.01

Comparison of Service Demands between 2019-20 (Pre-Covid Period), 2020-21 (Main Covid Period) and 2021-22 (Final Covid Period)

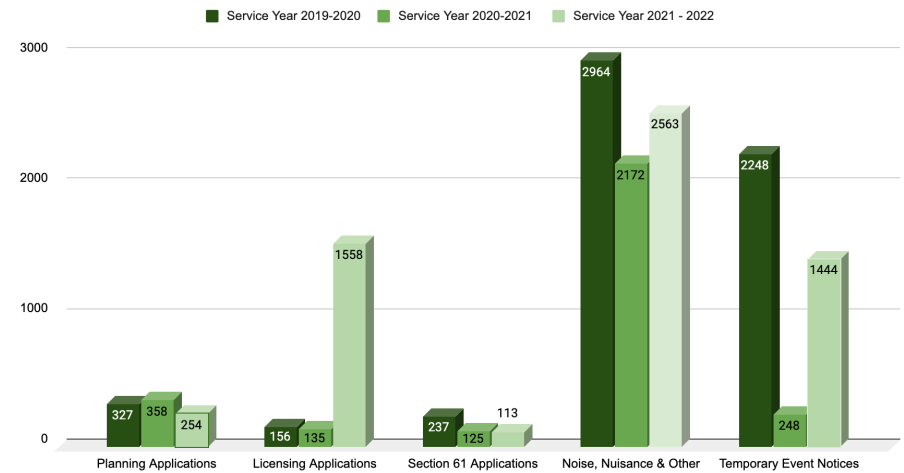


Fig.02

Fig.01 above shows the breakdown of service demands for Service Year 2021-22. Fig.02 shows a direct comparison between the number of Service Demands for Service Years 2019-20, Service Year 2020-2021 and Service Year 2021-2022.

Further data analysis to be completed at the end of March 2022 when the service year ends.



#### 4.1.1 Service Request by Service Year

	Service Year 2019-2020	Service Year 2020-2021	Service Year 2021-2022	Percentage Difference from previous year (2020 - 2021 vs 2021 - 2022)
Noise & Nuisance Complaints	2964	2172	2563	-5.8%
Temporary Event Notices (TEN's)	2248	248	1444	+383.9%
Section 61 Applications	237	125	113	-25.6%
Planning Applications	327	358	254	-38.7%
Licensing Applications	156	135	155	+1.5%
Members & Mayoral Enquiries, Corporate Complaints	66			
<b>Total</b>	<b>5932</b>	<b>3038</b>	<b>4529</b>	<b>+32.5 %</b>

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

#### 4.1.2 Temporary Event Notices(TENs).

	Service Year 2019-2020	Service Year 2020-2021	Service Year 2021-2022	Percentage Difference from previous year ( 2020 - 2021 vs 2021 - 2022 )
<b>Total Number of TEN's Received</b>	2248	248	1444	+383.9%
<b>Total Number of TEN's responded on target</b>	2162	248	1444	
<b>Percentage of Temporary Event Notices met within target (3 days)</b>	96%	100%	100%	

Further data analysis to be completed at the end of March 2022 when the service year ends.

#### 4.1.3 Enforcement Action – Notices Served

	Service Year 2020-2021	Service Year 2021-2022	Percentage Difference from previous year (2020 - 2021 vs 2021 - 2022)
Number of Section 80 EPA 1990 Notices Served	17	50	+194%
Number of Section 60 COPA 1974 Notices Served	51	46	-9.8%

### 5.0 Service Delivery

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#### 5.1.1 Noise reports

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 report either residential or commercial and now includes a map option for residents who are unable to locate the source but can identify a possible position or source. Reports can also be made by 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. Due to the pandemic, the number of visits to assess nuisance complaints have been reduced. This is primarily for the protection of both residents and officers from exposing them to the outbreak.

#### 5.1.2 Visits

As a result of the pandemic outbreak, visits are only being made to the source of the nuisance complaints and addressed informally at this time. Visits to witness nuisance internally from within residential properties is not currently being made due to the health and safety concerns. This restriction will be lifted further to the February 2022 notification.

#### 5.1.3 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 on which a noise abatement notice has been served or information received by the service for a potential illegal rave. Proactive visits are only being made to the source of the nuisance complaint and not to residential properties.

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

Consultation meetings will be held with applicants for both Licensing and Planning Applications if required via video conference. Meetings will also be held with the relevant service in the Council to discuss any relevant application via Google Meet which is an internal video calling app.

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

The Environmental Protection Service supports the Enforcement Team providing the 'Out of Hours Noise Service' and primarily investigates and responds to all commercial noise and nuisance reports. 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, during any lockdown period, no visit will be made internally to residential properties.

#### **5.1.6 Sunday Construction Patrol**

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

#### **5.1.7 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.

#### **5.1.8 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.

### **5.2 Enforcement Policy**

**5.2.1** 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 maximise 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, licence review or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

**5.2.2** 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.

**5.2.3** 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).

**5.2.4** The new Hackney Enforcement Policy has been approved and plans are in place to make it available on the Hackney Council website.

<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>

**6.1.2 Staffing for Environmental Protection function for 2022-23 is as follows:**

- 0.3 FTE – Regulatory Services Manager
- 1.0 FTE x Environmental Protection Manager
- 5.0 FTE x Senior Environmental Protection Officers
- 1.0 FTE x First Response Officer ( Agency funded until September 2022)
  
- 1.0 FTE x Temporary Event Notice’s officer.
- 0.4 FTE x Technical Business Support officer

**Total staffing resources = 8.7 FTE Available**

**6.1.3 Total Resource Required**

**Noise and Nuisance Reports**

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. For example some may only require a phone call and a letter sent out whilst others may require multiple visits to the complainant and to the perpetrating premises. Therefore, a total of 7.0 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 hour initial call and letter preparation, 2.5 hours for visit (1.5 hours for journey and 1 hour for assessment and intervention), a further 1 hour for follow-up call and letter preparation, finally a further visit taking 2.5 hours for confirmation of compliance: **3.5 Officers Required**

### **Licensing Application Consultation**

Applications are assessed and then the impact of the proposed activities are evaluated against the 'Prevention of Public Nuisance' objective of the Licensing Act. Depending on the nature of the premises and the activities sought, the time spent on each application can vary significantly. For larger complex cases, multiple site visits and meetings take place, this includes letters, emails and telephone calls between applicants and other agencies acting as Responsible Authorities such as the Police. Acoustic reports can also be submitted as part of the application, this can take a significant time to review by the officer. Therefore, each case is allocated 9 hours to counter the difference in time spent between each application: **1 x Officers Required**

### **Planning Application Consultation**

The time spent on each application can vary depending on the size of the application. Some applications can take a number of weeks to assess. Whilst others may submit more than one acoustic report which takes a significant amount of time to assess and evaluate. Therefore, to counter the difference in time spent on each application, 9 hours is allocated for each consultation: **2 x Officers Required**

### **Section 61 Applications**

Applications can vary in complexity, for example some applications may require complex acoustic calculations to be carried out and continued monitoring, whereas others may be for short small projects, therefore, 4 hours is allocated to each application: **1 x Officers Required**

### **Temporary Event Notice Consultation**

A total of 3 hours is allocated to each application as a thorough interrogation of the database is required for the premises history and administrative time is allocated to phone calls and emails. A further scrutiny check was introduced after the July 2021 restrictions were lifted to account for Covid-19 and external noise management: **2 x Officers Required**

**Total Number of Officers required to meet Service Demand : 9.5**

**Total Number of Officers Available: 8.7**

### **2022-2023 Requirement**

The current number of staff is sufficient to meet the demand on the service, this is primarily due to the support provided by the role of the First Response Officer. Unfortunately, funding for the officer is only until September 2022. However, a business case to extend the funding or to make the role permanent will be made with the data provided during the Summer.

## 7.0 QUALITY ASSESSMENT

### 7.1.1 Internal Arrangements

- Monthly 'check-in' will be carried out with each officer to monitor case workload, assess the quality of 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.

## 8 KEY SERVICE DEVELOPMENT

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### 8.1.1 Key Developments for Service Plan 2022 - 2023

The following Key Developments are from Service Plan 2021-2022 which were not met due to major ICT issues and the Covid-19 Pandemic. As a result, they will be carried forward to the Service Plan 2022-2023.

Key Activity	Objective	Target
<b>Digitisation 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>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 Q3

<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 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 resources for monitoring is in place.	End of Q3
<b>Section 61 Administrations Charge</b>	A benchmarking exercise will be carried out by the service to look into other Local Authorities charging applicants for additional administration when a Dispensation or Variation is received for an existing S61 Consent. This will lead onto the service developing a similar administration charge process for dispensations and variations.	End of Q4
<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
<b>Construction Code of Practice - Air Quality &amp; Planning Inclusion</b>	The draft Construction Code of Practice will be revised to include sections from the Air, Land and Water (ALW) Department and the Planning Department. The ALW will insert a section for Air Quality and Dust Suppression/Management. The Planning Department will insert a section in regards to Construction Management Plans. Once completed and approved by senior management, the document will be made available on the Council website primarily for developers and construction companies, but also for residents who wish to know our policy in regards to construction work.	End of Q3

## 8.1.2 Projects

Activity	Objective	Target
Seasonal Operations (Christmas 2022)	Carry out joint site visits with Licensing and Trading Standards to concerned premises prior to the start of the Christmas festive period. The aim of the visit is to make sure that the premises are prepared for any events they may have during this festive period.	End of Q3 (December 2022)
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 (Post June 2022)
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 (Post February 2022)
Police Operations	Participate in Police Operations in the Borough such as the recent Operation TYBO and LAGANA. These were joint projects with the Police, Licensing and The Enforcement Team to address commercial premises in the borough with late night licences for regulated entertainment.	As required

## 9. REVIEW

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### 9.1.1 Review against the Service Plan 2022-2023

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.