

Title of Report	ANNUAL PERFORMANCE REPORT OF THE NOISE SERVICE 2022
For Consideration By	Corporate Committee
Meeting Date	14th March 2023
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Group Director</u>	Rickardo Hyatt

1. **Introduction**

- 1.1. This report sets out the annual performance report in relation to noise nuisance for the period 1st January-31st December 2022.
- 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.

2. **Recommendations**

- 2.1. **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. **Reason(s) for decision**

- 3.1. This report, which is for informative purposes, adheres to the requirement previously agreed by the Regulatory Committee to report annually on the Noise Enforcement service.

4. **Background**

Policy Context

- 4.1. On 3rd May 2017 the Community Safety, Enforcement and Business Regulation Service (CSEBR) was established within the Public Realm Division of the Climate, Homes and Economy Directorate.
- 4.2. The new service created an integrated enforcement service, in which all of the enforcement responsibilities were placed together under one service within three separate teams:
- Community Safety
 - Enforcement
 - Business Regulation
- 4.3. 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.
- 4.4. 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.
- 4.5. 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.
- 4.6. 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.
- 4.7. Aside from reactive noise complaint work, the EPOs have additional duties such as; 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.

4.8. Operational Report-Noise and ASB management.

- 4.8.1 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.
- 4.8.2 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.
- 4.8.3 In May 2018, changes were implemented that allowed a simpler and more streamlined approach for residents to report 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 in that year.
- 4.8.4 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 can be found at www.hackney.gov.uk/noise
- 4.8.5 During the corporate response to the cyber attack in October 2020, the Enforcement Team began working with Fix My Street (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 are working with the provider to install a solution that covers the needs of each team within the service.
- 4.8.6 Following the cyber attack, the service was left with no access to our legacy system, Civica APP and its data, creating a critical need for a replacement. As an immediate consequence, the teams not only had limited historical data available but were 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.
- 4.8.7 In January 2022 NoiseWorks was launched with the objective of developing a fully integrated case management solution to effectively manage noise reports in Hackney. Society Works, a registered charity, worked with Hackney

to develop a secure, cloud-hosted product called “NoiseWorks”. They have built all the features for a ‘beta’ release including customer views, staff views, and staff case management functionalities. Whilst the system requires improvements e.g. reporting system, it provides all of the features the service requires to receive, assign and manage noise reports and there will be further opportunities to enhance the solution.

4.8.9 Noiseworks benefits residents in a number of ways including;

- Enabling officers to work more efficiently and provide a better service to customers e.g. by moving teams away from spreadsheets preventing duplication and reducing human error, enabling them to work on more cases and reduce recurring reports.
- Officers can also merge cases easily, which means if several people have reported the same issues, the team can effectively manage the case.
- Residents can log reports and reoccurrences directly into NoiseWorks securely.
- Residents can view their cases within NoiseWorks, reducing their dependency on reliance on call the contact centre or emailing teams to make updates.

4.8.10 Residents now report noise through the NoiseWorks rather than Fix my Street (Report a Problem). The look and feel of the system is very similar to the previous, as it maintains the same branding and asks similar questions to capture reports. Residents still have access to view only reports prior to this date through the old system. However they are no longer able to log updates or add new reports on "Report a Problem". If a resident has reported a noise report prior and they want to provide an update, they need to report it via NoiseWorks.

4.8.11 Before the system was launched, a Privacy Impact Assessment was completed and approved by Council’s Information Management Team to ensure compliance with GDPR requirements. A privacy notice relating to this has been published on the Council’s website at <https://hackney.gov.uk/noiseworks-privacy-notice> and provides information about how personal data is used by NoiseWorks.

4.8.12 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 residents 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.

- 4.8.13 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 there may be a delay in answering calls and they are directed to the online reporting service.
- 4.8.14 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 powers provided by the Antisocial Behaviour, Police and Crime Act 2014.
- 4.8.15 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.
- 4.8.16 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 up to four Officers deployed outside to respond to noise reports. 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.
- 4.8.17 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 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.
- 4.8.18 The total volumes of demand (individual contacts requiring a response) for all categories of service request relating to noise nuisance are shown in Chart 1 for 2020 and 2021. Chart 2 shows the breakdown of residential noise reports from April to December 2021. Chart 3 shows the breakdown of noise reports by Ward January-December 2022, with chart 4 showing a breakdown by noise type. Chart 5 shows a breakdown of commercial noise reports by category January-December 2022. Chart 6 shows a breakdown of commercial noise reports and other activity undertaken by Environmental Protection in the period January to December 2022.

4.8.19 In 2020, the Coronavirus pandemic 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.

Chart 1, Monthly noise data for period January 2020 to December 2021

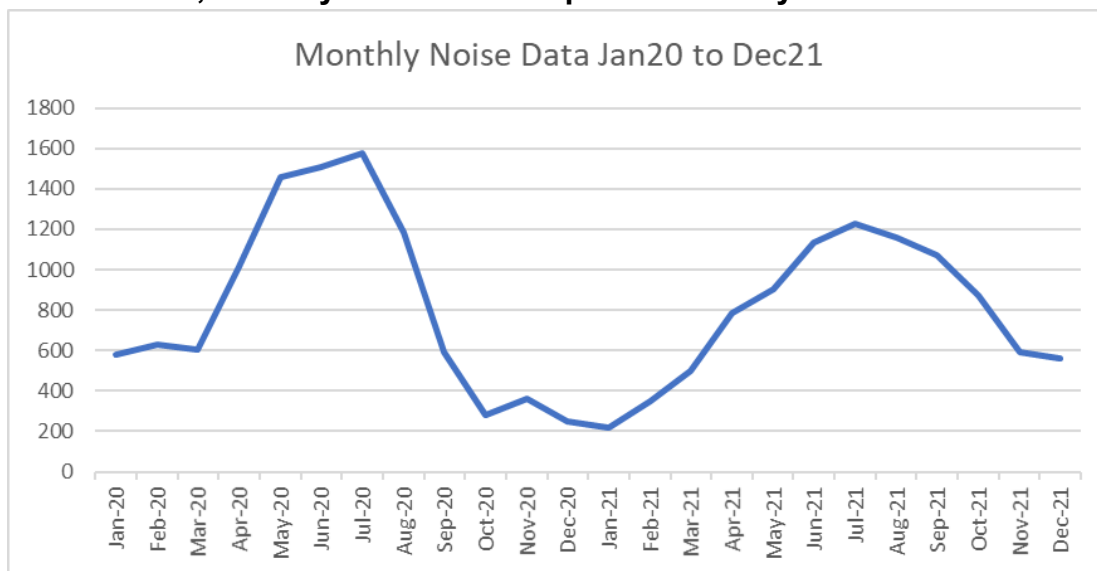


Chart 2, Residential Noise Reports April-December 2021

Noise Type / Month	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
Noise Residential - Loud Music	240	306	339	423	441	275	294	274	293
Blank	13	39	43	45	36	23	7	13	11
Noise Residential - Children Running Around/Playing Games	61	44	10	12	14	6	12	6	12
Noise Residential - Building Work/DIY	14	19	4	6	3	15	12	12	16
Rowdy Behaviour - Shouting/Swearing	7	17	27	8	14	5	3	15	10
Noise Residential - Barking Dog	6	10	6	5	3	2	1	6	12
Noise Residential - House/Smoke Alarm	3	7	3	10	4	4	4	9	2
Noise Residential - Extractor Fans/ Refrigeration Noise/AC Units	2	2	1		1			1	4
Noise Residential - Other Animal Noise	4	1					3	1	3
Noise Residential - Religious Ceremony/Celebration	10			1		1			
Rowdy Behaviour - Drunken Behaviour		2	4	1			1	1	
Nuisance Behaviour - Street Drinking		1	3				2	2	
Nuisance Behaviour - Youth Congregation		2		1				3	
Pollution - Bonfire Smoke	3			1					
Banging Noise									3
Noise							4		
Fireworks								3	
Noise Other - Roadworks			1				1		
Ball bouncing									1
Banging on Ceiling								1	
banging the wall and ceiling				1					
banging, screaming, moving chairs, cussing							1		
DIY and shouting									1
Flushing Toilet								1	
Harassment								1	
Highway obstruction					1				
Loud music							1		
Nuisance Behaviour - Games in Restricted Areas				1					
Pollution - Light Pollution							1		
Grand Total	363	450	441	515	517	331	347	349	368

Chart 3, Noise Reports by Ward January-December 2022

Row Labels	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Grand Total
Haggerston	42	87	124	167	176	197	200	158	174	116	131	183	1755
Hoxton East & Shoreditch	36	65	67	154	147	125	219	150	98	119	112	138	1430
Hoxton West	36	89	115	85	65	122	204	296	113	64	99	70	1358
Hackney Central	43	54	79	103	121	125	178	167	122	137	107	85	1321
Dalston	55	92	90	91	121	128	124	134	77	102	78	44	1136
London Fields	21	77	76	50	89	106	128	143	90	74	89	44	987
Lea Bridge	15	67	87	104	98	101	103	88	53	74	90	63	943
Stoke Newington	30	56	67	106	97	87	104	93	78	67	81	30	896
Clissold	13	37	70	48	80	90	98	94	83	106	60	62	841
Hackney Wick	15	23	62	53	70	88	127	97	79	52	65	55	786
Springfield	10	56	68	62	66	83	86	78	70	68	55	55	757
Homerton	31	66	77	65	73	55	85	70	56	67	67	29	741
Hackney Downs	14	70	25	40	61	76	98	146	57	56	31	47	721
De Beauvoir	18	53	49	46	85	68	67	76	40	53	38	51	644
Shacklewell	13	28	42	56	53	117	43	93	50	45	44	27	611
Cazenove	19	29	76	27	67	76	68	66	51	66	36	17	598
Victoria	10	30	16	27	26	64	59	77	48	61	18	58	494
King's Park	5	20	47	29	47	63	74	70	35	36	12	27	465
Woodberry Down	8	16	21	66	56	19	49	65	43	26	23	20	412
Brownswood	7	13	15	43	22	34	20	43	19	29	63	25	333
Stamford Hill West	11	32	21	17	22	20	21	60	19	20	22	15	280
Blank		6	6	26	18	10	13	22	9	11	10	3	134
Grand Total	452	1066	1300	1465	1660	1854	2168	2286	1464	1449	1331	1148	17643

Chart 4, Noise Reports by Category January-December 2022

Row Labels	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Grand Total
music-other	206	502	537	577	747	865	1021	1001	611	554	485	372	7478
other	112	211	239	395	336	421	520	560	326	388	430	371	4309
shouting	31	76	104	94	91	138	144	177	123	132	116	88	1314
music-club	29	75	87	99	101	98	140	88	71	68	55	48	959
construction	24	50	76	60	87	102	90	119	79	86	73	55	901
animal	3	15	10	24	34	35	40	92	44	32	20	32	381
alarm	6	26	23	55	48	20	25	42	22	36	18	49	370
plant-machinery	5	36	27	27	47	27	28	38	38	21	25	50	369
music-pub	6	18	48	47	35	39	47	31	39	19	14	13	356
diy	7	19	57	34	35	13	14	22	33	30	24	27	315
road	1	6	9	11	31	36	27	30	11	14	30	13	219
deliveries		1	10	9	14	16	39	20	21	19	19	3	171
festival			33	8	25	12	10	23	12	26	2	1	152
tv	9	15	12	4	5	18	3	4	9	8	7	16	110
car	9	15	9	6	14	6	5	9	6	3	1	4	87
plant-street	2		8	2	3	4	12	15	7	12	9	2	76
roadworks	2	1	3	4	3	3	3	7	8	1	3	4	42
buskers			8	9	4	1		8	4				34
Grand Total	452	1066	1300	1465	1660	1854	2168	2286	1464	1449	1331	1148	17643

Chart 5, Commercial Noise Reports by type January-December 2022

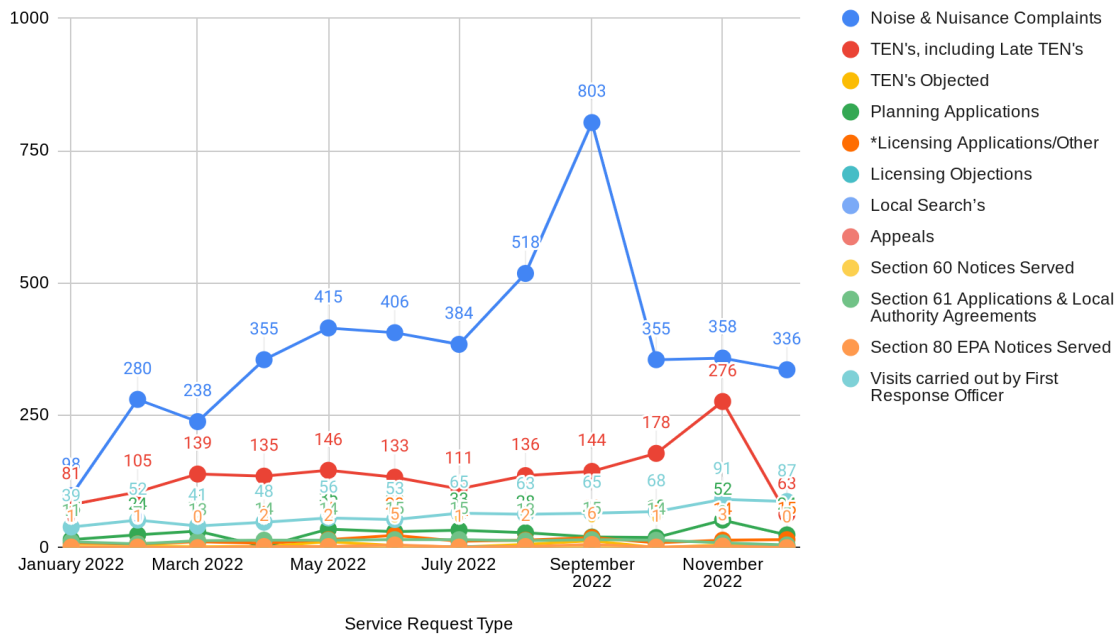
Row Labels	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Grand
Business	88	242	323	363	446	546	603	551	375	356	264	183	4340
Blank		5	4	20	8	6	10	7	4	10	6	2	82
Brownswood			5	6	2	5	2	3	2	3	4		32
Cazenove	2	8	32	4	27	35	18	12	6	10	9		163
Clissold	2	14	17	10	21	22	15	18	21	30	12	6	188
Dalston	10	19	20	24	65	67	77	85	36	50	36	19	508
De Beauvoir	4	6	9	11	22	12	17	17	7	11	6	5	127
Hackney Central	2	11	4	14	16	21	28	37	35	23	10	12	213
Hackney Downs	1	6	3	3	6	10	11	15	9	5	3		72
Hackney Wick	1	1	6	7	16	13	16	10	3	7	9	7	96
Haggerston	4	7	21	25	30	62	32	14	25	19	17	15	271
Homerton	16	14	23	11	12	14	12	17	14	15	6	6	160
Hoxton East & Shoreditch	12	39	50	70	56	41	124	57	44	42	28	41	604
Hoxton West	6	16	18	32	12	60	68	68	26	11	21	12	350
King's Park	2	8	6	3	4	14	16	15	1	2	1		72
Lea Bridge	3	9	25	16	19	28	39	45	26	35	13	20	278
London Fields	9	32	30	23	45	55	65	74	42	24	30	18	447
Shacklewell	4	6	16	20	16	24	6	11	19	14	14	5	155
Springfield		7	5	1	13	6	5	5	7	2	3	6	60
Stamford Hill West				2	3	3		1	5	6	6	1	27
Stoke Newington	8	29	25	48	46	41	34	29	36	30	27	3	356
Victoria	1	4	1	2		6	3	3	2	2	1	5	30
Woodberry Down	1	1	3	11	7	1	5						

Chart 6, Commercial noise requests/activity January-December 2022

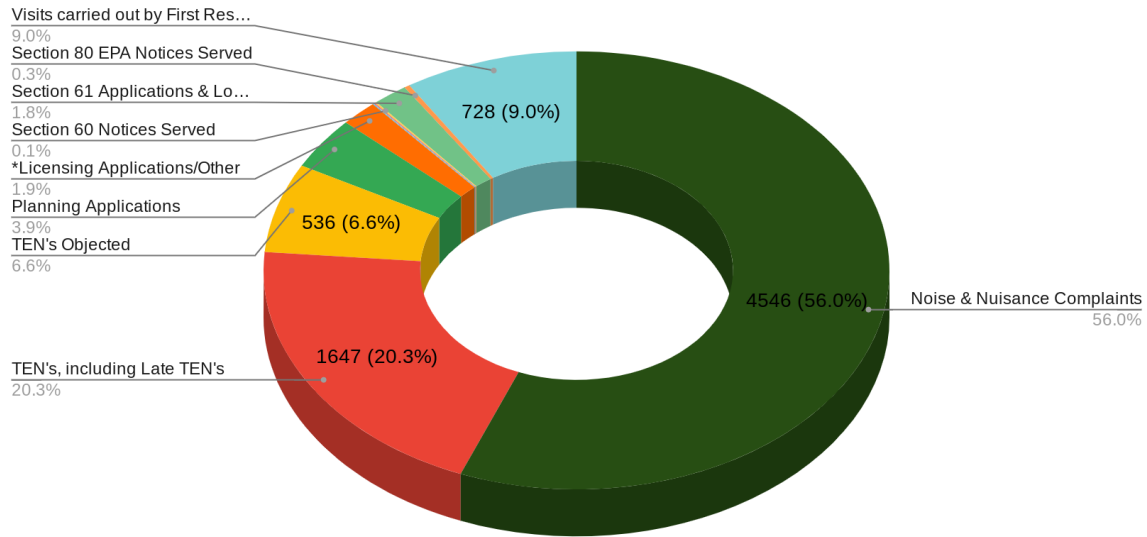
Service Request Type	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Noise & Nuisance Complaints	98	280	238	355	415	406	384	518	803	355	358	336
TEN's, including Late TEN's	81	105	139	135	146	133	111	136	144	178	276	63
TEN's Objected	2	4	2	2	11	4	1	6	13	0	5	3
Planning Applications	15	24	31	2	35	30	33	28	20	19	52	24
*Licensing Applications/Other	8	7	11	8	15	23	12	14	19	9	14	15
Licensing Objections	0	0	0	0	0	0	2	1	0	0	0	0
Local Search's	0	0	0	0	0	0	0	0	0	0	2	1
Appeals	0	1	0	0	0	1	0	2	1	0	1	0
Section 60 Notices Served	4	1	2	0	0	0	0	0	0	0	0	0
Section 61 Applications & Local Authority Agreements	11	7	13	14	14	15	15	13	15	14	9	5
Section 80 EPA Notices Served	1	1	0	2	2	5	1	2	6	1	3	0
Visits carried out by First Response Officer	39	52	41	48	56	53	65	63	65	68	91	87

Total Number of Service Requests (Including TEN's)	259	482	477	566	694	670	624	783	1086	644	811	534
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Total Number of Complaints , Applications received and Notices served



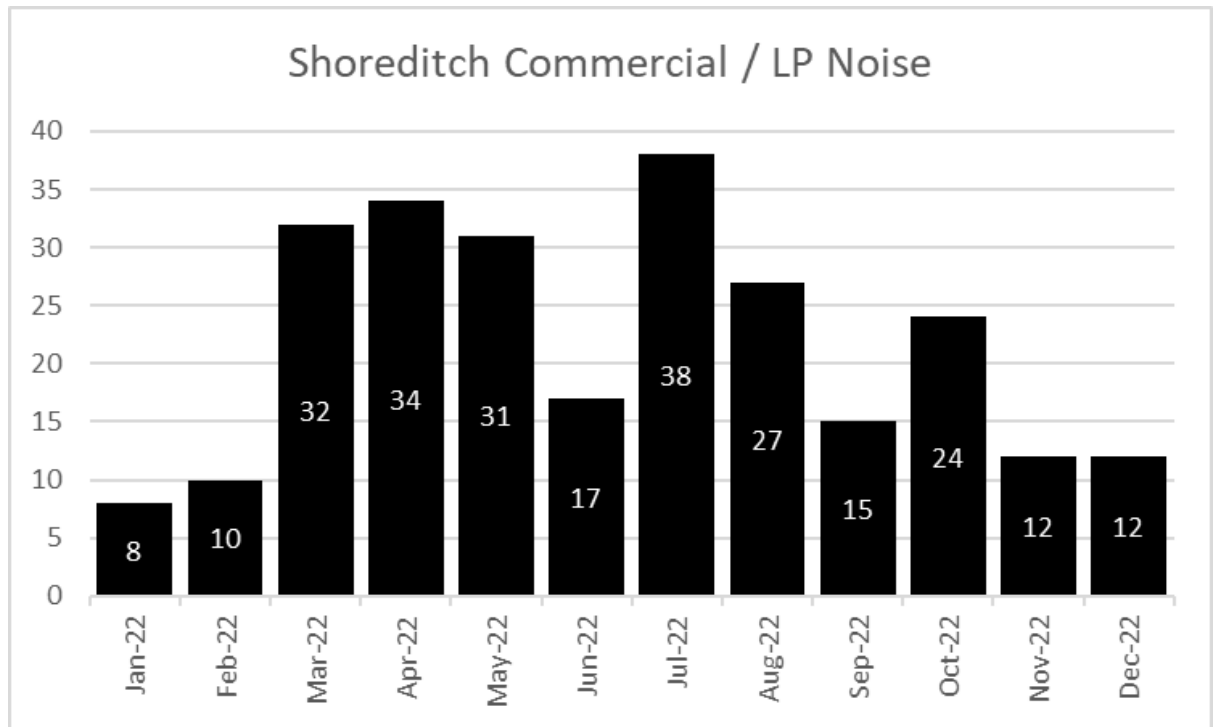
Total Service Request Type - January 2022 - December 2022



- 4.8.20 With the launch of NoiseWorks in January 2022 the service is able to report on the number of reports received by Ward, which enables Officers to concentrate on repeat callers and high priority cases.
- 4.8.21 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.
- 4.8.22 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.
- 4.8.23 Weekly commercial noise analysis identifies all premises where noise has been reported, including repeat locations and the nature of the noise. This analysis informs the weekly Night Time Economy(NTE) Tasking meeting where key stakeholders, including the Environmental Protection Team, are tasked to intervene to reduce the commercial noise at the premises. Residents are kept well informed of our activities through regular contact made by our Environmental Protection Team. Interventions include personal visits to the premises through to licensing reviews. The Enforcement Team also utilises the analysis to undertake spot checks at the premises to collate evidence of transgressions. An audit trail of the interventions are retained to ensure that feedback can be provided to the community-led Town Centre

Meeting and to inform an escalation of enforcement measures should the problem persist. The process has resulted in very positive feedback being received from local community members at the Town Centre Meeting.

- 4.8.24 The Intelligence Hub, which is part of the service, provides a weekly update of hot spots in relation to noise reports both in relation to commercial businesses and residential properties, and includes reports of locations where repeat reports have been received, locations of concern where there are high numbers of new and repeat reports, and an update from the previous being received. This has helped Officers in dealing with ongoing and new cases which are being investigated and to enable the service to be able to prioritise resources and deal with reports proactively.
- 4.8.25 Using Shoreditch as an example, the chart on the next page illustrates the number of commercial noise reports that the Council has received for the Shoreditch area since January 2022. These are based on calls classified as business premises where the report was related to music or other associated noise (including people shouting and screaming) that appear to be connected to a licensed venue. There will be an element of human error in classification of some of these because it is dependent on a manual review of the data to categorise calls, and sometimes there is limited address information available (in some cases this is just in the vicinity of some coordinates or a street reference), or a venue hasn't specifically been named.
- 4.8.26 Generally with regard to residential noise reports, there is an element of seasonality in that there are more calls during the summer months when days are longer, warmer, and people have windows open. However the same pattern may not necessarily apply to the NTE because it is a year round industry. There is currently insufficient data to be able to identify any patterns of seasonality for commercial noise complaints in Shoreditch. January and February could have been low because of the new system that was introduced in January to record noise nuisance in Hackney. The call volume between November and December has been low.



4.8.27 The table on the next page illustrates the days and hours that commercial noise reports were made in the Shoreditch area between January and November 2022.

- 52% of reports were made generally between the hours of 2100 and 0100 hours.
- 71% of reports were made between Thursday and Sunday.
- 44% of reports were focused between Thursday and Sunday between the hours of 1900 and 0700 hours only (areas outlined in blue).

4.8.28 Unsurprisingly most noise is concentrated around NTE days and hours, suggesting that most of the noise complaints relate specifically to this economy. The one deviation from this appears to be Wednesdays between 2100 and 2200 hours. This doesn't relate to any one premise or date, but having had a look at the incidents, they are mostly NTE type venues (pubs and bars) that continue to operate as NTE(albeit to lesser extent) throughout the week.

Hour / DOW	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	1.2%	0.4%	0.4%	1.2%	2.4%	1.6%	2.4%	9.5%
1	0.4%	0.0%	0.4%	0.0%	0.8%	1.6%	1.2%	4.4%
2	0.0%	0.4%	0.0%	0.0%	0.4%	0.8%	1.2%	2.8%
3	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	0.4%	0.8%
4	0.0%	0.0%	0.0%	0.0%	0.4%	0.0%	0.0%	0.4%
5	0.0%	0.4%	0.4%	0.0%	0.0%	0.0%	0.4%	1.2%
6	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	0.4%
7	0.0%	0.0%	0.0%	0.4%	0.0%	0.8%	0.4%	1.6%
8	0.4%	0.4%	0.0%	0.0%	0.0%	0.4%	0.0%	1.2%
9	0.0%	0.0%	0.0%	0.0%	0.8%	0.4%	0.0%	1.2%
10	0.0%	0.0%	0.0%	0.4%	0.4%	0.0%	0.0%	0.8%
11	0.4%	0.0%	0.0%	0.4%	0.4%	0.4%	0.4%	2.0%
12	0.0%	0.4%	0.0%	0.0%	0.0%	0.4%	0.0%	0.8%
13	0.8%	0.4%	0.4%	0.4%	0.0%	0.0%	0.0%	2.0%
14	0.0%	0.4%	0.0%	0.0%	0.4%	0.4%	0.4%	1.6%
15	0.4%	0.0%	0.0%	0.0%	0.4%	0.4%	0.8%	2.0%
16	0.4%	0.4%	0.0%	0.4%	0.4%	0.8%	0.4%	2.8%
17	0.0%	0.0%	0.8%	0.0%	1.2%	2.0%	0.4%	4.4%
18	0.4%	0.4%	0.0%	1.6%	0.4%	0.8%	0.8%	4.4%
19	0.4%	0.8%	0.4%	2.0%	0.0%	0.8%	0.8%	5.2%
20	0.8%	0.4%	0.0%	2.0%	1.2%	2.4%	1.2%	7.9%
21	0.4%	0.8%	4.4%	1.6%	1.6%	1.6%	2.8%	13.1%
22	1.2%	3.2%	1.2%	2.4%	2.8%	2.8%	0.8%	14.3%
23	0.8%	1.2%	2.8%	3.6%	2.4%	3.2%	1.6%	15.5%
Grand Total	7.9%	9.9%	11.1%	16.3%	16.3%	21.8%	16.7%	100.0%

4.8.29 The table below illustrates the number of complaints per venue (each quarter).

No of calls per venue	Q1 - count of venues	Q2 - count of venues	Q3 - count of venues
1	18	12	21
2	3	4	4
3	3	2	1
4	1	4	0
5	1	1	2
6	1	0	1
7	0	1	0
8	1 X	0	0
9	0	0	0
10	1	0	0
11	0	1	0
12	0	0	0
13	0	0	0
14	0	0	0
15	0	1 X	0
16	1	0	0
Total venues complained about	30	26	29

4.8.30 The number of repeat reports regarding individual premises has declined each quarter. The most reports a venue has received during quarter three (to the end of November) is six, although that may just be because quarter three currently only stands at two months as opposed to three. The number of one-off reports regarding individual venues is more prevalent this quarter (to date). This suggests that repeat venues are being successfully targeted with interventions to minimise ongoing harm, and warning letters on single incident premises are effectively preventing incidents from escalating. The following points highlight the action taken by Hackney Officers to mitigate noise from some of the most prolific venues in the Shoreditch area:

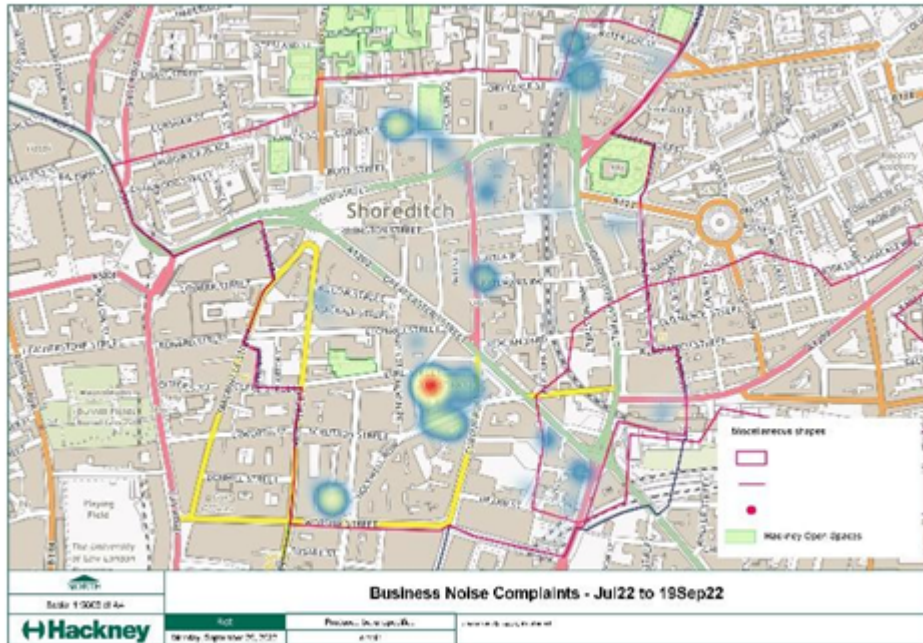
- The premises that received sixteen reports during quarter one has not received a single further report since 30th April following the action and intervention of the Environmental Protection team. The venue that received 10 reports in quarter one has only had three further reports to date. Interventions included visits from the Police Licensing team as well as Environmental Protection Officers. The company director informed Officers that changes had been made to operating practices.

This included a reduction in hours and the introduction of noise mitigation measures. Ultimately these measures proved insufficient and so the venue voluntarily decided not to hold future events.

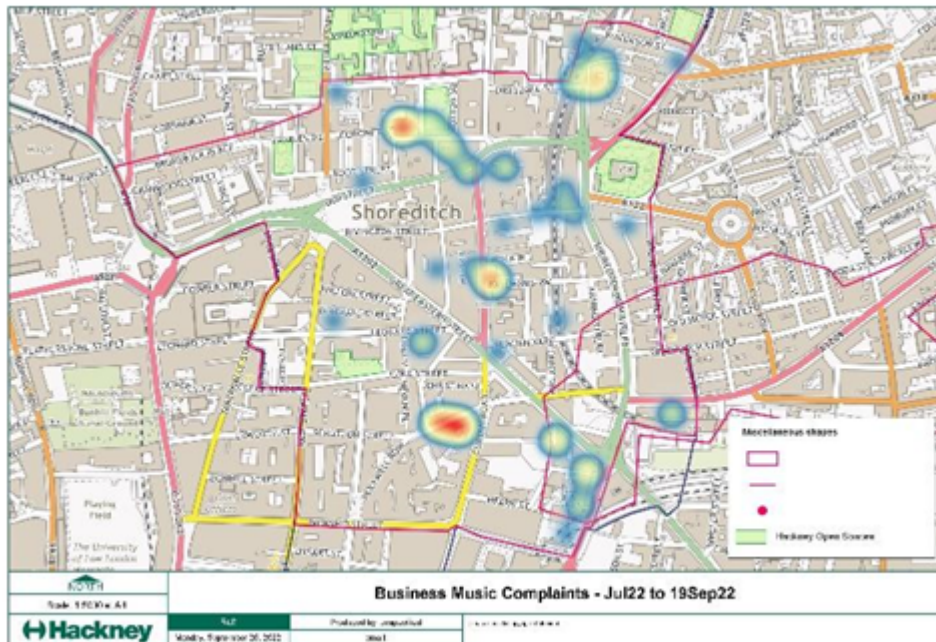
- The venue that received eleven reports in quarter two has been intermittently discussed at the weekly tasking meetings since May. A warning letter was sent in July, and this was followed up by a visit from an Environmental Protection Officer. The Licensing Team were also notified to ensure that the venue was adhering to its licensing conditions (outside space), and the licensee was advised to stop using the outside space from 23.00 hours. Officers have also corresponded with the venue's legal representatives, who have been informed that if a nuisance is witnessed action will be taken. There has only been one further report in September and two in December which are subject to ongoing investigation.
- The seven reports to a venue in quarter two were all made between 9th July and 26th August. No further reports have been received about this venue. Action taken here included Environmental Protection Officers contacting the head of operations in July, and they reported that staff had been reminded to comply with noise mitigation measures and dispersal policy. Our Licensing team have also been investigating this venue following a report being made to them.
- The six reports made regarding a venue in quarter three all occurred between 7th and 16th of October and concerned a squatted premises. The action taken was as follows: a Principal Enforcement Officer served notice on the owner notifying them to take action to remove the squatters, Environmental Protection Officers sent the company directors a warning letter, a letter was also sent to the owner of the building to notify them of use of the building, and the complainant was advised to contact the Environmental Protection Team for a noise assessment.
- The two venues with an X are not necessarily single venues, but rather the aggregate count of complaints against "unknown" venues.

4.8.31 The maps on the following pages focusing on music provide a more accurate representation of licensed premise related noise in Shoreditch. The clusters moved during each quarter, once again highlighting that no one venue has been responsible for ongoing noise.

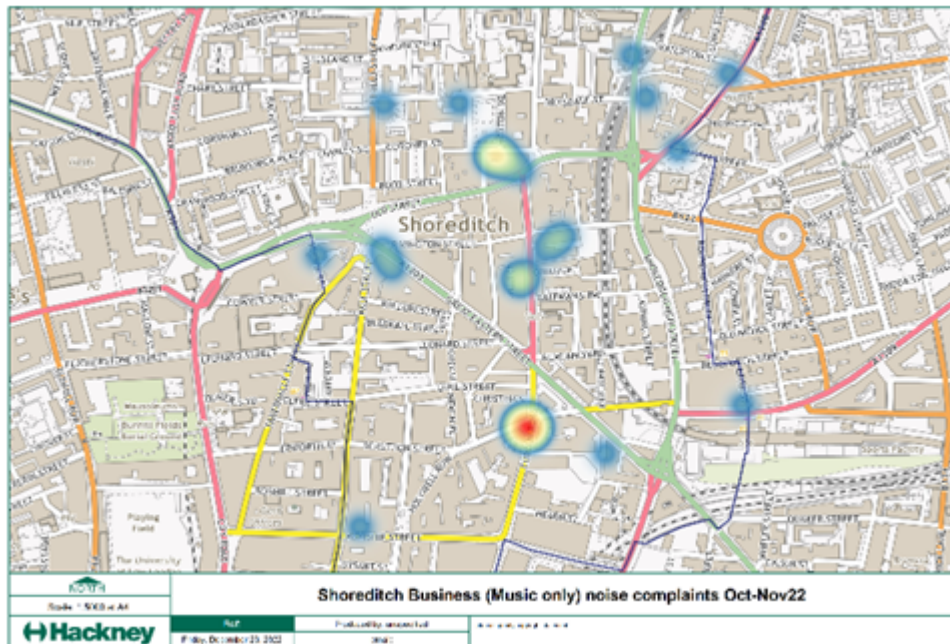
Noise Complaints (Business) July 2022 to 19 Sept 2022



Business Music Complaints July 22 to 19 Sep 2022



Noise Complaints (Business) October 2022 to November 2022

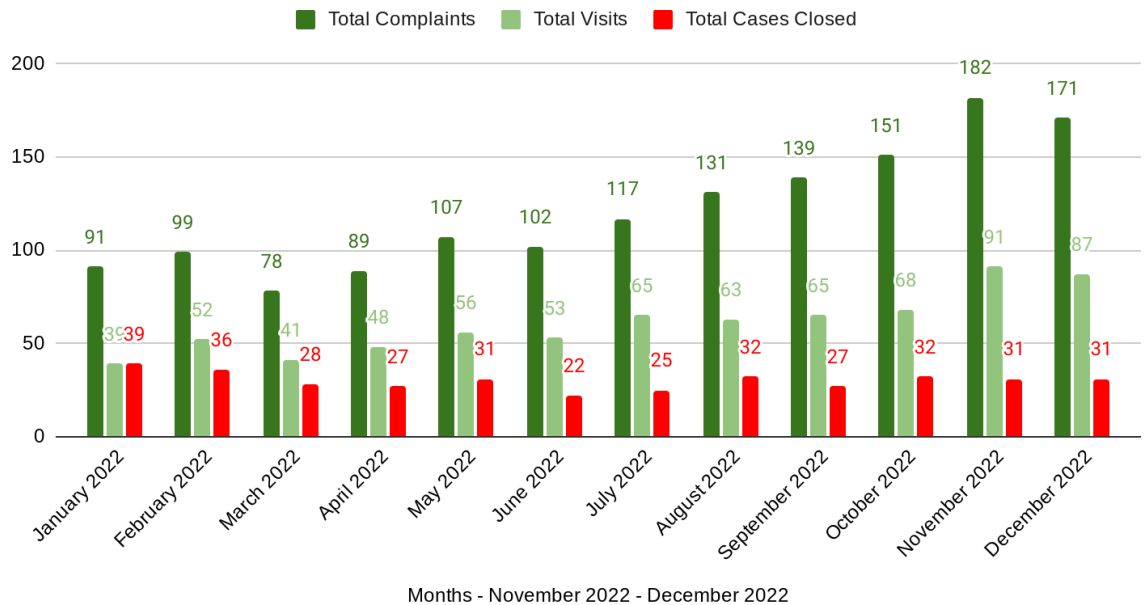


Business Music Complaints October 2022 to November 2022



- 4.8.32 During the lockdown as a result of the pandemic, Officers were unable to enter residential properties to carry out an internal assessment as part of their nuisance investigation. The requirement for an internal assessment is necessary 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 put on hold to prevent the spread of Covid-19 until May 2022.
- 4.8.33 In order to further existing complaints (backlog) with visits and to completion, any new report received by the Officers there have been delays in the investigation due to Officers working on their complaints backlog and responding to all consultation applications (Planning, Licensing & Section 61 Applications).
- 4.8.34 For new noise 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. The role of the First Response Officer is to filter and triage all new reports received by the service. An agency member of 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.
- 4.8.35 The role of the First Response Officer is to address all new and incoming service requests received by the Environmental Protection Team. The Officer deals with initial reports received, sending out acknowledgement letters and emails, undertaking site visits and referring any cases onto the ward officer should a statutory nuisance be witnessed or require further complex investigation. This process saves time Ward Officers would have otherwise have spent on new reports and thus can work on all their backlog of service requests. A breakdown of the work undertaken by the Officer is shown on the chart overleaf.

Breakdown of Service Request and Actions carried out by First Response Officer - January 2022 - December 2022



4.9. Temporary Event Notices

4.9.1 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.

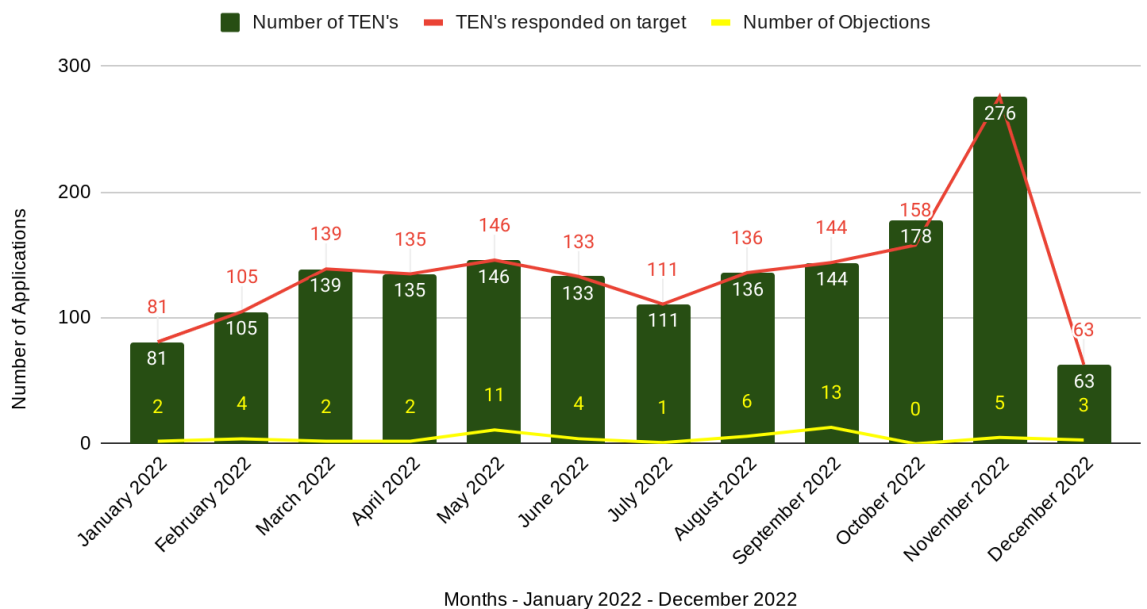
4.9.2 The second change was the Police Reform and Social Responsibility Act 2011 that came into effect in April 2012. This was more substantive and had a significantly wider scope than the earlier LRO and had the effect of:

- 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.

4.9.3 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.

4.9.4 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. A breakdown of the work undertaken by Environmental Protection in relation of TENs is shown below

Number of TEN's, TEN's responded on target and Number of Objections - January 2022 - December 2022



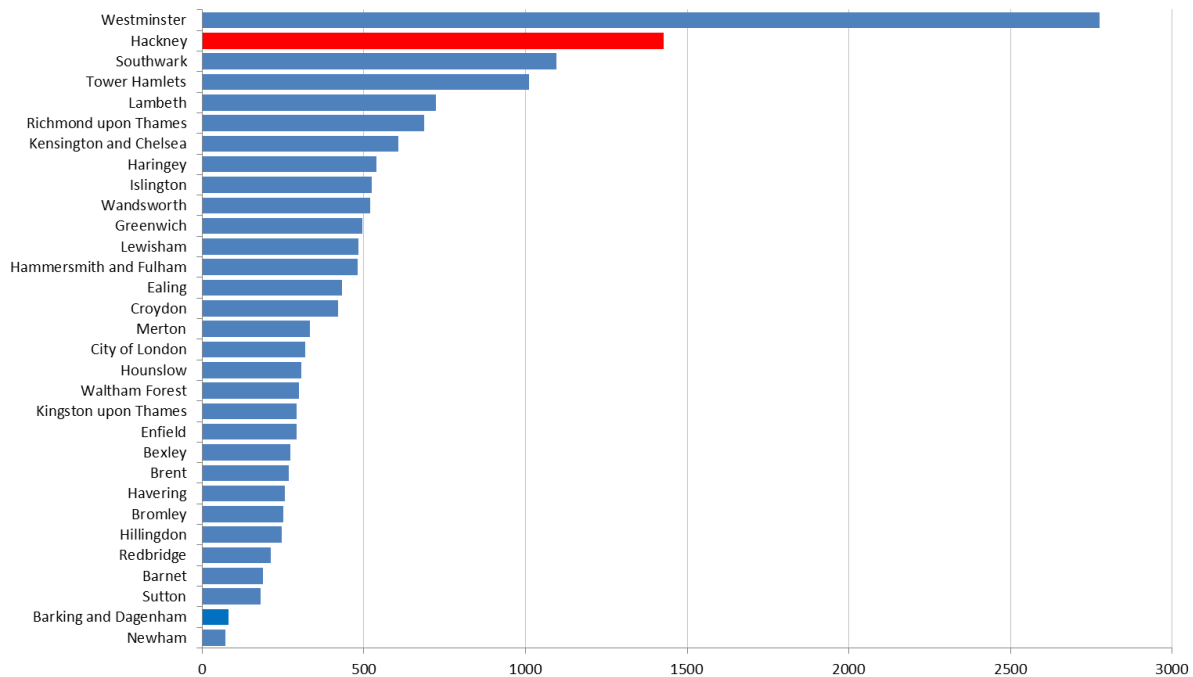
4.9.5 To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the premises' user and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of TENs received and timescales imposed by 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.

4.9.6 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

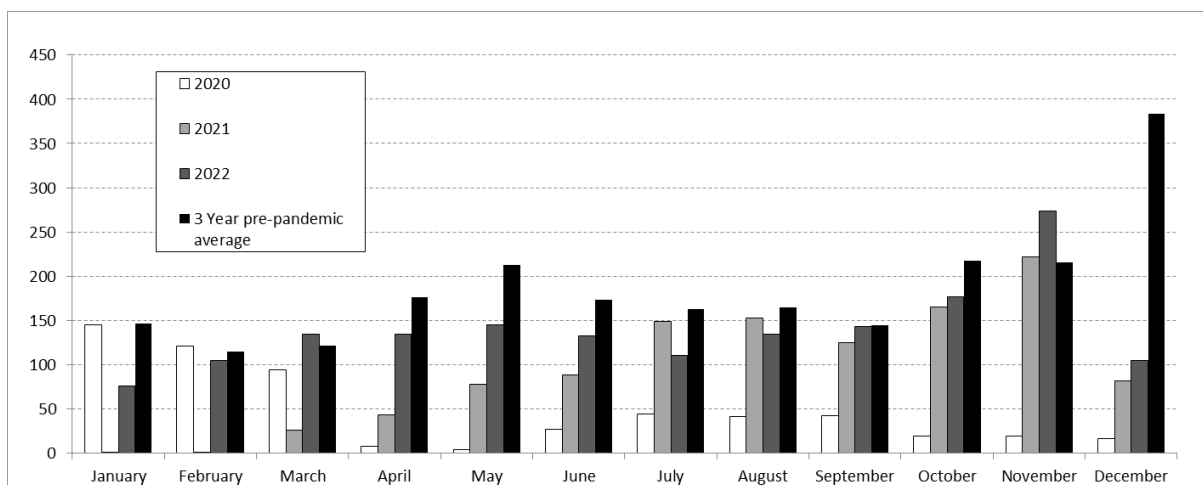
Variable	Standard TEN	Late TEN
Number of working days' notice required before event	10	5 minimum 9 maximum
Maximum number of TENs permitted per calendar year by type for a personal licence holder	50	10
	50 maximum per calendar year	
Maximum number of TENS permitted per calendar year by type for a non-personal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

4.9.7 The demand in Hackney has been disproportionately high, with Hackney receiving the second highest number of TENs in London after Westminster according to figures released by the Home Office which is shown below.



4.9.8 TENs can be seen as a barometer of activity, as the number of these received generally reflects the level of activity and participation in the NTE.

4.9.9 Following the onset of the pandemic, the number of TENs received saw the biggest fall of all activity types administered by the Licensing Service. The chart below highlights the impact of the requirements for businesses to close during the lockdown periods throughout 2020 followed by a gradual increase in activity during 2021 and more significant increase in 2022.



4.9.10 The gradual increase lasted until November 2021, which saw numbers return to the average typically received during the month. However, the onset of the

Omicron variant and an increase in objections to TENs by the Police led to the December figure of around a fifth of the typical number for the month.

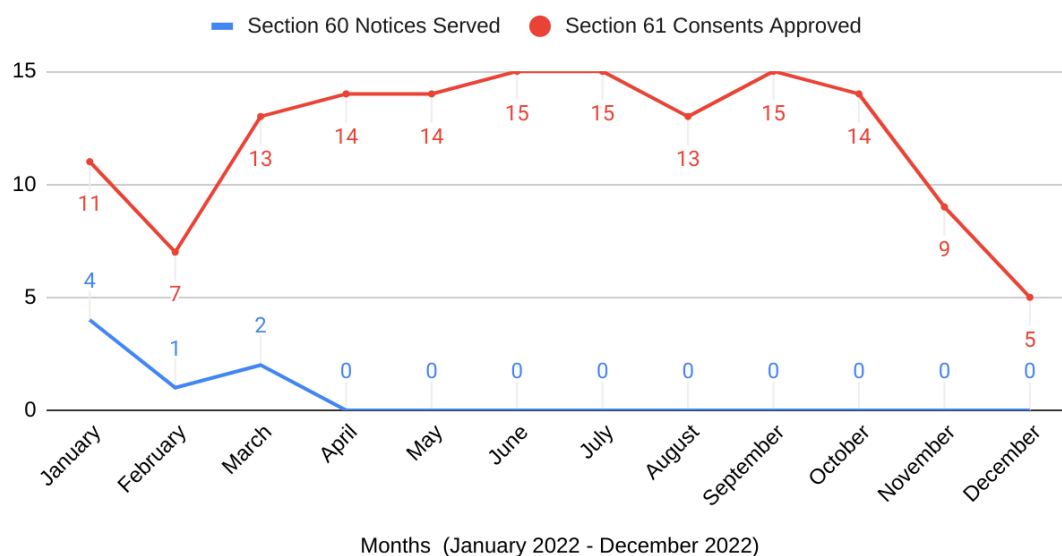
- 4.10.11 The Service expects the numbers of TENs to recover or even exceed normal levels during 2023 as the impact of the pandemic lessens . Also the number of TENs allowed in a calendar year has increased for two years following a change to regulations by the Home Office.

4.10 Construction Site Noise

- 4.10.1 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 2022, 7 s60 notices were served while 145 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. A breakdown of this is shown in the table below and the chart on the next page.

Months (January 2022 - December 2022)	Section 60 Notices Served	Section 61 Consents Approved
January	4	11
February	1	7
March	2	13
April	0	14
May	0	14
June	0	15
July	0	15
August	0	13
September	0	15
October	0	14
November	0	9
December	0	5
Total	7	145

Section 60 Notices Served and Section 61 Consents Approved January 2022 - December 2023



Equality impact assessment

4.10. N/A.

Sustainability and climate change

4.11. N/A.

Consultations

4.12. N/A.

Risk assessment

4.13. N/A.

5. **Comments of the Group Director of Finance and Corporate Resources.**

5.1. This report requests the Corporate Committee to note the annual performance in relation to noise nuisance for the period 1st January to 31st December 2022.

5.2. There are no immediate financial implications as the report notes retrospective data for 2022. The cost of the Noise Enforcement Service is managed within the Community Safety, Enforcement and Business Regulation Budgets.

6. **Comments of the Director of Legal, Democratic and Electoral Services**

- 6.1. The content of this report is for informative purposes and sets out the annual performance report in relation to noise nuisance for the period 1st January to 31st December 2022.
- 6.2. There are no legal implications arising from this report.

Appendices

None

Background documents

None

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