



Haringey Council

[No.]

Agenda item:

**Overview and Scrutiny Committee
16th March 2009**

Report Title: Out of Hours Enforcement – Feasibility Report for a Full Scrutiny Review

Report authorised by:

Cllr Gideon Bull, Chair of the Overview and Scrutiny Committee

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Wards(s) affected: **ALL**

Report for: **Non Key**

1. Purpose of the report (That is, the decision required)

- 1.1 In June 2008 the Overview and Scrutiny Committee asked for a one-off feasibility report on the practicality of undertaking an in-depth review on the issues surrounding out of hours enforcement in Haringey.
- 1.2 The aim of this report is to consider the feasibility of the Overview and Scrutiny Committee commissioning a full scrutiny review out of hours enforcement in Haringey.

2. Introduction by Cabinet Member (if necessary) N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1 This report on out of hours enforcement links to all the key priorities within the Sustainable Community Strategy (2007-2016): people at the heart of change, environmentally sustainable future, economic vitality and prosperity shared by all, safer for all and healthier people with a better quality of life.
- 3.2 Other key strategies to which this report is related: Neighborhood Renewal Strategy 2002–2012, Housing Strategy (2009-2019), Unitary Development Plan, Safer Communities Strategy and Antisocial Behaviour Strategy.

3.3 Relates to performance indicators within the LAA:

- NI – 21 Dealing with local concerns about ASB and crime issues by police
- NI - 39 Alcohol harm related hospital admission rate
- NI -195 Improved street and environmental cleanliness

4. Recommendations

4.1 That Overview & Scrutiny Committee commission a full scrutiny review of out of hours enforcement, in particular this review should focus on those services that regulate and support the night time economy in Haringey.

4.2 That the review should aim to assess:

- (a) how out of hours enforcement activities are coordinated within Haringey Council
- (b) how enforcement partners work together to regulate the night time economy
- (c) ways to further improve the scope, coordination and efficiency of the Councils out of hours service response services.

5. Reason for recommendation(s)

5.1 Recent legislative and policy changes has prompted a growth in the night time economy which in turn has precipitated a range of regulation and enforcement issues for the Council and its partners (e.g. licensing, planning, antisocial behaviour, noise, disorder and street cleaning).

5.2 The Council has acquired additional responsibilities for the regulation of the night time economy in which the Local Authority:

- has replaced the Magistrates Court as the licensing authority for premises wishing to serve alcohol or provide gambling facilities or other entertainment;
- has a duty to work with enforcement partners to reduce crime and disorder and enforce clear standards of behaviour;
- has new powers to deal with environmental crime and related antisocial behaviour.

5.3 Given the substantive changes outlined above, it is evident that there is a need to map out the needs of the night time economy in Haringey:

- to identify and prioritise enforcement issues,
- to detail the roles and responsibilities of the different enforcement agencies involved,
- to identify those structures and processes that support the coordination of enforcement activities across the borough.

5.4 The Council has recently made a substantial investment in the Enforcement Response Service to enable it to develop the nature, scope and responsiveness of its work: to respond to a more holistic range of enforcement issues, provide a 24/7 all year round response and respond to individual concerns more quickly. Therefore a scrutiny review will be able to:

- demonstrate how effective this investment has been in developing an enforcement response in Haringey
- identify ways to further improve the scope, coordination and efficiency of the Councils out of hours response services.

5.5 The scrutiny review process is known to be effective in assessing that way that multiple agencies work together and in helping to develop effective partnerships. Given the nature of services described, a scrutiny review may offer an effective and timely process to

address the issues outlined above.

5.6 Overview and Scrutiny has a role to play in policy development and strategy formulation therefore the review may be well placed to assist in developing a local vision and plan night time economy.

6. Other options considered

6.1 Not undertaking a scrutiny review would not offer any solution to the issues outlined in 5 above.

6.2 Other options, such as the provision of reports to Overview & Scrutiny Committee, would not offer the process advantages that a full scrutiny review may bring (i.e. the participation and assessment of local partnerships).

7.1 Summary

7.1.1 Recent legislative and policy changes have precipitated a growth in the evening and night time economies in town centres and metropolitan areas across the UK. Whilst this has evidently presented a number of opportunities for economic, social and cultural regeneration, the expansion of the night time economy has also been accompanied by a number of policy challenges particularly in respect of planning, licensing, noise control and antisocial behaviour.

7.1.2 Whilst it may be advantageous for the Local Authority to support the development the night time economy, it is practical to do this in a controlled way and in which it maintains an acceptable standard of amenity for local residents (e.g. safety, cleanliness & noise). The Local Authority role is therefore complex, for it seeks to balance the competing needs of those who provide, or are employed in or utilise the night time economy with those who must work or reside alongside it.

7.1.3. National and regional evidence would seem to agree that there are there a number of processes which are critical to the successful development of local night time economies:

- a clear local vision and strategy for the night time economy
- visible control and enforcement procedures to make night time economies safer and more attractive to a wider range of people
- effective local partnerships to ensure the integration of local services.^{1,2,3}

7.1.4. Additional funding of the Out of Hours Enforcement in Haringey has enabled the service to expand the scope of its activities to include both planning and licensing (in addition to its previous role as a noise nuisance service) and is clearly a significant provider in the makeup of services which support and regulate the night time economy. This report considers the role of this service in the broader context of the development and regulation of the night time economy in Haringey.

7.2 Defining the night time economy

7.2.1 Whilst there may be no universally accepted definition of the night time economy, it is

¹ Night Vision, Civic Trust (2007)

² Managing the night time economy, Office of the Deputy Prime Minister (2005)

³ Managing the night time economy: best practice guide, Mayor of London (2007)

apparent that there are a number of characteristics and key activities which help to shape and define it. In its broadest sense, the night time economy can be considered to occur between the hours of 6pm and 6am and involve a wide range of leisure activities (e.g. pubs, clubs, cinemas, theatres, cafes or restaurants) and those public services which exist to support it (e.g. transport, policing, enforcement and street cleaning).

7.2.2 Some night time economies may be planned whilst others may have developed more organically this in part, gives localised night time economies their own individual character. The character of night time economies may also vary in respect of the time in which they operate (such as a defined bar culture) or the focus of particular activities (i.e. live music). Understandably, the character of individual night time economies will determine the nature and level of public services needed to support them.

7.2.3 The night time economy in large metropolitan areas such as London may have numerous 'centres' catering for the wide and varied range of interest of the large diverse population of the capital. Thus more localised centres in peripheral boroughs may exist alongside more renowned central London night time economies (e.g. West End, Camden).

7.2.4 A study of London's night time economy identified five 'centres' in Haringey: (it should be noted that the night time economy is not restricted to these centres however, as it may operate on a more diffuse geographical level):

- Crouch End
- Haringay Green Lanes
- Muswell Hill
- Tottenham
- Wood Green

7.3 National context

Growth of the night time economy

7.3.1 Broad societal changes in both work and leisure have undoubtedly provided the national backdrop to the growth of the night time economy. There has been a transformation in the way in which people work where the 9-5 routine is no longer the dominant pattern of employment. Further still, there are more leisure opportunities and more time in which to enjoy them. Deindustrialisation of city centres has also created the space for night time economy to develop creating room for new pubs, restaurants, residences and retail outlets.⁴ These social trends have evidently produced the conditions for the growth of

⁴ On the bounce: the Challenge of the night time economy Ed. Rowe & Bavinton, (2004)

⁵ Managing the night time economy: best practice guide, Mayor of London (2007)

⁶ Alcohol, Entertainment and Late Night Refreshment Licensing, Statistical Bulletin DCMS, 2008

⁷ Alcohol and the night time economy, Alcohol Concern (2007)

⁸ Managing the night time economy: best practice guide, Mayor of London (2007)

⁹ Alcohol and the night time economy, Alcohol Concern (2007)

¹⁰ Alcohol, Entertainment and Late Night Refreshment Licensing, Statistical Bulletin DCMS, 2008

¹¹ Alcohol, Entertainment and Late Night Refreshment Licensing, Statistical Bulletin DCMS, 2008

¹² Violence in the night time economy: key findings. Home Office (2004)

¹³ Managing the night time economy, Office of the Deputy Prime Minister (2005)

¹⁴ The night time economy in Bridgend, Overview & Scrutiny Report, Bridgend Council (2006)

¹⁵ Managing the night time economy: best practice guide, Mayor of London (2007)

night time economy.

7.3.2 As well as broader societal changes, there have also been a number of policy initiatives and legislative changes which have provided further impetus for growth of the night time economy. Chronologically these can be summarised as thus:

- Licensing Act (1988) allowed the continuous day time opening for licensed venues
- Licensing Act (1995) allowed continuous day time opening on Sundays
- Planning Policy Guidance 6 (1996) encourages Local Authorities to create distinct zones for night time leisure activities
- Good Practice Guide to Licensing for Magistrates (1999) removed necessity to issue licenses on the basis of need (i.e. demand test removed).
- Planning Policy Statement 6 establishes sustainable development as the core principle underpinning planning for town centres.

7.3.3 Perhaps the most significant legislative change to have occurred in relation to the development of the night time economy is the Licensing Act (2003). This legislation repealed all previous licensing laws and established a new single integrated licensing scheme. The key provisions within this legislation are:

- Responsibility for licensing decisions moved from the Magistrates Court to the Local Authority
- More flexibility for licensing and opening hours of premises (24 hrs)
- Licensing Authority expressly required to balance the needs of businesses with those of communities
- Licensing Authority is required to be mindful of the thriving night time economies and their importance for investment and employment.

The scale of the night time economy

7.3.4 Given the range of locations, venues and activities involved, it is difficult to fully quantify or describe the scale of the night time economy. The following data however, provides some guidance as to the possible nature and scale of its activities:

- The night time economy in the West End alone involves approximately 240,00 people each weekend evening⁵
- In 2008, there were approximately 210,000 licenses in operation in England and Wales of which 156,000 were authorised to sell alcohol; 12,000 new licenses are issued each year.⁶
- The number of premises licenses has increased by over 30% in the past 25 years.⁷
- Although employment is difficult to ascertain, it has been estimated that the Camden night time economy alone employs over 1500 people in 2004⁸
- In 2004, the pub and club industry alone was estimated to have a turnover in excess of £24 billion, which was equivalent to 3% of UK GDP.⁹
- In 2008, there were 6,300 premises with 24-hour licences; 3,900 were hotel bars, 1,300 supermarkets, 640 pubs, bars and nightclubs and 580 other premises types. 24 hour licences are increasing by approximately 14% each year¹⁰
- In 2008, there were 66,500 premises licensed for late night refreshment.¹¹

Benefits of the night time economy

7.3.5 As is suggested from the above, there is potential for local areas to derive tangible benefits from the operation of a successful night time economy. With appropriate planning and support it is apparent that the night time economy can provide a positive contribution in the following broad policy areas:

- Regeneration

- Employment
- Cultural development
- New housing

Challenges of the night time economy

7.3.6 There is now a wealth of data to suggest that the night time economy may not be a totally benign entity, but comes with a number of attendant challenges for Local Authorities and partner agencies. These challenges can be broadly characterised under three themes: alcohol related crime, disorder and antisocial behaviour; additional pressures on local public services and the potential exclusion of groups from areas where night time economy occurs.

7.3.7 There is considerable research evidence to suggest that there is a strong correlation between the operation of the night time economy and the incidence of violence, disorder and other criminal activity.¹² Such data would seem to infer that:

- Alcohol is a key contributor in violence and other criminal activity
- Peak offending occurs on weekend evenings (Friday through to Sunday)
- Peak offending is centred on locations around pubs and clubs.

7.3.8 Given the scale of the night time economy, it is clear that this can place additional pressures on local public services that support and regulate it. The impact on particular service can be far reaching; Accident & Emergency Services report that up to 70% of evening and weekend attendances may be alcohol related.¹³ Similarly, alcohol related crime and disorder may require additional resources and present a significant challenge to that way in which night time economy is policed. Other ways in which the night time economy may impact on local services are illustrated below:

- Additional demands on transport services, particularly after venues close
- Street cleansing: depending on its size, the estimated annual cost of street cleansing the night economy varied from £80,000¹⁴ (in Bridgend) to £300,000¹⁵ (in Camden)
- Additional enforcement of licensing, planning and noise nuisance
- Provision of adequate public conveniences.

7.3.9 Another significant challenge of the night time economy is to diversify its appeal. At present, alcohol and drinking are the dominant cultures within the night time economy and consequently has a very narrow appeal: predominantly young people aged under 30. Furthermore, associations between the night time economy and antisocial behaviour and crime may deter other people who may wish to enjoy activities in the night time economy. Thus, there is a danger of the night time economy becoming a solely youth drinking culture which may exclude many other groups who may otherwise want to enjoy activities in town centres at night.

Managing the night time economy

7.3.10 Given the inherent challenges it evidently presents, it is apparent that there needs to be a clear strategy to support the management of the night time economy. There are a number of inspection, regulation and enforcement powers available to the Local Authority and partner agencies to ensure the effective management of the night time economy.

7.3.11 A brief summary of the legislation which provides a framework for managing and regulating the night time economy is presented in the table below.

Legislation	Provisions in relation to managing the night time
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	economy
Environmental Protection Act (1990)	<ul style="list-style-type: none"> ▪ Requires LA to investigate and take appropriate action in events of statutory nuisance
Noise Act (1996)	<ul style="list-style-type: none"> ▪ Enables noise to be dealt with from licensed premises
Clean Neighbourhoods and Environment Act (2005)	<ul style="list-style-type: none"> ▪ Allows LA to issue fixed penalty notices to pubs/ clubs where noise exceeds permitted levels ▪ Provides LA with more powers to deal with environmental quality and associated ASB: including nuisance, abandoned vehicles, litter, waste, noise ▪ Enables LA to act swiftly to maintain safety and cleanliness of areas (i.e. spot fines for litter, fly tipping, abandoned vehicles)
Crime & Disorder Act (1998)	<ul style="list-style-type: none"> ▪ Requires LA, Police and PCT to work together to reduce crime and disorder.
Criminal Justice & Police Act (2001)	<ul style="list-style-type: none"> ▪ Allows fixed penalty notices to be give for disorder
Antisocial Behaviour Act (2003)	<ul style="list-style-type: none"> ▪ Establishes Antisocial Behaviour Orders ▪ LA and Police have a duty to enforce clear standards of behaviour
Violent Crime reduction Act (2006)	<ul style="list-style-type: none"> ▪ New powers for LA and police to tackle alcohol related disorder ▪ Drinking Banning Orders ▪ Alcohol Disorder Zones
Criminal Justice & Immigration Act (2008)	<ul style="list-style-type: none"> ▪ Amends ASB Act to introduce premises closures where there is significant and persistent disorder or persistent or serious nuisance.

Partnerships

7.3.12 The breadth of the night time economy is such that no single agency can practically support, manage or regulate this alone. It is therefore imperative that the Local Authority work with key partner agencies to develop shared vision and responsibility for the night time economy. Underpinning the strong partnership a range of interconnecting strategies and interdisciplinary working will also be required for the development of a successful night time economy.

7.3.13 There will need to be strong internal coordination of services to support the night time economy (possible list in Appendix 13.2). Similarly, the LA will need to work with a wide range of partner agencies, a list of probable external partners is contained in Appendix 13.1

7.4 Night time economy and enforcement in Haringey

7.4.1 The night time economy in Haringey is dispersed around a number of locations. Data from the Mayoral study of the London night time economy would suggest that these areas play different roles in Haringey's night time economy, with some locations having a particular emphasis on bars and pubs (i.e. Wood Green) whilst others on the provision of restaurants (i.e. Crouch End). In total, the Haringey night time economy is estimated to include venues with coverage of 48,000m². A table depicting the main activities of 5 centres within the night time economy in Haringey is given below.

Night time economy area	Cinemas/ Theatres (m²)	Bars/ Pubs (m²)	Cafés /Restaurants (m²)	Fast Food / take away (m²)

Crouch End	-	2,900	4,600	450
Harringay Green Lanes	-	1,460	3,540	1,260
Muswell Hill	1,410	3,380	2,940	480
Tottenham	-	4,150	790	1,760
Wood Green	4,920	5,120	2,690	3,500
Totals	6,330	17,010	14,560	7,450

Source: *Managing the Night Time Economy: Mayor of London (2007)*

7.4.2 There is still little data which is collated on the night time economy in Haringey however, data from a range of local sources would suggest that there are significant challenges in the regulation of the night time economy in Haringey:

- There are 8,000 small businesses in Haringey, 92% of which employ less than 24 people.
- There are over 2,000 registered food businesses (including restaurants, cafes)
- In 2008, there were 8,000 contacts from residents each year about noise nuisance.

7.4.3 Whilst the Council does not have an explicit strategy for the night time economy, a wide range of interconnecting policies and strategies underpin its development and regulation in Haringey (e.g. regeneration, licensing, gambling, safer communities, antisocial behaviour). The Council also has an enforcement policy and enforcement strategy which provides further guidance as to how it may respond to challenges within the night time economy.

Local Enforcement Policy

7.4.4 Each Local Authority is required to produce an enforcement policy; a statement of the approach that it intends to adopt to bring about compliance with regulatory requirements. The enforcement policy provides a statement of enforcement principles that the Local Authority will aim to adhere to such as transparency, openness, proportionality and consistency. The enforcement service's primary function is to protect the public, environment and various groups, such as consumers and workers, and to be committed to a fair and consistent application of such protection.

Local Enforcement Strategy (2007-2011)

7.4.5 The Council also has a detailed Enforcement Strategy which details the main enforcement challenges the authority faces, its priorities for action and the nature of enforcement services. The Enforcement Strategy supports the key strategic priorities set out in the Community Strategy.

- Safer, cleaner and more sustainable environment
- Healthier communities
- Supporting business improvement
- Effective and valued enforcement

Makeup of Haringey enforcement services

7.4.6 There are four enforcement services in Haringey:

- Commercial Services: Environmental Health (pollution control, Health & Safety at work and Food Safety).
- Environmental Crime: Street wardens and street enforcement teams, uniformed officers, street trading, litter, highways, trade waste, fly posting and graffiti.
- Housing & Health: removing housing risks in the private sector i.e. managing risks in homes of multiple occupation
- Enforcement Response: this is twofold, there is an area based service which

maintains links with enforcement partners and the out of hours service which is a holistic rapid response service covering noise, licensing and planning.

7.4.7 In 2007/8 these services had a combined budget of £6.6million. The majority of this funding was received directly through the Council (£4.7million). The remainder income for the enforcement service was obtained through paid for services (i.e. licensing) and grants (i.e. Plan Delivery Grant) and enforcement penalties.

Out of Hours Enforcement

7.4.8 The Out of Hours enforcement service is a key front line service in that it has a high public profile and receives over 8000 contacts from residents each year. Up until 2007, this service was predominantly a noise nuisance service, providing a rapid response to residential and commercial noise nuisance across the borough. The predominant nature of complaints from residents was loud music where over 6,000 complaints were received in 2008 (Figure 13.3).

7.4.9 Analysis of the source of complaints to the Out of Hours Service suggest that almost $\frac{3}{4}$ of complaints are domestic (Figure 13.4). In 2008 there were 1,641 commercial noise complaints, a rise of 21% for the previous year (Figure 13.4). Therefore, where the source of the complaint was known, approximately $\frac{1}{3}$ of all noise nuisance complaints to the Out of Hours service were about commercial services (Figure 13.4).

7.4.10 Whilst the Council has a duty to respond and investigate complaints on a 24 hour basis though there is no specific requirement for a 24 hour service. However, given the requirements of enforcement in the night time economy (e.g. targeted inspections, gathering evidence, issuing of fixed penalty notices), the hours of operation enforcement services need to reflect that of local night time economies.

7.4.11 In 2007, additional funding of £200k was provided to Out of Hours to enable it to develop the scope and responsiveness of the enforcement services it provided. This additional funding has allowed the service to recruit additional staff to operate a 24/7 enforcement service, which is able to respond to licensing and planning issues as well as its established role of noise nuisance. With the exception of Westminster Council, there are few integrated 24 hour enforcement service in operation across other London boroughs.

7.4.12 Cursory analysis of the performance of this new service indicates that it continues to receive approximately 700 noise complaints per month (period April 08 to December 08) and is now actively engaged in planning enforcement and licensing enforcement issues. Furthermore, the response times of this service is very high with almost 9 in 10 calls responded to within 30 minutes and approximately $\frac{2}{3}$ of site visits taking place within an hour (Figure 13.5).

7.4.13 Whilst the service would appear to be performing well in this enhanced role, the service has suggested that further service improvement and wider public benefit may be obtained through:

- More systematic assessment of the needs of the night time economy
- Improved coordination of other out of hours response services operated by the Council (i.e. highways, street cleansing)
- Improved partnership work across the borough to support the development of the night time economy.

Street Enforcement Service

7.4.14 The Council intends to restructure the Environmental Crime service to develop a new Street Enforcement Service (commence September 2009). The new Street Enforcement Service will develop new local area based teams to help assess local priorities, create action plans and improve responsiveness of environmental enforcement.

7.4.15 The anticipated benefits of this new environmental enforcement service include:

- Improved visibility and named officer contact for each ward
- Development of more effective local enforcement partnerships
- Closer working with local Members and residents
- Extension of rota patrols to 8am to 8pm.

8. Chief Financial Officer Comments

8.1 There are no financial implications directly arising from this report. Any recommendations from the proposed scrutiny review of out of hours enforcement which have financial implications for the Council will need to be clearly identified for consideration in the Council's budget planning processes.

9. Head of Legal Services Comments

9.1 The Head of Legal Services has been consulted in the preparation of this report, and makes the following comments.

9.2. The Head of Legal Services confirms the accuracy of the summary list of legislation which appears at paragraph 7.3.11 of the report.

9.3. The Head of Legal Services also supports the recommendations which appears at paragraph 4 of the report as a means to delivering on one of the Council's priorities.

10. Head of Procurement Comments N/A

11. Consultation

11.1 Representatives from the Enforcement team, including Enforcement Response were consulted in the development of this report and have approved the conclusions and recommendations made within it.

12. Service Financial Comments

12.1 The recommendations of this feasibility report will not give rise to any significant financial implications for the service.

13. Use of appendices /Tables and photographs

13.1 A possible checklist of borough teams who may be needed in managing the night time economy

- 13.2 A possible checklist of external agencies / partners for the management of the night time economy
- 13.3 Nature of noise complaints received by Out of Hours enforcement service 2007 and 2008.
- 13.4 Source of noise complaint received by Out of Hours enforcement service 2007 and 2008.
- 13.5 Performance of Out of Hours enforcement service April 08 – December 08.

14. Local Government (Access to Information) Act 1985

- Enforcement Policy, Haringey Council, 2002 (updated 2005)
- Enforcement Strategy, Haringey Council (2008)
- Managing the Night Time Economy: Best Practice Guide, Mayor of London (2007)
- Night Vision: Town Centres for All Civic Trust (2007)

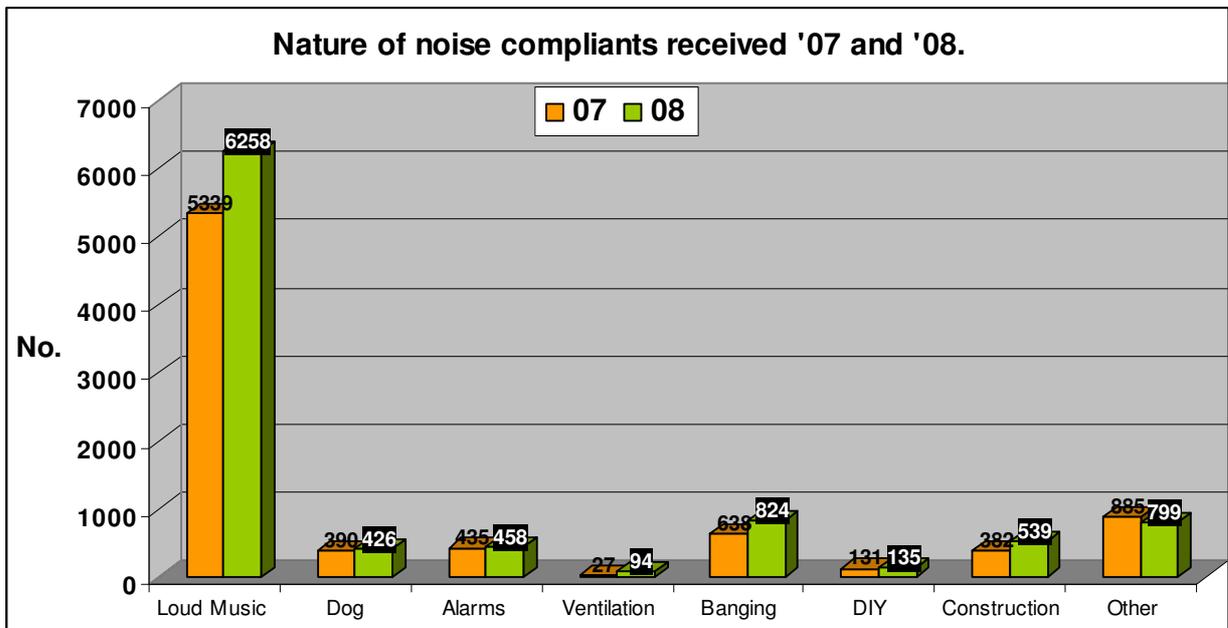
13.1 A possible checklist of borough teams who may be needed in managing the night time economy

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> ▪ Transport planning ▪ Planning ▪ Development/ building control ▪ Environmental Health ▪ Town centre management ▪ Alcohol and entertainment licensing | <ul style="list-style-type: none"> ▪ Street engineering ▪ Parking management ▪ Refuse collection ▪ Street cleansing ▪ Public conveniences ▪ Community safety / crime disorder | <ul style="list-style-type: none"> ▪ Drug & Alcohol teams ▪ Street wardens ▪ Art/ culture ▪ Trading Standards ▪ CCTV ▪ Regeneration/ economic development |
|--|---|---|

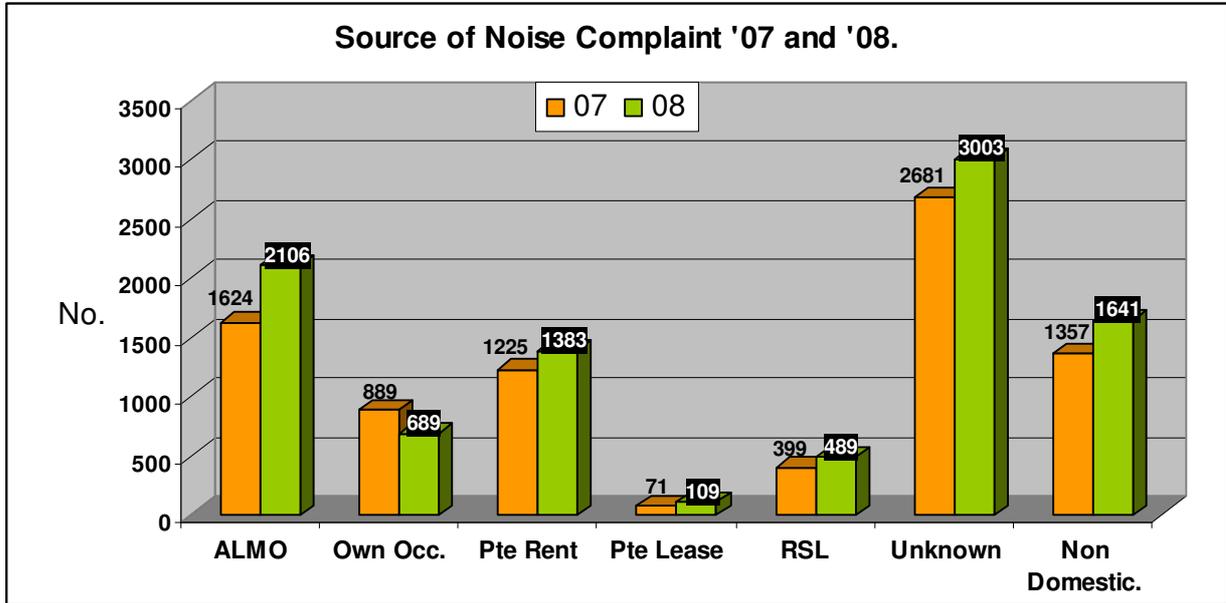
13.2 A possible checklist of external agencies / partners for the management of the night time economy

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> ▪ Police ▪ Transport for London ▪ Transport Police ▪ Licensees ▪ Night time economy users | <ul style="list-style-type: none"> ▪ Primary Care Trust ▪ Mental Health Trust ▪ Acute Hospitals ▪ Residents groups ▪ Community and voluntary sector | <ul style="list-style-type: none"> ▪ Fire Service ▪ Ambulance Service ▪ RSLs ▪ ALMO ▪ |
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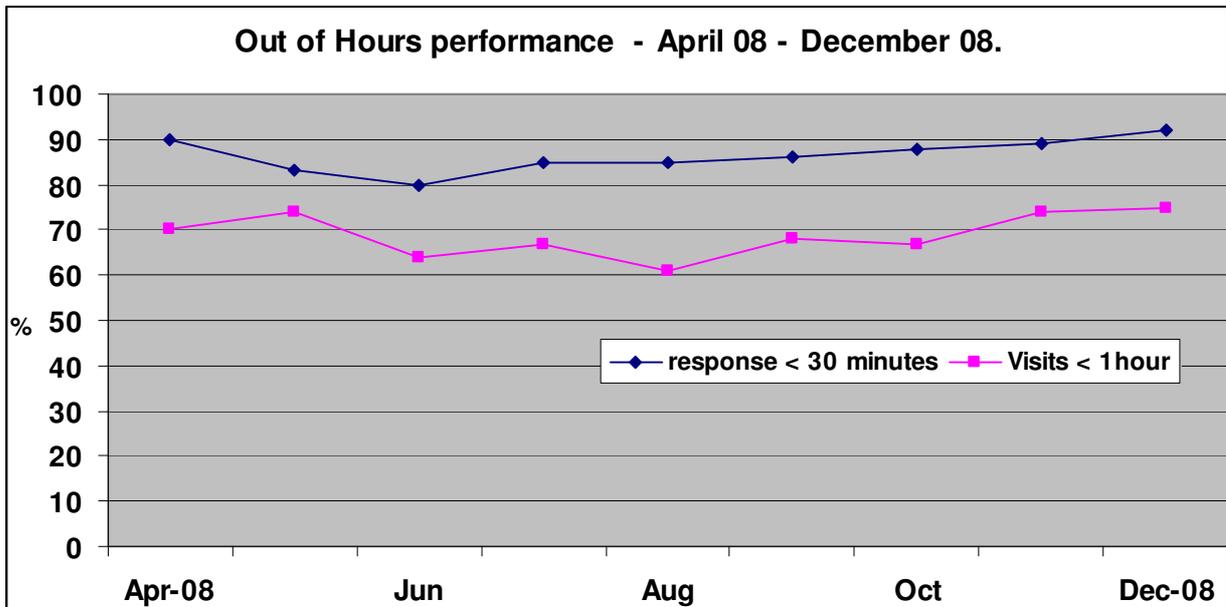
13.3 Nature of noise complaints received by Out of Hours enforcement service 2007 and 2008.



13.4 Source of noise complaint received by Out of Hours enforcement service 2007 and 2008.



13.5 Performance of Out of Hours enforcement service April 08 – December 08.



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