

Title of Report	Enforcement Service-Annual Performance Report 2022/23
For Consideration By	Corporate Committee
Meeting Date	7th June 2023
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Strategic Director</u>	Aled Richards

1. **Introduction**

- 1.1. This report sets out the annual performance report across the enforcement remit for the 2022/23 financial year.
- 1.2. Corporate Committee has requested annual reports on the development of the Council's response to enforcement.
- 1.3. The report sets out the key areas relating to enforcement, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.4. In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.5. Enforcement in Hackney continues to incorporate an integrated approach, including environmental enforcement, which looks at issues such as Highway obstructions including A-Boards, littering and fly tipping, so that the most appropriate action (in accordance with relevant legislation) can be taken based upon the circumstances of the particular case.
- 1.6. Officers also undertake a wide range of enforcement investigations relating to anti-social behaviour (ASB) with partners including Hackney Housing, Police and Housing Associations. This provides greater resilience and ability for specialists to collaborate and for cases to be prioritised using all of the powers available in the Anti-Social Behaviour, Crime and Policing Act 2014. This includes Closure Notices and Orders, Community Protection Warnings and Notices and Injunctions where necessary.

2. **Recommendations**

- 2.1 **There are no recommendations set out in this report, it is for informative purposes only. The Corporate Committee can note the annual performance report for the service.**

3. **Reason(s) for decision**

- 3.1 This report, which is for noting, adheres to the requirement previously agreed by the Regulatory Committee to report annually on Enforcement activities.

4. **Background**

Policy Context

- 4.1. The Enforcement Service was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and this report details the scope and activities of the service and provides detail on the performance of the service for 2022/23.
- 4.2. The Service is split into two Teams, North and South each headed by a Team Leader. Each Team comprises six ward based Principal Officers (non-uniformed), two Technical Support Investigation Officers and eleven uniformed Enforcement Officers together with two apprentices, one in each Team. The uninformed Enforcement Team is split into four units each headed by an Enforcement Team Leader.
- 4.3. The ward based Principal Officers act as single points of contact for their ward areas and deal with a variety of complex cases and casework including eliminating through enforcement activity ingrained ASB, repeated larger scale fly tipping activity and complex domestic noise complaints. Most of this type of complex activity will be delivered in close co-operation with a variety of other services namely the Police, Community Safety, Hackney Housing, Housing Associations, Environmental Protection and Adult and Child Safeguarding. Principal Officers are Ward based and act as single points of contact for their Ward areas.
- 4.4. The Officers also work out of regular service hours on a rota basis covering Licensing and borough wide matters concerning either reactive or proactive issues as above, but also including unlicensed street trading operations through concerted action with other agencies and parts of the Council.
- 4.5. The uniformed service has no formal limits other than those imposed by legislation and by its own resources. The main objective of the service is to provide a highly visible protective and proactive service that can be deployed easily and quickly according to need. Naturally this is constrained by law on employment and particularly, on health and safety. For example it cannot respond directly to those activities concerning crime more usually dealt with by the Police e.g. stabbings, drug use/dealing etc, although it may have a supportive role.

4.6 The uniformed Enforcement Officers are tasked on a weekly basis and are a vital component in ensuring that the service is addressing problems and concerns that residents and other departments (especially Housing) are experiencing. These Tasking meetings determine the following:

- Coordination and deployment of staff using an evidence based approach to provide targeted action and patrols based on weekly / ongoing analysis of intelligence and data (service wide). This includes planning for upcoming events, and seasonal peaks of activity that require action on a cyclic basis (e.g. Summer peaks, Christmas, Bank Holidays, Wireless, religious festivals, pre-planned events in Parks etc).
- Highlight emerging patterns and trends and plan targeted early intervention and activities.
- Provide staff briefing: to include issues of concern that they need to be aware of (officer safety, missing persons, suspect premises, suspect vehicles, suspect people etc.), and to request additional information and data to fill information gaps.
- Enable a joined up and efficient use of service provision in Hackney (From Enforcement Officer patrols to licensed premises, business regulation enquiries and checks, plus other enforcement functions), and task Officers dependent upon need and demand.
- Provide a transparent and auditable decision making process that will stand up to scrutiny and justify how and why decisions have been reached. Particularly relevant in this respect is where action is not possible or evidence is insufficient, and that alternative solutions or referrals have been considered.
- Provide a full list of all action/tasking's completed and action taken to resolve issues.

4.7 In addition to this, a Partnership Tasking takes place on a monthly basis and is associated more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any strategic requests from Police are currently either discussed at the weekly tasking process (generally regarding requests for the service area e.g. CCTV & Enforcement Officers), or discussed at Partnership Monthly Tasking if a multi-agency problem solving approach is better suited.

4.8 The Partnership Tasking meeting has developed from a need to improve joined-up working practices across a broad range of Council departments, organisations and agencies. Its purpose is to effectively tackle, control and reduce crime and ASB related problems; it is recognised that tackling problems together is a more effective approach to crime prevention and enforcement and has a broad two fold purpose:

- 1) Tasking is focused on a discussion around crime trends and hotspots that identify problem locations and associated issues. Where relevant and appropriate, partners are asked to undertake specific actions to help resolve current problems. Enforcement Officers are

frequently tasked to undertake patrols and enforce Fixed Penalty Notices at specifically defined hours and locations. The actions are relevant to the identified problem, and allotted to the relevant partner(s) only. A lead member is identified to co-ordinate and collate the response in a given time period; this usually consists of an initial response after two weeks, but some of the more complex or ongoing issues will require a longer period of resolution.

- 2) Development of problem solving more generally and a forum for partners to bring forward specific problems that require a partnership focused resolution. Some of the problems tackled under this umbrella have originated from Councillor Enquiries and complaints. As above a lead partner co-ordinates action and is responsible for the development of more detailed action plans and responds back to the group.

4.9 The Service is also expected to support some of its provision through its own enforcement activities in preventing and tackling ASB, Highways obstructions including A-Boards, waste and other nuisance type issues that occur on the Borough's public spaces and streets. This is usually determined as a tool for behaviour change, where they can have considerable impact on the casual disposal of litter on the Boroughs streets.

4.10 The Enforcement Officer interactions will usually be for one-off offences and are dealt with at the time of the offence. More complex and ingrained activity is passed to the relevant ward based Principal Officer. The Enforcement Officers are also tasked on a daily and weekly basis to prevent and investigate instances of nuisance and ASB on the Borough's streets and Estates. One of the key indicators on this is the administration of Fixed Penalty Notices and other types of enforcement tools such as formal cautions and prosecutions.

4.11 Given the above, both elements of the service work through a close proactive and reactive intelligence based tasking processes, which are continually adjusted to ensure that resources are directed and managed to the best most efficient effect. Consequently they work very closely with the Intelligence Hub and the other statutory services in and throughout the Council.

SERVICE HIGHLIGHTS

4.12 **A-Boards:** The A-board policy which was implemented in 2013/14 is continuously being enforced by Enforcement Officers. There are high levels of compliance with the policy once businesses become aware of the Council's approach to dealing with A-boards. There still remains a challenge with new businesses often displaying A-boards, but once notified they fall into compliance. Officers are still proactive in identifying A-boards and taking relevant action. The Team also receives referrals from members of the public

where they have also seen A-boards, as they are aware of this offence due to the publicity and information being published about A-boards.

- 4.13 TFL are responsible for the red route areas throughout Hackney and have uniformed Officers who take action where required in line with their policy, which mirrors the process we currently have in place in Hackney. We also have a good working relationship where cases referred or identified by Hackney are actioned and feedback provided. Officers have continued to work with TFL which has agreed that Hackney Enforcement Officers can take enforcement action including the issuing of FPNs on red routes.
- 4.14 **Unregulated Waste:** Officers continue to take appropriate enforcement action regarding unregulated waste to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with waste management processes. Where ongoing non compliance is identified, appropriate environmental enforcement is undertaken for both residents and businesses.
- 4.15 In dealing with both businesses and residents, Officers take account of the Council's Enforcement Policy which was approved by Cabinet in January 2019, the Enforcement Concordat and the Regulators Code and have regard to Crown Prosecution guidelines and Equality impact issues. It should be noted that an FPN can be issued for a first offence depending on the circumstances.
- 4.16 **ASB:** Principal Enforcement Officers have responsibility of dealing with ASB and related issues within their nominated wards. They intimately know their wards and will be aware of all issues. They attend relevant Panel meetings in their wards where they will meet and get to understand the concerns of local residents alongside the Police and other relevant staff in Housing, Parks and other services. They will also know and communicate regularly with their Police SNT Officers and Sergeants in their ward clusters. In association with Police services and other sections they will carry out routine enforcement action which can include for example obtaining entry warrants, service of Community Protection Warning Notices, Community Protection Notices and applying for Closure Orders under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 at the Magistrates' Court.
- 4.17 **Pirate Radio Stations:** Principal Officers also deal with the removal of illegal pirate radio stations in conjunction with Ofcom, as not only do pirate stations interfere with vital radio communications used by the emergency services, aircraft systems, they can have an impact on the lives of our residents affecting their television or radio signals. The persons responsible for these systems frequently cause damage to property when siting equipment, which can have an impact on residents. On many occasions as they are unregulated they can be found to be broadcasting homophobic or other hate speech material. Officers arrange to have aerials, wood, metal work, cabling and transmitters removed where possible.

- 4.18 **Night Time Economy:** Hackney Enforcement Officers patrol the Shoreditch NTE during the night time economy hours. Officers have powers under the Anti-Social Behaviour, Crime and Policing Act 2014, Environmental Protection Act 1990, London Local Authority Act 1990 to issue on the spot Community Protection Notices and FPNs to individual behaviour that may cause a detrimental effect on the local environment and the quality of life. When appropriate, Enforcement Officers can use these enforcement tools for environmental and anti-social behaviour offences such as illegal street trading, urinating, noise nuisance, dumping of waste inappropriately, littering, highway obstructions, drinking in public, etc, to remedy the nuisance caused to residents.
- 4.19 In addition we have a very detailed Community Safety NTE Partnership action plan that covers crime and ASB reduction, taking an approach that focuses on designing out crime, increased use of CCTV (£1.1 million of investment) and enforcement associated with high risk licensed premises. It is a joint delivery plan, and involves participation from various stakeholders across the Community Safety Partnership. It is an evidence based plan, based on the evidence and recommendations from the last strategic assessment. The coordination of the delivery of the action plan together with resource deployment is achieved through our weekly tasking meeting attended by key internal stakeholders and the police. We have also introduced the concept of street briefings in real time to ensure that the Police, local authority and licensed premises are working closely together to reduce ASB in the NTE.
- 4.20 The Late Night Levy (LNL) introduced in 2017 provides extra funding to deal with Crime, ASB and nuisance in the night time economy. This was introduced in respect of Licensed Premises that open between 00.01 and 06.00. This enables the Council to charge a levy to persons who are licensed to sell alcohol late at night as a means of raising a contribution towards the cost of services and activities which:
- reduce or prevent crime and disorder,
 - promote public safety,
 - reduce or prevent public nuisance.
- 4.21 There is a commitment to use 70% of the net revenue to contribute towards providing additional police patrols across the borough but focused mostly in Shoreditch. Income from the levy also funds the following:
- additional CCTV.
 - a radio scheme for licensed premises to better link them with police and CCTV services.
 - joint patrols and operations by police and Council officers including enforcement officers, so there's maximum coverage of the borough and best use of resources.
 - public awareness campaigns, best practice resources and monthly training sessions for licensees.
 - Hackney Nights Portal and venue accreditation scheme.

- 4.22 A very substantial portion of the late night levy funds Police Officers and the Council committed £194,000 of Late Night Levy funding to the Police in the last financial year towards policing the night time economy with the majority of this being spent in Shoreditch.
- 4.23 A new Police Town Centre Team (TCT) was set up in Shoreditch in December 2021 which incorporates an inspector, three sergeants and twenty one Police Constables (this is a growth in the Police establishment), and is augmented by the Metropolitan Special Constabulary and central MetPol resources such as the Tactical Support Group. By having a dedicated team such as this in and around the Shoreditch area of Hackney, The Police are able to provide a greater level of focus and reassurance to those that live in and visit the area. In particular the new TCT, will work in the night time economy, alongside Officers from Hackney and both partners remain absolutely committed to ensuring public and community safety.
- 4.24 The Town Centre Team (TCT) has an action plan in place covering their aims, objectives and outcomes. which includes the following objectives:-
- To reduce harm and violence of all forms, including Hate Crime and VAWG, knife and firearm enabled crime, sexual offences, drug offences, public order and ASB.
 - To detect crime.
 - To contribute to demand reduction in the Town Centre/Ward area.
 - To contribute to improving confidence, trust and legitimacy in the Police.
- 4.25 There is an NTE Action Plan that outlines the partnership objectives to manage, prevent and reduce crime in the Night Time Economy. It is a joint delivery plan and involves participation from various stakeholders across the Community Safety Partnership. It is an evidence-based plan, based on the evidence and recommendations from the last strategic assessment. The plan itself comprises eight sections:
1. Patrols and operational activity: This focuses on weekly high visibility and other patrols (some plain clothes) by enforcement officers, police, and CCTV at the key NTE hotspot locations (currently Shoreditch, Dalston, and to a lesser extent Broadway Market and Hackney Central). It also covers investigation and response to commercial noise complaints and waste/street cleansing activity.
 2. Drugs and Alcohol: This section focuses on the understanding of the drug markets in the NTE, strategies for tackling certain types of drugs including psychoactive substances, the alcohol strategy (public health), and the PSPO (ASB associated drinking in public places).
 3. Business / Licensing Activities: This section focuses predominantly on licensed premises, and includes engagement, awareness-raising, and relevant enforcement against licence breaches. It also includes

designing out crime and working with licensees on better management of NTE locations to improve safety, prevent/reduce criminal opportunities, and ASB. It also includes the Hackney Nights Portal Accreditation Scheme and Pub Watch.

4. Repeat Victims and Offenders: This section focuses on building up intelligence that will support victims of crime to reduce harm, increase their safety, and reduce future risk and harm. It is also focused on repeat offenders (drug supply, violence, theft) where associated predominantly with NTE areas or venues.
5. Sexual Assaults: This section is cross referenced to objectives in the VAWG strategy and includes the Women's Safety Charter.
6. Public Realm / Planning: This section focuses on the built environment and the impact this has on NTE crime / ASB. It incorporates S17 of the Crime and Disorder Act, and also takes design and layout (physical environment and of venues) into consideration. It ensures that the Community Safety Partnership Plan is also taken into consideration for any planning decisions in affected areas.
6. Analysis, Intelligence Requirement and Performance Monitoring. This section ensures that the plan is on track, and that changing patterns in crime /ASB are taken into consideration and to help ensure gaps in knowledge are filled.
7. Information Sharing: This is to ensure the legal basis of sharing data (often without consent) for the purpose of preventing/detecting crime and ASB, and also working with businesses and sharing information under Common Law.

The current themes of the Action Plan are:

- Enforcement, Proactive Patrols, and Engagement with Licensed Premises - Temporary Events Notices, Licence Reviews, Hackney Nights Accreditation, Licensing Officers Enforcement Group, Commercial Noise.
- Drug Market Overview - including repeat perpetrators.
- Public Place Violence Against Women and Girls (including Rape and Sexual Assault). This includes the Welfare and Vulnerability Engagement(WAVE) training and all of the other awareness raising and educational activities of Hackney Nights, welfare area and includes any known repeat offenders.
- Responsible/Safe Drinking which is linked to the Public Health alcohol strategy and also in relation to the planning regime and area regeneration plans to create safe places and design out crime.

- 4.26 In addition to the NTE Action Plan, the Intelligence Hub is now producing a weekly update which is shared with partners based on the NTE feedback from the Police, and combining it with any NTE commercial noise reports, crime and ASB reports, and Enforcement Officer's report, which will help services to focus attention where ongoing issues are identified and addressed. 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.
- 4.27 **Public Spaces Protection Orders (PSPO):** A PSPO was approved by Cabinet on 29th April 2019 under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and requirements in the specific area of Wick Woodland outlined in this report, for an initial period of three years. This was necessary as Council and Kings Park Police Safer Neighbourhood Team have received numerous complaints about noise, littering and other antisocial behaviour (ASB) taking place in Wick Woodland by Hackney Marshes. These include large anti-social parties that cause significant noise disturbance in the local area, as well as significant environmental and wildlife damage. Complaints were received initially in 2014 and continued until the PSPO was approved.
- 4.28 While the PSPO has been successful to deal with behaviours complained of, these activities then moved to the adjoining Hackney Marshes and the Council successfully applied to the High Court for an injunction in June 2020 to address this. The PSPO expired in April 2022 and a consultation exercise was undertaken in relation to a revised PSPO being approved and extending it to cover Hackney Marshes, Millfields Park, Mabley Green Daubeney Fields and other areas and following the consultation exercise this was approved by Cabinet on 21st November 2022.
- 4.29 On 17th March 2021 Cabinet approved the making of a Public Spaces Protection Order in relation to dog control under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and requirements in the proposed Order in this report for a period of three years following a consultation exercise which took place in 2020.

- 4.30 The PSPO makes it an offence not to clean up after a dog in a public place, to prevent dogs being exercised in specific areas including children play areas, sports courts, multi-use games areas and marked pitches. Dogs are also required to be kept on a lead on roads, churchyards, communal areas on Estates etc and an authorised Officer can require a person to put a dog on a lead where the dog is not under the appropriate control of their owner, or where they are causing damage or acting aggressively. A link to the PSPO can be found on the Council website at <https://hackney.gov.uk/dog-control-orders>
- 4.31 Council Community Safety and Enforcement Officers have an existing record of responding to concerns about dog fouling and other dog nuisance issues. Appropriate enforcement action will be taken in accordance with the Enforcement Policy, largely this will be by education and encouragement, though formal action will be taken when required.
- 4.32 In relation to alcohol control in a public place on 18th October 2021 Cabinet approved the making of a Borough wide PSPO in relation to the control of anti- social behaviour associated with the consumption of alcohol in public places in Hackney. A consultation exercise was undertaken between 24th May and 4th July 2021 to gauge support on having a PSPO in place, It asked whether residents were concerned about ASB associated with street drinking, the type of behaviour that had been witnessed, whether/and how often they had witnessed this behaviour.
- 4.34 **London Fields:** Following the ban of all barbeques in the Parks and open public spaces in the Borough in 2019, and the need to apply for a High Court Injunction in June 2020 following unprecedented levels of anti-social behaviour due to barbecues returning, drug use, extremely heavy use of the Park at levels not experienced previously, increased number of cafes/restaurants/ licensed premises around the area selling takeaway food and/or alcohol, littering, noise/sound systems, public urination and defecation (in and around the Park in residential areas), social gatherings / drinking, vandalism and verbal abuse / harassment / intimidation of staff during the initial lockdown in Spring 2020, it was considered essential to have a dedicated Team of Enforcement Officers, and security staff were in place working from April through to September 2021.
- 4.35 This continued again in 2022 when a Team of four Enforcement Officers covering Thursday to Sunday every week from June to end of September in different shift patterns to help deal with the increased service requests and complaints from London Fields and the enforcement activity undertaken in London Fields in the summer of 2022 is detailed in Table 1 below.

Table 1 -Enforcement Activity in London Fields

Category	Total
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Littering FPN	136
Urinating FPN	117
Street Trading FPN	4
Highways FPN	1
ASBW	
Persons prevented from urinating over the week	683
Groups directed to turn off amplified music	18
Bbqs prevented from being lit	8
Aggressive beggars targeting park users directed to leave the park	20
Persons directed to collect litter	133
Referral - MPS	4
Referral - LAS	5

- 4.36 There are no easy answers to the challenges in the London Fields area. The recent levels of anti-social behaviour, both actual and perceived, on sunny /warmer days is exclusionary to families and to some local residents. However, we also know for many people, especially those in overcrowded accommodation and without outside space, our parks and wider public realm are the only places where meeting with friends is possible and has been permitted during the pandemic.
- 4.37 An additional Enforcement Team Leader and five Enforcement Officers have been recruited to patrol our parks and open spaces during the 2023 peak season. These six officers will patrol all of the boroughs parks and green spaces on bicycle and respond to ASB in our parks and green spaces across the borough whilst keeping a core of two officers within London Fields. It is expected that these officers will work ever closer in partnership with colleagues from parking, parks and markets to better achieve a culture of compliance within the wider public realm outside of our core business hours.

Recruitment of suitably qualified and experienced officers is a significant challenge especially during the summer months. It is important therefore that however the Council proceeds, it takes into account these disparate but important views, and builds a narrative based on robust principles of what is and isn't acceptable behaviour in our Parks and wider public realm.

4.38 **Dalston Project** : Since the Dalston Project started in December 2021 Enforcement Officers have had significant positive outcomes in relation to ASB and disorder in the Dalston area (in particular Ridley Road and Gillett Square)

4.39 The project started as a three-month project, in December 2021, designed to support the Mayor's priority to make Hackney a safe place for everyone, and as an add-on to the Enforcement Team, due to Gillett Square and Ridley Road being such key and important areas with their well known entrenched and complex issues ASB issues and criminality. It has been periodically renewed since then, due to its positive outcomes in the form of the valuable intelligence that it provides. That intelligence informs us on how to address some of those issues and puts the Council in a very strong position when requesting Police for resources to deal with it.

The objectives are:

- to obtain intelligence that is shared regularly with the Police and the Intel hub,
- to address and enforce contraventions like urination (often complained of in Gillett Square),
- to provide high visibility and reassurance patrols to the public,
- to provide reassurance to licence holders.

4.40 The Officers have also dealt with commercial waste caused by commercial premises bordering the Market, investigating potential illegal waste disposal which is impacting heavily not only on Waste Services but also on the Markets Team who end up paying for that waste collection not produced by their own traders.

4.41 With regards to anti-social behaviour and criminality, the constant deployment of Enforcement Officers has reduced ASB and criminality in the area and to obtain intelligence to be able to analyse problems and names so action plans can be designed, as until now, it was impossible to have a database of names or specific issues.

4.42 Consequently, Officers have built an intelligence picture which is being fed to the Police and fortnightly a meeting is held to share information, and coordinate actions; names are discussed, or locations depending where the pressure is at any specific time and actions are shared. The meeting is attended by the Dalston Sgt, a Police Constable, Markets Inspector, Street Population Coordinator, CCTV Manager, SWIM (Support Where It Matters) and the NTL manager and the PEO for Dalston, the ETL assigned to the project and chaired by the Enforcement Team Manager (North).

- 4.43 High Impact Patrols have been undertaken to approach the area with a higher number of Enforcement Officers for high impact and visibility to disrupt drug taking/ drug dealing at Ridley Road and to address street drinking loud music played at Gillett Square.
- 4.44 Engagement with the street population is an important part of the project, in order to engage individuals with support services and this has produced positive outcomes.
- 4.45 Joint patrols with support services including Turning Point, SWIM, Street Link and the Street Population Coordinator and indecent email form SWIM they advised *“as a direct result of our Partnership fifteen people have been referred directly to SWIM Enterprises and have had help with psychosocial Interventions that include Housing, Benefits, Education, Training and Employment and treatment for substance misuse. Through Turning Point there is now a clinical van that is in Ridley Market on Thursday Afternoons in connection with the partnership work and interest is growing in the work and access to services and partnership organisations is proving successful. On a recent afternoon between the hours of 2pm to 5pm 4 people were assessed and helped by Turning Point, one was fully assessed for a medical condition and multiple people have shown interest in Housing, Medical testing and information.”*
- 4.46 With regard to Enforcement, the outcomes have also been very positive including images collected by the Officers body worn camera which CCTV cannot reach, and this has led to vital intelligence for the Police. Beyond that, venues and business have facilitated intelligence and evidence that has led to the arrest of individuals. A breakdown of Fixed Penalty Notice served is shown in Table 2 below:

Table 2 Fixed Penalty Notices issued in Dalston

Financial Year	Total
2019/20	230
2020/21	186
2021/22	589
2022/23	591

- 4.47 A breakdown of Enforcement Officer reports for the Dalston area is shown in Table 3 below:

Table 3 Enforcement Officer reports for Dalston

Financial Year	Total
2019/20	5
2020/21	1421
2022/22	2593
2022/23	2795

Equality Impact Assessment

- 4.48 In undertaking any enforcement, Officers are required to comply with the requirements of the Public Sector Equality Duty which was created by the Equality Act 2010.
- 4.49 The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Sustainability and climate change

N/A.

Consultations

N/A

Risk assessment

- 4.50 Enforcement Officers will take actions that contribute to achieving corporate priorities and desired outcomes. Without these being agreed, (that being clearly stated priorities), the service will be at risk of not effectively focussing its work and efficiently directing limited resources.
- 4.51 **Rate of growth** – Business and household growth in the borough has been significant and will continue. Keeping up with this rate of growth is a particular challenge for the service within its current resource provision, especially relating to waste management and sustaining local environmental quality. This includes controlling the environmental impacts

from businesses such as litter and waste throughout their operating hours and managing appropriate commercial and household waste enforcement.

- 4.52 Officers and Partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, undertaking proactive patrols in relation to the Night Time Economy, highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.
- 4.53 **Administering the enforcement process** – Mobile ICT working solutions and business intelligence software are currently being managed through ICT delivery programmes. These provide Council services with new technology that assists in ensuring efficiency and effectiveness of delivery. Enforcement is part of this programme particularly in relation to the service of Fixed Penalty Notices(FPNs).
- 4.54 The service is looking to implement a different system for issuing FPNs from October 2023.
- 4.55 **Resource deployment-** Pressure to provide a visible presence on street impacts upon the resources available for high priority case progression/investigation, sustainable problem solving and behaviour change initiatives. Getting the balance right between these is critical for the Council moving forward and the joint working approach currently being developed supports this. Communications both Borough-wide and locally need to be further utilised alongside physical resources so that together they are directed in a way that maximises the feel of “Presence” whilst ensuring a keen focus on cost and effectiveness. Enforcement currently benefits from good corporate communications support.
- 4.56 Public space ASB such as drug use in Parks and other open spaces, begging, drunkenness, urination in public etc is a priority for the service and has placed increased demand on the service particularly at a time when there is considerable pressure on partner agencies the service works with in dealing with these issues such as the Metropolitan Police Service.
- 4.57 Other priorities for the service include issues associated with the Night Time Economy which is the biggest market economy in the borough, and as already outlined, has a high impact on crime particularly violence, theft, hate crime, sexual offences, drug use/supply which has also increased demand on the service.
- 4.58 Nuisance neighbours and domestic noise are still the greatest source of ASB reported to the service. Staffing the out of hours service requires 3.19 FTE Enforcement Officers in addition to Environmental Protection Officers on duty, and impacts the capability of the service early in the week as these staff will be on rest days following their weekend duties.

4.59 In January 2022 NoiseWorks was launched and has the objective ‘to develop a fully integrated case management solution to effectively manage noise complaints in Hackney. Society Works, a registered charity, has been working 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 later.

4.60 Environmental enforcement continues to be a priority for the service. A significant number of formal notices have been served in relation to this area of work, being Fixed Penalty Notices (FPNs). 3439 FPN’s were issued in 2022/23 compared to 3971 in 2021/22 and 2306 in 2020/21 (the number was considerably reduced due to lockdown restrictions being in place) and the increased numbers are due to increased productivity and the introduction of mobile technology. It also needs to be acknowledged that Officers are undertaking a broader range of duties ranging from environmental enforcement to out of hours noise, NTE visits, tasking duties and reassurance patrols compared to previous years when Officers were only undertaking environmental enforcement duties. The approval by Cabinet in January 2019 of a revised Enforcement Policy has also assisted in the decision making process in relation to the enforcement action taken regarding a particular issue.

Table 4 - FPNS issued 2020/21, 2021/22 and 2022/23

Act	FY2020/ 21	FY2021/2 2	FY2022/ 23
Anti Social Behaviour Act 2003, amended by Section 28 of Cleaner Neighbourhoods and Environment Act 2003		1	21
Anti Social Behaviour, Crime and Policing Act 2014	1		3
Environmental Protection Act 1990	729	1800	1752
Highways Act 1980	1506	1838	1156
London Local Authorities Act 1990	49	292	473
Town and Country Planning Act 1990	21	40	34
Grand Total	2306	3971	3439
Act	FY2020/ 21	FY2021/2 2	FY2022/ 23
Anti Social Behaviour Act 2003, amended by Section 28 of Cleaner Neighbourhoods and Environment Act 2003		1	21
Anti Social Behaviour Act 2003, amended by Section 28 of Cleaner Neighbourhoods and Environment Act 2003 Various		1	8
Various Graffiti/Fly posting			13
Anti Social Behaviour, Crime and Policing Act 2014	1		3

Anti Social Behaviour, Crime and Policing Act 2014 (Section 67) Dog Control - Failing to remove dog faeces			
Anti Social Behaviour, Crime and Policing Act 2014 Section 67	1		1
Section 67 Dog Control - Failing to remove dog faeces			2
Section 67 Hackney Wick Woodland Public Space Protection Order			
Environmental Protection Act 1990	729	1800	1752
Environmental Protection Act 1990 (Section 33ZA) Waste Deposit - Fly Tipping			
Environmental Protection Act 1990 (Section 33ZA) Waste Disposal - Fly Tipping			
Environmental Protection Act 1990 (Section 46) Duty of Care - Household Waste			
Environmental Protection Act 1990 (Section 47) Duty of Care - Commercial/Industrial			
Environmental Protection Act 1990 (Section 87) Littering			
Environmental Protection Act 1990 (Section 87) Littering from Vehicle			
Environmental Protection Act 1990 (Section 87) Urination			
Environmental Protection Act 1990 Schedule 3A Section 1(5)		1	1
Environmental Protection Act 1990 Section 33(1)(a)	13	14	3
Environmental Protection Act 1990 Section 34(6)		1	2
Environmental Protection Act 1990 Section 46	5	4	1
Environmental Protection Act 1990 Section 47	13	20	2
Environmental Protection Act 1990 Section 47(6)		2	
Environmental Protection Act 1990 Section 80(4)			1
Environmental Protection Act 1990 Section 87	349	1164	831
Schedule 3A Section 1(5) Unauthorised distribution of literature on designated land		2	
Section 33(1)(a) Waste Deposit - Fly Tipping	38	28	49
Section 34(6) Person has failed to comply with a duty to furnish documents to that authority imposed under regulations made at any time under section 34(5)		23	
Section 46 Duty of Care - Household Waste	4	4	2
Section 47 Duty of Care - Commercial/Industrial	10	20	15
Section 80(4) Contravention or failure to comply with requirement or prohibition by abatement notice (Residential)	1		
Section 87 Littering	188	311	456
Section 87 Littering from Vehicle	1	3	1
Section 87 Urination	107	203	388
Highways Act 1980	1506	1838	1156
Highways Act 1980 Section 137(1)	47	72	47
Highways Act 1980 Section 138			1
Highways Act 1980 Section 139(3)	1	1	1

Highways Act 1980 Section 139(4)	1	1	2
Highways Act 1980 Section 139(4)(d)	11		2
Highways Act 1980 Section 140(3)	1		
Highways Act 1980 Section 148(a)		2	5
Highways Act 1980 Section 148(b)			
Highways Act 1980 Section 148(c)	5	33	44
Highways Act 1980 Section 148(d)	2	1	1
Highways Act 1980 Section 161(1)	1		14
Highways Act 1980 Section 169(5)	5	25	44
Section 137(1) Wilful obstruction of highway	638	573	513
Section 137(1) Willful obstruction of highway			
Section 138 Erecting a building, fence or hedge on highway	50	62	8
Section 139(3) Depositing builder's skip on highway without permission	41	67	20
Section 139(4) Failure to secure lighting or other marking of building's skip	81	64	13
Section 139(4) Failure to secure marking of builder's skip with name and address	29	18	4
Section 139(4) Failure to secure removal of builder's skip		5	32
Section 139(4)(d) Failure to comply with conditions of permission	100	146	58
Section 140(3) Failure to remove or reposition builder's skip		1	2
Section 141(3) Failure to comply with notice requiring removal of tree or shrub	1	2	1
Section 148(a) Depositing material etc. on a made up carriageway	94	87	22
Section 148(b) Depositing material etc. within 15 feet from centre of made up carriageway	5	5	
Section 148(c) Depositing anything on highway to the interruption of user	102	302	124
Section 148(d) Pitching of booths, stalls or stands or encampment on highway	3	6	
Section 151(3) Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer	3	5	
Section 153(5) Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street	4		1
Section 161(1) Depositing things on highway which cause injury or danger	17	32	43
Section 169(5) Erecting scaffolding or other structure without licence failing to comply with terms of licence or perform duty under subsection (4)	264	328	154
London Local Authorities Act 1990	49	292	473
London Local Authorities Act 1990 (Section 38(1)) Illegal Street Trading			
London Local Authorities Act 1990 Section 34(1)	8	12	3

London Local Authorities Act 1990 Section 34(3)			41
London Local Authorities Act 1990 Section 38(1)	12	94	138
Section 34(1) Contravention of condition of street trading licence or temporary licence	1	19	36
Section 34(3) Resisting or obstructing authorised officer			33
Section 34(4) Failure to produce street trading licence on demand	1	2	1
Section 38(1) Illegal Street Trading	27	165	221
Town and Country Planning Act 1990	21	40	34
Section 244(3) Displaying advertisement in contravention of regulations (flyposting)	19	39	33
Town and Country Planning Act 1990 Section 244(3)	2	1	1
Total	2306	3971	3439

- 4.61 Officers use all of the powers available to them to address ASB, specifically the use of Community Protection Warnings/Notices, Closure Notices/Orders and Criminal Behaviour Orders which became available to local authorities through the Anti-Social Behaviour, Crime and Policing Act 2014 when dealing with ASB investigations.
- 4.62 A Community Protection Notice (CPN) can be issued against a perpetrator of persistent antisocial behaviour. Failure to comply can lead to a fixed penalty notice, remedial action or a court order. A person issued with a CPN can appeal to a Magistrates' Court within 21 days of service of the notice. There is no restriction on the type of behaviour a CPN can deal with. Before issuing a CPN, the Council will issue a written warning to the perpetrator setting out that if the antisocial behaviour persists a CPN will be issued. The amount of time allowed between the written warning and the issuing of the CPN is to be determined on a case-by-case basis. In some cases it could be minutes, for example when someone persists with playing loud music in a park. For example, if a dog was frequently entering a neighbour's garden through a broken fence, the owner could be issued with a CPN requiring s/he fixes the fence and, if appropriate, require that the owner and dog attended dog behaviour training classes.
- 4.63 The 2014 Act also gave the Council and the Police new closure powers to close premises for the purpose of dealing with, or preventing, public nuisance and disorder. This power consolidated and simplified previously available provisions relating to closure of premises, which were repealed.
- 4.64 A Closure Notice prohibits access to the premises for the period specified in the notice to close premises which are causing antisocial behaviour, if they reasonably believe that there is, or is likely to be:
- a nuisance to members of the public, or
 - disorder relating to the premises and in its vicinity.

- 4.65 In addition, the notice must be necessary to prevent occurrence or reoccurrence of the nuisance or disorder. A notice is valid for a maximum of 48 hours and it can be cancelled or varied. In order to be confirmed as a Closure Order, the Council or the Police must apply to the Magistrates' Court.
- 4.66 A Closure Order can prohibit access to the premises, or part of them:
- at all times, or at specified times only
 - by everyone (including the occupier and other residents), or by specified persons only.
- 4.67 A Closure Order can be made for a maximum of three months. However, the Council or Police can apply, before expiry of the original term, for an extension up to a (overall) maximum of six months.

Table 5 Overall Formal Enforcement Activity (3 year comparison)

	2020-2021	2021-2022	2022-2023
Fixed Penalty Notices	2306	3971	3439
Anti-Social Behaviour Warnings	446	521	311
Community Protection Warnings	41	48	66
Community Protection Notices	21	10	8
Noise Abatement Notices	19	13	18
Injunctions	2	0	3
Prosecutions & Formal Cautions	3	7	12
Closure Orders	5	12	10

5. **Comments of the Group Director of Finance and Corporate Resources.**
- 5.1. This report seeks the Corporate Committee to note the annual performance of enforcement service for the 2022/23 financial year.
- 5.2 The report is retrospective and has no immediate financial implications.
- 5.2. The cost of the enforcement service is met from the revenue budgets in Community Safety, Enforcement and Business Regulation
6. **Comments of the Director of Legal, Democratic and Electoral Services**
- 6.1. The content of this report informative purposes and advises on the annual performance across the enforcement remit for the 2022/23 financial year.
- 6.2 There are no legal implications arising from this report

Appendices

None

Background documents

None

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