



CORPORATE COMMITTEE

Tuesday, 28th March, 2017

at 6.30 pm

Room 102, Hackney Town Hall, Mare Street,
London E8 1EA

Committee Membership

Cllr Will Brett, Cllr Barry Buitekant
Cllr Laura Bunt, Cllr Mete Coban
Cllr Susan Fajana-Thomas (Vice-Chair)
Cllr Katie Hanson, Cllr Christopher Kennedy
Cllr Michael Levy, Cllr Sally Mulready
Cllr M Can Ozsen, Cllr Clare Potter
Cllr Ian Sharer, Cllr Nick Sharman
Cllr Vincent Stops
Cllr Jessica Webb (Chair)

Tim Shields
Chief Executive

Contact:
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Governance Services Officer
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The press and public are welcome to attend this meeting

AGENDA

Tuesday, 28th March, 2017

ORDER OF BUSINESS

Item No		Page No
1	APOLOGIES FOR ABSENCE	
2	DECLARATIONS OF INTEREST - MEMBERS TO DECLARE AS APPROPRIATE	
3	CONSIDERATION OF MINUTES OF THE PREVIOUS MEETING	1 - 4
4	HIGHWAYS OBSTRUCTION AND ENFORCEMENT (A-BOARDS & TABLES AND CHAIRS) - VERBAL REPORT	
5	CAR PARKING POLICY	5 - 10
6	PAY STRUCTURE	11 - 22
7	COMMUNITY SAFETY TEAM AND NOISE NUISANCE ANNUAL REPORT	23 - 38
8	FIFTH ANNUAL REPORT - BOROUGH WIDE DESIGNATED PUBLIC PLACE ORDER (DPPO)	39 - 48
9	REGULATORY SERVICES UPDATE	49 - 74
10	WORK PROGRAMME 2017/18	75 - 76
11	ANY OTHER BUSINESS WHICH IN THE OPINION OF THE CHAIR IS URGENT	

Access and Information

Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane, almost directly opposite Hackney Picturehouse.

Trains – Hackney Central Station (London Overground) – Turn right on leaving the station, turn right again at the traffic lights into Mare Street, walk 200 metres and look for the Hackney Town Hall, almost next to The Empire immediately after Wilton Way.

Buses 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in the Committee Rooms and Council Chamber

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Copies of the Agenda

The Hackney website contains a full database of meeting agendas, reports and minutes. Log on at: www.hackney.gov.uk

Paper copies are also available from Governance Services whose contact details are shown on page 1 of the agenda.

Council & Democracy- www.hackney.gov.uk

The Council & Democracy section of the Hackney Council website contains details about the democratic process at Hackney, including:

- Mayor of Hackney
- Your Councillors
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- Speaker
- MPs, MEPs and GLA
- Committee Reports
- Council Meetings
- Executive Meetings and Key Decisions Notice
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- Introduction to the Council
- Council Departments

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal, HR and Regulatory Services;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Yinka Owa, Director of Legal on 020 8356 6234 or email Yinka.Owa@hackney.gov.uk



MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY, 13TH DECEMBER, 2016

Councillors Present: Councillor Jessica Webb in the Chair

Cllr Laura Bunt, Cllr Mete Coban,
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Katie Hanson Cllr Christopher Kennedy,
Cllr M Can Ozsen, Cllr Nick Sharman and
Cllr Vincent Stops

Apologies: Councillor Will Brett, Councillor Barry Buitekant,
Councillor Michael Levy, Councillor Sally Mulready,
Councillor Clare Potter and Councillor Ian David
Sharer

Officers in Attendance: Stephen Rix (Head of Litigation) and Dan Paul (Head
of HR & OD0

1 APOLOGIES FOR ABSENCE

1.1 Apologies for absence were submitted from Councillors Brett, Buitekant, Levy, Mulready, Potter and Sharer.

1 DECLARATIONS OF INTEREST - MEMBERS TO DECLARE AS APPROPRIATE

2.1 There were no declarations of interest.

3 CONSIDERATION OF MINUTES OF THE PREVIOUS MEETING

3.1 The minutes of the previous meeting held on 13 October 2016 were agreed as a correct record.

MATTERS ARISING

Annual Report of the Community Safety Team and Noise Nuisance-Construction waivers

3.2 Councillor Hanson requested that since the Council retained a database of construction waivers granted in the borough, whether it would be feasible to have an online public register of the waivers.
To request the Council consider having an online public register of granted construction waivers in the borough.

Corporate Committee Reports / Work Programme

3.3 Councillor Sharman reported that he had been liaising with the Director of Legal to improve the standard of Corporate Committee reports to ensure a consistent

approach to reporting to the Committee and a review of the Committee's work programme.

Highway Obstruction and Enforcement

- 3.4 Councillor Stops reported that a letter had been drafted to the Deputy Mayor of Transport requesting that the pavements between Old Street and Dalston Junction, Upper and Lower Clapton Roads, and Stamford Hill and City Road be deemed priority roads for highway obstructions and be designated zero tolerance areas for A- boards. The draft letter was currently being reviewed by the Director of Public Realm and Cabinet Member of Neighbourhood, Transport and Parks.

Action: The letter to be submitted to the Deputy Mayor for Transport.

4 PAY POLICY STATEMENT 2017/18

- 4.1 Dan Paul introduced to report on the Annual Pay Policy Statement 2017/18.
- 4.2 The Chair and Members expressed their significant dissatisfaction with the unsatisfactory administration and performance of the 2015 general elections in Hackney.
- 4.3 Members requested that the Council's Returning Officer consider waiving the parliamentary elections allowance awarded for the year 2015/16. Members believed that following the introduction of the government's new individual voter registration system there had been sufficient time for the Council to plan for the elections and submit the electoral data within the specified deadline. Due to the unsatisfactory management of the elections in Hackney residents had been unable to register their vote in the general elections despite having registered to vote. As a consequence of the poor performance the Council suffered adverse publicity and reputational damage.
- 4.4 Mr Paul stated that the elections duty allowance varied depending on the election being held. Parliamentary election allowances were set by statute and the Electoral Commission had set a minimum performance standard that Electoral Returning Officers had to meet to qualify for the general elections allowance. Mr Paul advised that the Electoral Commission had been monitoring Hackney Council's elections performance since 2015 and also the Overview and Scrutiny Committee was scrutinising the Council's performance.
- 4.5 Councillor Fajana-Thomas sought clarification in relation to the continuing payment of bonuses to former Hackney Homes staff which had been TUPE to Hackney Council and was contrary to the Council's current policy of eliminating bonus payments. Mr Paul explained that the bonuses were paid primarily to craft employees such as electricians under a previous productivity based incentive scheme that formed part of the employee's terms and conditions of employment. The Housing Team was currently in the process of reviewing this scheme and the Council would also be reviewing it following the transfer of Hackney Homes staff to the Council. However, any removal of the bonus scheme would have to be based on economic or technical reasons.

RESOLVED to agree the Pay Policy Statement and whilst obliged to recommend to the Council to approve the policy the Committee noted with concern in

relation to the 2015 general election the performance issues identified by the Electoral Commission.

5 WORK PROGRAMME 2016/17

- 5.1 Councillor Sharman indicated that it would be useful to have a brief summary of the report.

RESOLVED to note the work programme for 2016/17.

6 ANY OTHER BUSINESS WHICH IN THE OPINION OF THE CHAIR IS URGENT

- 6.1 There was no other urgent business.

Duration of the meeting: 6.30 - 7.05 pm

Contact:
Rabiya Khatun
Governance Services Officer
020 8356 6279

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CAR PARKING POLICY	
CORPORATE COMMITTEE MEETING DATE 2016/17 28 March 2017	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
CORPORATE DIRECTOR Tim Shields, Chief Executive	

1. INTRODUCTION

- 1.1 Following the TUPE of Hackney Homes back into Hackney Council, the Council has taken on responsibility for a number of services where car and van use is prevalent, as well as for additional depots and car parks. Trade Unions have raised the issue of a fair approach to car parking and requested a policy be put into place.
- 1.2 This report is presented to Corporate Committee as part of its remit in relation to Human Resources and is presented for DECISION.

2. RECOMMENDATION(S)

- 2.1 **Corporate Committee is recommended to approve the Council Staff Car Parking Policy**

3. REASONS FOR DECISION

- 3.1 In order to ensure a fair and equitable parking policy across Council employees and sites

4. BACKGROUND

- 4.1 Hackney Council has not needed to have an explicit employee parking policy in the past. We have had a relatively small number of employees who require parking and on street parking has been regulated by arrangements with Parking and Markets. These arrangements are not changing and current practice has been reproduced in the policy.
- 4.2 There has been very little off street parking available and there has been no need for a policy. However with the TUPE of Hackney Homes back into Hackney Council, the Council has taken responsibility for more off street parking and also more employees who drive council owned vans and/or require their own car for business purposes and need parking.
- 4.3 Historically, Trade Unions have raised with Hackney Homes issues with off street parking arrangements and, following the TUPE, have raised these issues with Hackney Council and have asked that a policy be developed. They have been consulted in the development of this policy and it addresses the concerns they have raised.
- 4.4 Managers have also been consulted and are satisfied that this policy strikes a balance between having an equitable policy on parking and delivering services on a day to day basis.
- 4.5 **Policy Context**

Parking is an emotive issue for employees. A clear, transparent and equitable policy helps to avoid workplace issues.

4.6 Equality Impact Assessment

The policy supports delivery of services and will be applied equitably across the workforce.

4.7 Sustainability

The Council discourages commuting by car and therefore parking permits are not available for commuting purposes.

4.8 Consultations

Trade Unions, managers and the Lead Member have been consulted

4.9 Risk Assessment

The development of this policy makes the Council's position transparent and thus reduces risks of challenge.

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

5.1 This report seeks Corporate Committee to approve the Council Staff Car Parking Policy.

5.2 The financial impact of the report is minimal as any cost arising will be funded from existing local budgets.

6. COMMENTS OF THE DIRECTOR, LEGAL

6.1 This report recommends the Corporate Committee to approve a Council Staff Car Parking Policy. The policy makes clear the criteria to be used when making decisions in respect of the allocation of car parking spaces. The policy also makes clear what conduct is expected from the employee when applying for the facility. The policy should be easily assessable, known and understood by all employees. The employer is duty bound adhere to the allocations policy to avoid discrimination claims against the Council.

APPENDICES

Appendix 1- Council Staff Car Parking Policy

BACKGROUND PAPERS

None

Report Author	Dan Paul 0208 356 3110 Dan.paul@hackney.gov.uk
Comments of the Group Director of Finance and Corporate Resources	Jackie Moylan, Director Jackie.Moylan@hackney.gov.uk
Comments of the Director, Legal	Juliet Babb, Senior Lawyer Juliet.babb@hackney.gov.uk

COUNCIL STAFF CAR PARKING POLICY

Introduction

Hackney Council strongly supports the use of sustainable transport methods for employees. As a borough, Hackney is well served by public transport, with a number of overground stations and also a national rail station at Hackney Downs. There are also a large number of bus routes within the Borough.

It is important that all employees are treated fairly and consistently when it comes to the management of the available car parking spaces at Council offices, depots and other locations. Therefore, this policy will apply to all employees.

It is recognised that in some instances, however, car and/or van use is necessary for the proper performance of duties. The aim of this car parking policy is to ensure that employees who require a vehicle for work have access to car parking (as much as possible), and that access for general commuting is not available. Non-compliance with this policy may result in disciplinary action.

Principles

1. Parking on-street and estates:

All liveried, non-liveried and grey fleet vehicles that need the ability to park across the borough need an All Zone Permit, which enable the holder to park across the borough. The cost of the All Zone permit will depend on the amount of emissions the vehicle produces. Current rates can be found here:

<http://www.hackney.gov.uk/media/2648/parking-permits-price-list/pdf/parking-permits-price-list>

Applications require the provision of a short business case explaining why the permit is required, and the average number of days the vehicle will be used per week. This must then be approved by a Director before being issued and is funded by local budgets. Applications can be made online by going to www.hackney.gov.uk/parking.

For parking on estates, staff must apply for an Essential Services Permit, which allows the holder to park on all controlled estates. Applicants must provide a clear justification of a business need, and have their request approved by the relevant Director. The practice of purchasing permits from Tenant and Resident Associations (TRA's) will cease.

Permits will not be issued for general commuting. Applicants giving false information may be subject to disciplinary action.

2. Parking in depots and car parks available to staff only

Car parking spaces at depots and council locations must be allocated by the building manager according to the following hierarchy:

1. Operational and pool vehicles required to carry out services (for instance picking up materials etc.)
2. Employees for which the provision of a space is a reasonable adjustment to enable them to attend work (as decided by the manager, normally upon a recommendation by Occupational Health). This includes disabled staff who need a parking space to be able to attend work.
3. Employees who, for that day, can demonstrate that they cannot travel to or from work at the times needed to deliver the service required (eg due to starting work at 4am) due to public transport not being available.
4. Employees using their own cars where, on that day, they need to go to a number of different locations and require a car for that purpose, and do not have access to a council vehicle for such purposes.

3. Enforcement

Vehicles parked in parking zones not displaying a valid permit are liable to receive a penalty charge notice, for which the driver will be held personally responsible for. Enforcement of this policy in depots and car parks available to staff only is the responsibility of the manager of the building or car park concerned, overseen by the relevant Director.



PAY STRUCTURE	
CORPORATE COMMITTEE MEETING DATE 2016/17 28 March 2017	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
CORPORATE DIRECTOR Tim Shields, Chief Executive	

1. INTRODUCTION

- 1.1 There were significant changes to the pay structure for council employees and also significant restructures of senior management during 2015/16 and 2016/17. Following a bedding in period, it has become apparent that as a result of the changes already made, the addition of one additional pay grade would be beneficial in order that services can restructure, consolidate management posts and deliver management savings whilst ensuring that pay remains appropriate to the duties and responsibilities of posts.
- 1.2 This report is presented to Corporate Committee as part of its remit in relation to Human Resources and is presented for DECISION.

2. RECOMMENDATION(S)

- 2.1 **Corporate Committee is recommended to approve the addition of the grade SM2 to the pay structure and amend the salaries for points in SM1.**

3. REASONS FOR DECISION

The Committee is recommended to take this decision to ensure that:

- Senior Officer pay accurately reflects the duties and responsibilities of the post without being excessive, bearing in mind a reduction of over 30% in chief officer numbers in 2015/16.
- Chief Officers can restructure their services and consolidate management posts, reducing management costs and delivering savings.
- Recruitment and retention of staff is manageable in new and larger senior officer posts.
- The pay structure remains equitable and equality-proofed.

Trade Unions have been consulted on the recommendations within this report.

4. BACKGROUND

- 4.1 Significant changes were made to the Councils pay structure in 2015/16 (see background papers for further detailed information). One of these changes was to introduce a new evaluation scheme for managers, delete two Chief Officer grades (CO5 and CO4) and create a new senior management grade (SM1).
- 4.2 There were further changes to the pay structure made in January 2016, when Corporate Committee agreed changes to the Chief Officer pay structure (CO1, CO2 and CO3). The full detailed background can be viewed in the background papers.

- 4.3 The Chief Officer changes have now bedded in and Chief Officers are looking for further savings in senior management by, amongst other things, consolidating posts and increasing spans of responsibility and control.
- 4.4 The changes described above have created a “gap” in the pay structure between the top of single status grades (SM1, £79k) and the bottom of Chief Officer grades (CO3, £102k). In order that the new and considerably smaller Chief Officer cohort may restructure services, it is recommended to add a new single status (non-chief officer) grade to the pay structure, SM2, to bridge that gap.
- 4.5 In order to differentiate senior management and Chief Officer and non-Chief Officer jobs it is considered appropriate that there is some gap between the grades and the proposals do maintain a gap, however a gap of over £22k is likely to hamper the ability of Chief Officers to effectively consolidate jobs and make further savings.
- 4.6 Furthermore, in the implementation of the new senior officer grading scheme, it has become apparent that the points range (200 points) attributed to SM1 grade does not allow the Council to distinguish enough between the smaller and larger jobs that currently fall within this grade. This is exacerbated by the fact that it is the only grade between PO15 and Chief Officer grades.
- 4.7 It is common with the introduction of a new grading scheme that changes are made post implementation to ensure it is fully effective, because the impact of the new scheme in the context of the organisation is not seen until after implementation. This is particularly the case when a new grading system is implemented in what is already a period of significant structural change. The expert consultants that worked with us agreed at the time that the Council would wish to review after 12 months and may wish to consider adding an additional grade in the gap between single status and chief officer grades.
- 4.8 In practical terms, this change would be effected by splitting the 200 point range currently attributed to SM1 in half, with the bottom 100 points meaning an SM1 grade and jobs achieving the higher 100 points being allocated an SM2 grade. Of the jobs currently evaluated at SM1 level, this would mean just two occupied posts moving up to SM2.
- 4.9 It is envisaged that only a small number of posts will end up being graded SM2. Experience with using the scheme so far is that in reviewing existing PO14 and PO15 grades against the new scheme, only a small proportion have been allocated SM1 grade. New posts are more likely to be graded at SM1, as they are bigger roles. This was expected when the grade was established.
- 4.10 To ensure that the gap in the structure is closed effectively and equitably with an appropriate gap between the grades, to ensure the same grade length in terms of salary for both SM1 and SM2, and to distinguish senior management

roles from PO14/15 roles, it is also proposed to amend the salaries paid to those employees graded at SM1 as shown in the appendix.

- 4.11 There are seven posts currently paid at SM1. Should the recommendations of this report be approved, two of these posts would be re-graded to SM2.

5. **Policy Context**

It is important that the pay structure remains appropriate, equality proofed and able to meet the needs of the Council and service delivery.

6. **Equality Impact Assessment**

The policy supports delivery of services and will be applied equitably across the workforce. Implementation of the recommendations will help ensure that the rate for the job is paid, limiting the need for market supplements and/or spot salaries.

7. **Sustainability**

None

8. **Consultations**

Trade Unions and the Mayor have been consulted. The Mayor has approved these proposals. Trade Union have commented and their comments are at Appendix 2. The management response to these comments is at Appendix 3.

9. **Risk Assessment**

The recommendations in this report reduce risks to the Council that may arise from the pay structure and from potential differentials and also reduce the risk of recruitment and retention problems in senior officer posts.

10. **COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 10.1 The report seeks approval for the inclusion of a new SM2 grade in the pay structure and to amend the salaries on the current SM1 grade.
- 10.2 The introduction of the SM2 grade will bridge the gap that currently exists within the pay structure and will provide flexibility to consolidate jobs and make further savings as highlighted in paragraph 4.3 to 4.5 by, for example, widening spans of control.
- 10.3 The financial implication based on paragraph 4.8 of two posts currently on SM1 grade being re-classified to SM2 is £13k per post rising to £20k when

they have reached the top of the grade. Amending the salaries on the current SM1 grade will currently affect five posts which will result in an additional cost of £5k per post. This will result in an overall additional cost of £65k which will need to be funded from within existing budgets.

- 10.4 The changes are made within the context of significant reductions in the number of senior managers since 2010, tiered increases in pension contributions which impacted on senior staff and forthcoming changes to the pension limits which may result in individuals being subject to increased tax liability. Staff affected may wish to consider taking advice from an independent financial adviser.

11. COMMENTS OF THE DIRECTOR, LEGAL

The Director of Legal has no comments to make on this report.

APPENDICES

Appendix - Pay structure with proposed SM2 grade inserted from April 2017

Appendix 2 - Trade Union comments

Appendix 3 - Management response to comments

BACKGROUND PAPERS

None

Report Author	Dan Paul 0208 356 3110 Dan.paul@hackney.gov.uk
Comments of the Group Director of Finance and Corporate Resources	Jackie Moylan, Director Jackie.Moylan@hackney.gov.uk
Comments of the Director, Legal	Juliet Babb, Senior Lawyer Juliet.babb@hackney.gov.uk

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0		From April 01/04/2016	From April 01/04/2017			From April 01/04/2016	From April 01/04/2017			
Grade	SCP	2016-17	2017-18	Grade	SCP	2016-17	2017-18			
SC1				P04	42	£40,380	£40,785			
					43	£41,304	£41,718			
					44	£42,228	£42,651			
	10	£18,846	£19,311	P05	45	£43,098	£43,530			
SC2	11	£18,978	£19,347		46	£44,055	£44,496			
	12	£19,299	£19,665		47	£44,988	£45,438			
	13	£19,638	£20,001	P06	48	£45,918	£46,377			
SC3	14	£19,947	£20,310		49	£46,824	£47,292			
	15	£20,217	£20,580		P07	50	£47,757	£48,234		
	16	£20,607	£20,907	51		£48,690	£49,176			
	17	£20,985	£21,252	52		£49,620	£50,115			
SC4	18	£21,330	£21,546	P08	53	£50,565	£51,069			
	19	£21,999	£22,218		54	£51,555	£52,071			
	20	£22,677	£22,902	P09	55	£52,560	£53,088			
	21	£23,376	£23,610		56	£53,568	£54,102			
SC5	22	£23,895	£24,135	P10	57	£54,561	£55,107			
	23	£24,495	£24,738		58	£55,554	£56,112			
	24	£25,185	£25,437		P11	59	£56,550	£57,114		
	25	£25,875	£26,136			60	£57,555	£58,131		
SC6	26	£26,601	£26,865	P12	61	£58,542	£59,127			
	27	£27,378	£27,654		62	£59,541	£60,135			
	28	£28,158	£28,440		63	£60,552	£61,158			
S01	29	£29,133	£29,424	P13	64	£61,530	£62,145			
	30	£29,994	£30,294		65	£62,532	£63,159			
	31	£30,831	£31,140		P14	66	£63,813	£64,449		
S02	32	£31,635	£31,953	67		£65,118	£65,769			
	33	£32,478	£32,802	P15		68	£66,435	£67,101		
34	£33,294	£33,627	69			£67,812	£68,490			
P01	35	£33,915	£34,254	70	£69,189	£69,882				
	36	£34,725	£35,070	P02	37	£35,607	£35,961			
P02	38	£36,549	£36,912		SM1	1	£72,791	£73,519	New proposed SM1 wef 1/4/17	£76,000
	P03	39	£37,629	£38,007		2	£74,564	£75,310		£78,000
40		£38,532	£38,919	3		£76,335	£77,098		£80,000	
41		£39,459	£39,855	4		£78,112	£78,894		£82,000	
				SM2	1	NA	£88,000			
					2	NA	£90,000			
					3	NA	£92,000			
					4	NA	£94,000			
				C03	1	£101,000	£102,010			
					2	£107,060	£108,131			
					3	£113,120	£114,251			
				C02	1	£114,130	£115,271			
					2	£120,190	£121,392			
					3	£126,250	£127,513			
				C01	1	£141,400	£142,814			
					2	£146,450	£147,915			
					3	£151,500	£153,015			

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Response from UNISON

The proposals are a breakaway from the national agreement and break the single status agreements. Hackney are at risk of creating a breaking away from the national pay agreements from other authorities around the country that will impact on terms and conditions.

The pay increases are unfair

Up to SCP 17: average increase 1.81%

SCP 18 – 70: 1%

SM1: 1% on the agreed deal, 4.4% to 4.98% on the new rates

SM2: assuming this grade benefits people on the top of SM1, the pay-rises vary from 12.66% to 20.34%

The report mentions that Senior Officer pay accurately reflects the duties and responsibilities of the post without being excessive, bearing in mind a reduction of over 30% in chief officer numbers in 2015/16, but there are numerous service areas and grades that have also faced a 30% reduction in staff numbers, which has also increased their workload and responsibilities.

Senior managers can and do delegate work down the management reporting lines to much lower paid staff that have faced 30% cuts in staff and they don't have the luxury to delegate work to anyone.

The argument that senior managers are having to do more is replicated all the way down the structure due to funding cuts

The staff that are under most pressure are front line, and also to some extent the lowest level management who are doing more for less. I would feel very uncomfortable with a deal that increases pay at the top by more than pay at the bottom- when most staff get 1%.

The council have an overspent on the Hackney Town Hall repairs and are facing massive budget cuts so this is not the time to increase already highly paid managers salaries

Response from UNITE

At a time when the council is facing significant challenge and when many staff particularly those at the frontline are being asked to do more with less, the proposed increases for the creation of the SM2 grade are unacceptable. They are not supported by the Unite Union, who, maybe mistakenly, are expecting Senior Management to lead from the front when it comes to belt-tightening.

In the last period we have seen estate cleaners, some of the lowest paid staff in the organisation, have their bonus payments removed, we have seen many areas restructured with those that have left on VR having their workload passed onto those that have remained.

We have seen what feels like an increase in private consultants paid over and above the odds.

Many of us work for Hackney out of a sense of service, public spirit and because we actually enjoy the place. In many cases better terms may be on offer elsewhere. Furthermore, we do not accept the argument put forward that this grade needs to be created so that sections can be restructured effectively. Restructures have continued apace without the creation of the SM2 grade. Unite Opposes this and asks the Council to seriously consider how increases above inflation, for the upper quartile of managers looks and feels to ordinary members coping with the rising cost of living which is outstripping and has outstripped council wage rises for some time

Response from Management to Trade Union comments

These proposals do not break national agreements. Terms and conditions (other than pay) are not changing. The national agreement on pay covers the Greater London Provincial Council (GLPC) pay spine up to point 70. These posts are local pay points above point 70, which is a common approach amongst London councils and indeed already implemented at Hackney in the creation of SM1.

When restructures take place, new jobs are evaluated against the grading scheme. This applies equally to lower graded staff and indeed as duties and responsibilities increase, so the points allocated to the post increase and the grade increases. The purpose of evaluating posts as we do, across the entire structure, is to ensure that pay and grading accurately reflects the responsibilities and duties attached to posts.

The report outlines the financial implications which management consider are reasonable. This approach will facilitate further savings in service management, again as detailed in the report.

Estate cleaners bonus payments were an entirely separate issue not linked to a grading scheme and the changes were made to address a long standing inequality. Agreement was reached with Trade Unions on how to deal with this issue before changes were implemented.

Consultants and agency staff are again a separate issue – however, ensuring that a competitive rate can be paid to direct employees contributes to reducing the need for such arrangements. Indeed, the Council has introduced a market supplement policy that is applicable across the entire structure in order to assist in addressing issues where we are not competitive in the market for direct employment.

In summary, management believe that the proposals in this report are necessary and will facilitate further organisational change, and thus ask Members to approve the recommendations.

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COMMUNITY SAFETY TEAM AND NOISE NUISANCE ANNUAL REPORT

**CORPORATE COMMITTEE
MEETING DATE 2016/17**

28 March 2017

CLASSIFICATION:

Open

**If exempt, the reason will be listed in the
main body of this report.**

WARD(S) AFFECTED

All Wards

CORPORATE DIRECTOR

Tim Shields, Chief Executive

1. CORPORATE DIRECTOR'S INTRODUCTION

The Corporate Committee has requested annual reports on the development of the council's response to noise nuisance, this is the fifth annual report.

This report comes immediately before implementation of a new Community Safety, Enforcement and Business Regulation Service, which is scheduled to be introduced on the 3rd of May 2017.

Noise nuisance in Hackney will continue to receive a holistic approach that looks at statutory noise nuisance and noise as anti-social behaviour together, so that the most appropriate action and legislation can be used based upon the circumstances of the particular case. The new service area brings together a wide range of enforcement services providing greater resilience and ability for specialists to collaborate and cases to be prioritised.

This report provides an update on the volume of noise complaints, a breakdown of the individual types of noise and associated matters within the services workload, including Temporary Event Notices, which continue to place an enormous demand upon limited staff resources.

2. RECOMMENDATION(S)

2.1 The Corporate Committee is recommended to:

Note the content of this report

3. REASONS FOR DECISION

Not applicable to this report

4. BACKGROUND

Executive summary

4.1. Background

4.1.1 Since 2013 The Community Safety Team has had responsibility for noise complaints, adopting a more holistic methodology of managing noise and antisocial behaviour (ASB) as nuisance cases and using a wider range of tools to tackle issues as one team of officers. Prior to this, potential cases of statutory noise nuisance were investigated by Pollution Control and anti-social behaviour (which could include noise) was investigated by the Community Safety Team. This meant that on occasions the same behaviour or a series of incidents between the same parties some involving noise and some other

types of ASB, could be investigated by two different Council services in isolation.

4.1.2 The new approach in terms of case management and pro-active deployment of staff against persistent premises or people responsible for noise related complaints, has resulted in three consecutive years of a gradual reduction in noise nuisance ASB cases compared with the years prior to the 2013 implementation, which saw annual increases.

4.1.3 The Community Safety Team has a range of other responsibilities which includes providing the out-of-hours noise service. This additional demand involves the teams staff working to a four week rota and staffed from within the team and not additional officers just working the out-of-hours shifts as occurs on some boroughs. The Team is also involved in statutory consultations in the case of licensing applications, responses to Temporary Event Notices, non-statutory consultations in planning matters and issues around notices related to construction noise.

4.1.4 The new Community Safety, Enforcement and Business Regulation Service will continue to provide a holistic approach to noise nuisance and ASB but the specialist noise elements highlighted above plus matters of odour and smoke complaints, will be aligned to regulatory work and more general ASB related noise will be case managed through two teams with both investigative and patrol staff. To support the working practices within the new structure, the specialist noise team re-located to the current Regulatory Service in October 2016.

4.2. Detailed Report

4.2.1. In late 2011 an incremental process began of merging the noise pollution team into the Safer Communities Service to improve the overall service provision towards noise and antisocial behaviour (ASB). The synergy between these elements of nuisance was recognised by government in legislation and guidance and noise is included as a category of ASB. The aim of the change was specifically to move towards a more holistic approach to managing noise and ASB; not as separate issues with different methods of dealing and using narrow legislative and procedural paths but by taking a broader view of options to manage cases to appropriate resolution.

4.2.2. Initially the teams were co-located then during early 2013 a service restructure was undertaken, to combine the two teams into one and also to achieve a revenue funding reduction for the Community Safety and Pollution Control teams jointly of £430k. This also provided the opportunity for the introduction of modified approaches to working with revised roles for staff that would mean that for domestic noise cases, the officers would be able to take the case in whichever direction it needed and have the tools and powers to deal accordingly as opposed to cases starting with one team and then having to be handed over to another. The same held true to a lesser extent with commercial noise cases with the specialist officers within the new structure

being better equipped to consider and use a broader range of tools and powers.

4.2.3. The new model of delivery was based upon that used by Manchester City Council, the principle being of a combined ASB and domestic noise nuisance service and a move from purely re-acting to noise complaints, to one of prioritising complaints and pro-actively focussing on the most problematic perpetrators and premises. This is an approach also adopted by several other local authorities including Newham and Tower Hamlets.

4.2.4. This model included a more robust initial service request triage process using all the information available to the team which includes police officers and police information systems co-located within it and leading to better identification of repeat and vulnerable persons which is a key responsibility for the team.

4.2.5. The Community Safety Team undertakes a role much wider than that of investigating noise complaints, including 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 and other demands. The Community Safety Team also undertakes enforcement work that includes closure orders, injunctions, controlled drinking zones and use of the new powers provided by the Antisocial Behaviour, Police and Crime Act 2014. Additionally the team leads on projects such as the introduction of property marking schemes including products such as 'SmartWater' and burglary target hardening projects.

4.2.6. The revised team has since 2013 been required to deliver an out of hours noise nuisance service from within the resources allocated through the service re-structure of that year.

4.2.7. The out-of-hours service operates to deal both reactively and proactively with noise Thursday 6.30pm to 2am, Friday 9pm – 5am, Saturday 9pm – 5am and Sunday 6.30pm – 2am. Staff work a roster to cover this service, which abstracts them from working on their own caseloads for four working days each four week period (two on out of hours and two for rest days following the weekend working). Therefore 25% of staff are abstracted through provision of the out-of-hours service at any one time.

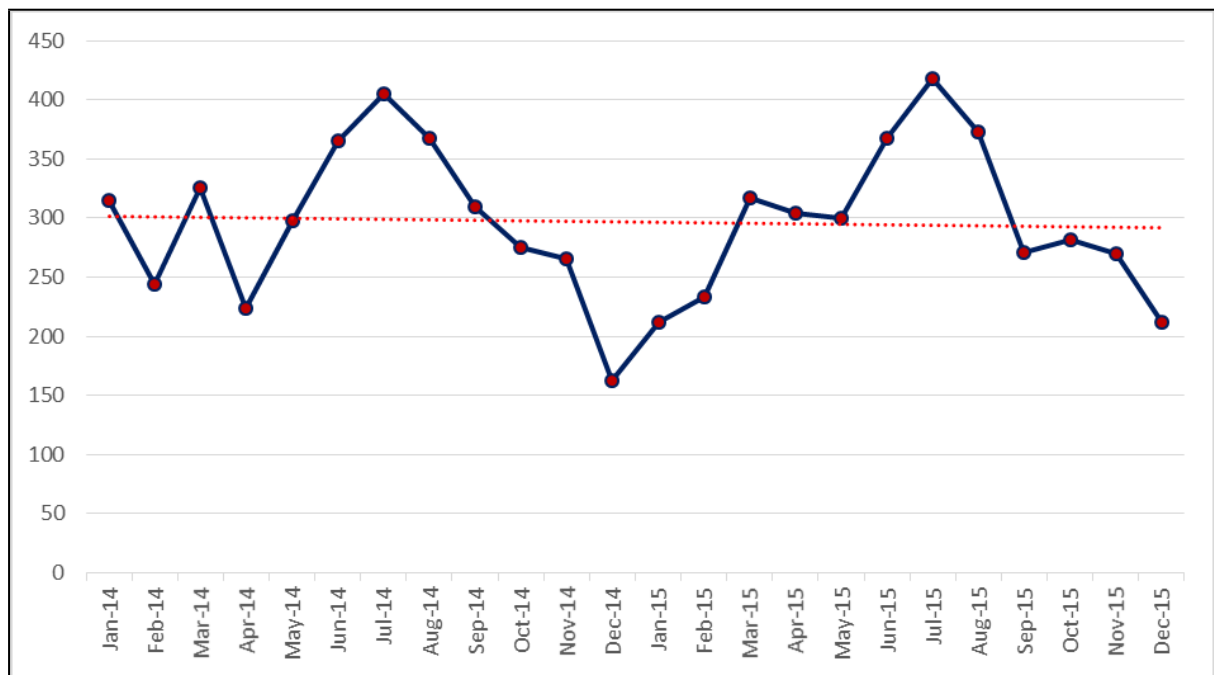
4.2.8. The provision of an out-of-hours service has been challenging as the demand is unpredictable and at times of peak fluctuation can result in 20 service requests in an hour, with a maximum of two staff to answer the requests and two deployed outside to respond to them. It is not simply a question of answering a call taking a few details and asking an officer to attend. In each case research needs to be done to establish past history which could impact on the risk to attending officers or identify what appears to

be a low risk incident as one of a series of incidents which taken together identify a high risk or vulnerable victim. Equally the time taken to attend a service request and deal with it can range enormously from 15 minutes to attend an address, provide advice and get a co-operative response that resolves the original complaint, to half a shift or more spent dealing with a complex rave in remote wooded areas 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.

4.2.9. The total volumes of demand (individual contacts requiring a response) for all categories of service request relating to noise nuisance during the past three calendar years were as follows:

Month	2014	2015	2016	Grand Total
Jan	536	390	395	1321
Feb	403	427	438	1268
Mar	539	526	427	1492
Apr	387	564	410	1361
May	507	528	487	1522
Jun	603	602	411	1616
Jul	659	640	580	1879
Aug	622	555	535	1712
Sep	546	433	460	1439
Oct	570	546	442	1558
Nov	567	676	506	1749
Dec	433	487	406	1326
Grand Total	6372	6374	5497	18243

4.2.10. The figures above relate to new and unique cases that are raised but do not reflect the complete workload of the team. The numbers of new cases as recorded in the system has reduced since the introduction of the new way of working but that is because the new processes do not create a new unique worksheet for every call, regardless of whether or not there is already an existing case, which was the method previously used. Now, a further enquiry is added to existing cases, so that repeat victimisation and emerging patterns can be readily identified. The change in method for recording casework should be noted when comparing the statistics in Appendix A, with the sharp drop from 2013 to 2014 due predominantly to a change of reporting process. The trends within the graphs do however show an incremental increase from 2006 to 2012, then a trend of reductions from 2013 during and after the introduction of a risk and vulnerability based approach. A monthly breakdown for 2014 and 2015 below shows the downward trend line in more detail.



4.2.11. Triage - The new method of working introduced in 2013 was specifically designed to identify repeat calls and deal with them as such and not unique incidents, making ongoing management of cases more effective. The initial triage process when new service requests are received, in addition to physically logging a case, requires research to ensure past history and action is collated so that a full history is available. Each service request requires this research process, which is far more resource intensive than a basic call handling role but essential to prevent new cases being logged and not dealt with in their true historical and risk based context.

4.2.12. The benefit of the new holistic (Noise and ASB being considered as nuisance and not separately) approach was shown for example by the use of a closure order under ASB legislation on a restaurant that had been subject of a large number of noise but also related anti-social behaviour complaints and officers taking a broad approach to resolving the matter also linked with the fire brigade to ensure the use of fire safety regulations were in place to deliver longer-term compliance and risk reduction. The use of noise legislation warrants of entry is now used for the seizure of sound systems in joint operations with Hackney Housing and the police in domestic premises. A number of noise cases that did not reach a statutory level of nuisance and therefore not able to be dealt with by traditional noise only legislation, have been resolved by use of ASB powers by the more generically trained officers with the use of new Community Protection Warnings and Notices. A number of these would not have been resolved under the previous siloed split team system or at the very least would have been initially dealt with by the previously separate noise team for a number of weeks or in some cases

months before handing over to the previous ASB team, an unsatisfactory position for those suffering as a result of noise.

4.2.13. In summary the more holistic approach balances a need to have a service that can respond to service requests for officer attendance at incidents, with a pro-active approach that appoints officers to investigate often complex cases that have high risk or vulnerability attached and /or involve persistent perpetrators or premises. Looking at the extremes of achieving this balance of resource deployment, if all staff were deployed on responding to out-of-hours calls, this would still be insufficient to attend each call as the volume is too great and there would be no one to follow-up, analyse previous incidents and conduct an investigation, gather evidence, seek informal resolution or undertake formal enforcement action. Similarly no out-of-hours service would result in some relatively simple to resolve matters that require a quick intervention, escalating as well as public dissatisfaction with a lack of response. It is perhaps important to highlight that the police adopted a position 30 years ago, where they prioritise calls and only send officers as an immediate response to those incidents that required it, with the remainder subject of a follow-up in due course.

4.1.14 Temporary Event Notices (TENs). 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 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. The second change was the Police Reform and Social Responsibility Act 2011 that came in to effect in April 2012. This was more substantive, had a significantly wider scope than the earlier LRO and resulted in a large increase in TEN's applications. The third was the Deregulation Act 2015 that came in to effect in January 2016. This increased the maximum number of TENs a premises can have from 12 to 15 per calendar year.

4.2.15. The number of TENs that are received by the Council, has increased considerably over recent years, placing a significant demand on police licensing, council licensing and commercial noise specialist officers. The Responsible Authorities (RAs) of which the noise service is one and the police are the other in the case of TENs, have the responsibility to ensure minimal public nuisance caused by the granting of TENs. However the legislation is extremely permissive for the applicant and specifies rigid timescales for response/refusal that if not met mean automatic acceptance of the application. To consider whether an objection should be made, research needs to be undertaken in respect of the past history of the applicant and premises to identify any risks. This can be particularly time-consuming and challenging when set against the volume of applications received and timescales imposed by the legislation. Based upon recent volumes the Council would need to employ at least four full time officers to undertake a review from a "noise" responsible authority perspective of each application, this is in addition to licensing staff. The council only has the resources to

deploy a single officer to this role and so assessment of which applications to review has to target those applications which stand out as the most obvious to have been historically problematic.

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	

4.2.16. The Council has undertaken a review of the TEN's process and looked at the issue across England and Wales. The demand in Hackney has been disproportionately high. Looking at 2015 Westminster had around 3000 TENs, Cornwall just over 2,200, Hackney around 2,000, Birmingham 1,200, Brighton and Hove 1,000 and Islington 830. Hackney had the second largest volume of TEN's applications in London and one of the largest across England and Wales.

Hackney TENs

2011		1288
2012		1865
2013		1896
2014		2137
2015		2060
2016		2213

4.2.17. The Calendar Year data above shows a year on year increase other than a slight reduction in 2015 and levels in 2016 moving towards double the number of applications in 2011. January 2017 saw 108 applications, the highest ever recorded in that month compared to previous years, the trend upwards therefore continues. A more detailed breakdown of the volume of TEN's is shown at Appendix A Chart 5.

4.2.18. Whilst the permissive nature of the legislation cannot be changed, the review of the TEN's process undertaken by the Council has identified a range of opportunities to enhance ways of dealing with them, in order to provide some management of demand through new IT based processes and opportunities for potential co-location of staff to enable a more focussed attention on applications. As an example in the run up to Christmas, staff were re-deployed from other work to manage the significant seasonal increase in applications. Whilst this is not always possible, the development of a more flexible set of services as part of the new Community Safety Regulatory and Enforcement Service, will provide opportunities to flex staff to changing demands. Details of the new service are provided below.

4.2.19. Construction Noise – This often relates to planning matters but normally after actual work on site starts. The amount of construction in the borough has increased considerably in the past 10 years and this has led to an average annual number of notices agreed or served under S.60 and S.61 of the Control of Pollution Act 1974 of 322. Many of these require very detailed negotiations and many site visits throughout the lifetime and various phases of each construction project.

New Community Safety, Enforcement and Business Regulation Service

4.2.20. With effect from 3rd of May 2017 a new service entitled “**Community Safety, Enforcement and Business Regulation Service**” is to be created within the Public Realm Division of the Neighbourhoods and Housing Directorate.

4.2.21. Currently enforcement is carried out in three services Community Safety (within the Chief Executive's Directorate) Environmental Enforcement (within the Environmental and Waste Strategy Team within the Public Realm Division) and more specialised enforcement is carried out within the Projects and Regulatory Services Team (also within the Public Realm Division).

4.2.22. Using the principles of the previous re-structure that amalgamated Community Safety and Pollution Control, the new service will create an integrated enforcement service, with all of these enforcement responsibilities brought together under one service located within the Public Realm Division which would include three separate teams:

Community Safety
Enforcement
Business Regulations

4.2.23. The existing CCTV, Emergency Planning, Integrated Gangs Unit, and Prevent co-ordinator will be within the Community Safety team.

4.2.24. The new service includes the creation of an Integrated Partnership Unit and Intelligence Hub – This unit brings together all strategy, partnership, partnership support and intelligence capabilities and will undertake and coordinate the strategy and partnerships actions for the entire service creating a consistent joined up approach to strategy development and delivery, also enabling through capacity and efficiency improvements the simplification of how this service collaborates corporately with partners and stakeholders and between services and disciplines. The unit also brings together all performance management and enables implementation of effective joint tasking based upon strong integrated evidences. The unit also enables simplification of reporting and data management processes and ensures that all functions benefit from analytical expertise.

4.2.25. Creation of a Business Regulation Unit – This unit brings together licensing trading standards and all the main business engagement enforcement specialisms into one place under a single management structure. It captures and delivers what's best about specialist service delivery but also enhances this with greater joint working and flexibility, creating greater capacity to address demand and solving entrenched and complex issues and problems. This will serve to reduce duplication, simplify customer processes and encourage and enable a partnership and prevention relationship to be formed with businesses which will see a rebalancing in activities from tick box inspection and punitive action to positive support mechanisms supporting businesses to self- regulate and enabling a focus on tackling the worst examples of non-compliance in a more effective way.

4.2.26. New Generic Uniformed Borough Wide Enforcement – This unit brings together all the various frontline enforcement response services and maximises capacity to address visibility and volume offences such as street urination, dogs, noise nuisance, fly tipping etc. and also enables the provision of a seamless delivery of frontline enforcement and emergency response service provision across the borough. This will build capacity to respond to demand and seek to achieve behaviour change and a reduction in volume ASB regardless of where this occurs. The creation of this unit maximises eyes and ears resource and also simplifies triage for more serious offences and problems to higher level case management for resolution. This unit also provides greater capacity to address Out of Hours demand.

4.2.27. Managing out of hours demand and improving response – The current out of hour's service provision is insufficient and struggles to meet the needs of residents especially with regard to managing noise complaints and the demands associated with the night time economy. The new structure aligns more resource to out of hours service provision through a mixture of shift based working (Primarily the Enforcement Unit) and an on-call resilience to provide additional specialist resource as it is required or in the event of

emergency management. A new shift pattern covering the peak times for out of hours service provision (Thursday to Sunday) is built into revised Job Descriptions. The programme will plug the gap that currently exists in the out of hour's service provision. It will develop a larger peak time out of hour's resource.

4.2.28. Enhanced role design – Roles within the new structure are designed to be as flexible as possible enabling the allocation of resources flexibly and proportionately to address service responsibilities and demand, recognising that these demands can change frequently and at short notice. Skills required to work in this more flexible way will be highlighted in role design and training needs of new post holders will be assessed and a continuous professional development plan will be put in place.

4.2.29. Streamlined management – The new structure and particularly the design, number and distribution of management roles provides the opportunity to streamline decision making responsibilities ensuring a joined up and efficient approach to service delivery is achieved. This is enhanced by having a single Head of Service responsible for all enforcement and enforcement related service delivery.

4.2.30. Seamless Public Realm Enforcement Service delivery – The structure change proposed will ensure the enforcement service operates in a seamless way across the public realm which includes Council housing estates. This focus will enable the service to focus on what matters most regardless of where it happens and will be particularly beneficial in joining up activities relating to a number of areas including but not limited to Anti-Social Behaviour (ASB), Gangs, Dog Control and standards of cleanliness across the entire Public Realm.

4.2.31 An important element of a new seamless service that includes Hackney Housing estates, is the re-alignment of the Hackney Housing ASB Team into the Enforcement part of the new service. This will enable a more cohesive response to the most serious types of ASB in relation to Hackney Housing properties, whilst retaining within Hackney Housing, the neighbourhood teams to respond at a local level to a range of issues including less serious ASB. The new service also includes an uplift in uniformed enforcement officers to provide an enhanced patrol capacity on Hackney Housing estates.

4.2.32. Reducing the regulatory burden upon business - The aligning and joint tasking of services, particularly in business regulation, will ensure the elimination of unnecessary multiple visits to premises. The aim will be to undertake all necessary enforcement inspections in a single visit. Before enforcement takes place the new enforcement service will seek options to support the business through the plethora of legislative restrictions to enable them to set a course to compliance without the need to recourse to formal enforcement action. This approach will benefit all businesses but particularly

new businesses and it will also reduce demands on enforcement service making it more efficient.

4.2.33. Creating a single point of contact for customers - A unified back office will create more efficiencies and improved support to both customers and frontline officers. This pooling of back office resource will also enable a greater workload to be addressed and therefore build capacity to undertake more of the technical and administrative duties of frontline officers enabling them in turn to spend a greater amount of time actively addressing non-compliance on the frontline that adversely affects customers. Customers will benefit from having a single point of contact that can triage appropriately to the right resource to address the issue – Eventually this triage can be designed to be automated through ICT development.

4.2.34. Building flexibility for the future – The new model will enable the pooling of resources allowing them to be used and allocated more flexibly in line with changing organisational priorities and a changing borough. Further the model can be easily adapted to organisational changes such as inclusion of other service provision or to secure opportunities such as cross borough working.

4.2.35. In total the restructure reduces established enforcement FTE's across enforcement services from 103 down to 91 a net reduction of 12. Of the 103 roles in the current structure, 17 roles are presently vacant. This means there are more posts in the new structure than there are employees to fill those posts. There will be a reduction in the number of "services" (i.e. those functions with an identified Head of Service) involved in enforcement from 3 to 1. In total the number tier 3 and 4 management roles reduces from 17 in the current structures to 10 in the new structure. This represents a reduction of 31%.

4.3 Policy Context

Community Safety Partnership Plan

4.4 Equality Impact Assessment

Not applicable to this report

4.5 Sustainability

Not applicable to this report

4.6 Consultations

Not applicable to this report

4.7 Risk Assessment

Not applicable to this report

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

- 5.1 There are no direct financial implications arising from this report given that it reports on past activity. The current financial position of the Council however means that finances must always be borne in mind and consideration must be given to the level of resource that the council can reasonably invest in the services covered within the report versus others that the Council provides.
- 5.2 With this in mind, the report refers to the establishment of a Community Safety, Regulatory and Enforcement service that will look at wider service delivery and related costs with a view to ensuring an efficient and cost effective service is provided going forward whilst contributing the overall requirement for savings to be made.

6. COMMENTS OF THE DIRECTOR OF LEGAL

- 6.1 The creation of the new Community Safety, Enforcement and Business Regulation Service will require the Council's constitution to be amended in particular the schemes of officer delegation.
- 6.2 There are no specific legal implications arising from this report

APPENDICES

Appendix A – Breakdown of case categories and demand since 2006 to 2105

BACKGROUND PAPERS

None

Report Author	Steve Bending, 2017 steve.bending@hackney.gov.uk
Comments of the Group Director Of Finance And Corporate Resources	Michael Honeysett, 3332, michael.honeysett@hackney.gov.uk
Comments of the Director of Legal	Bhavna Joshi, Ext. 6287 bhavna.joshi@hackney.gov.uk

APPENDIX – A

Chart 1: Noise complaint summary Calendar Years 2006 to 2016

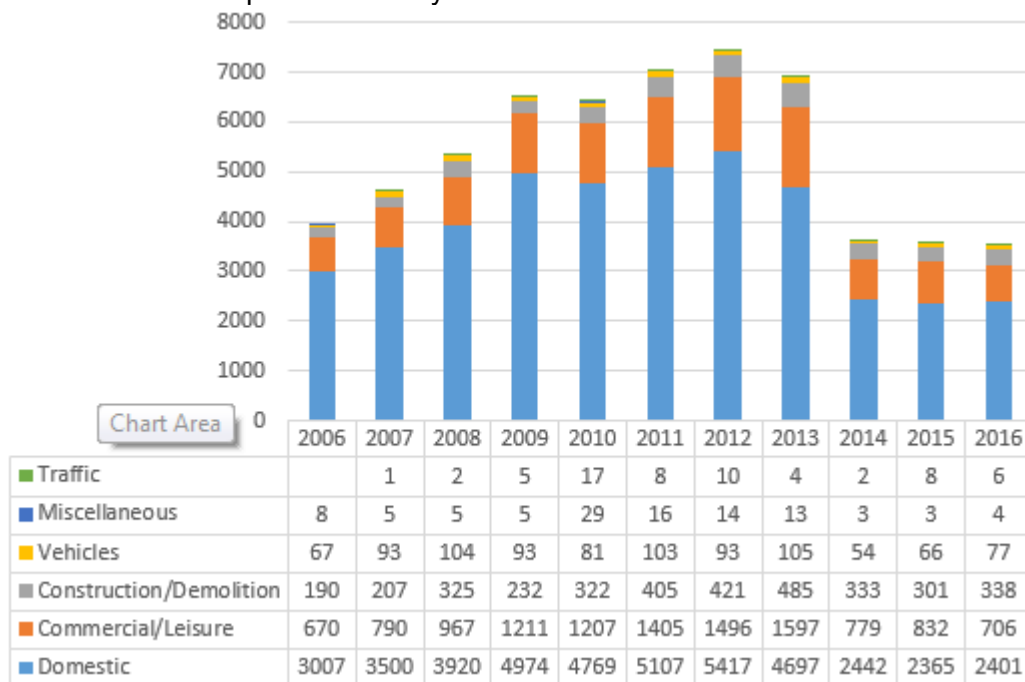


Chart 2: Noise complaint summary Calendar Years 2006 to 2016

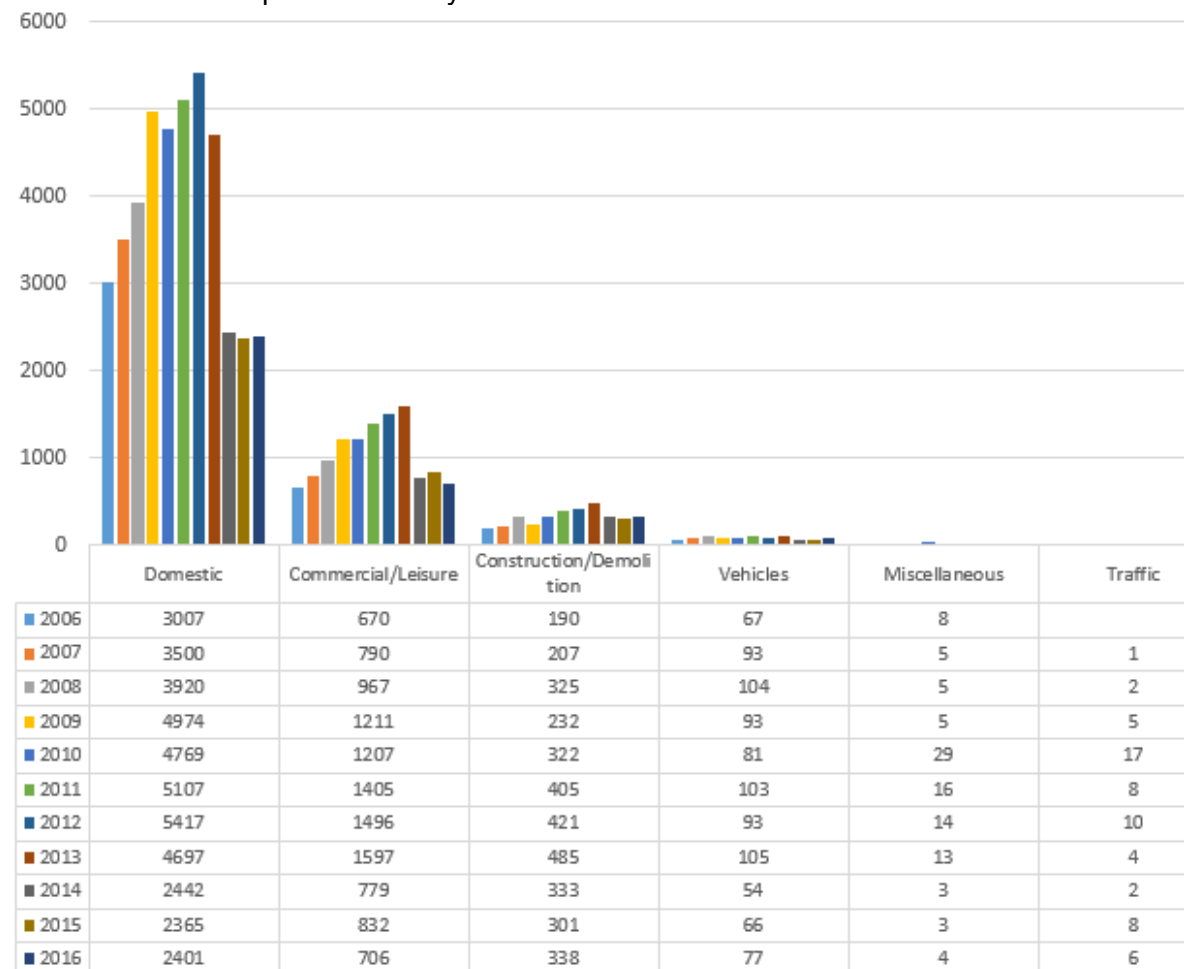


Chart 3: Domestic complaint Summary - Calendar Years 2006 to 2016

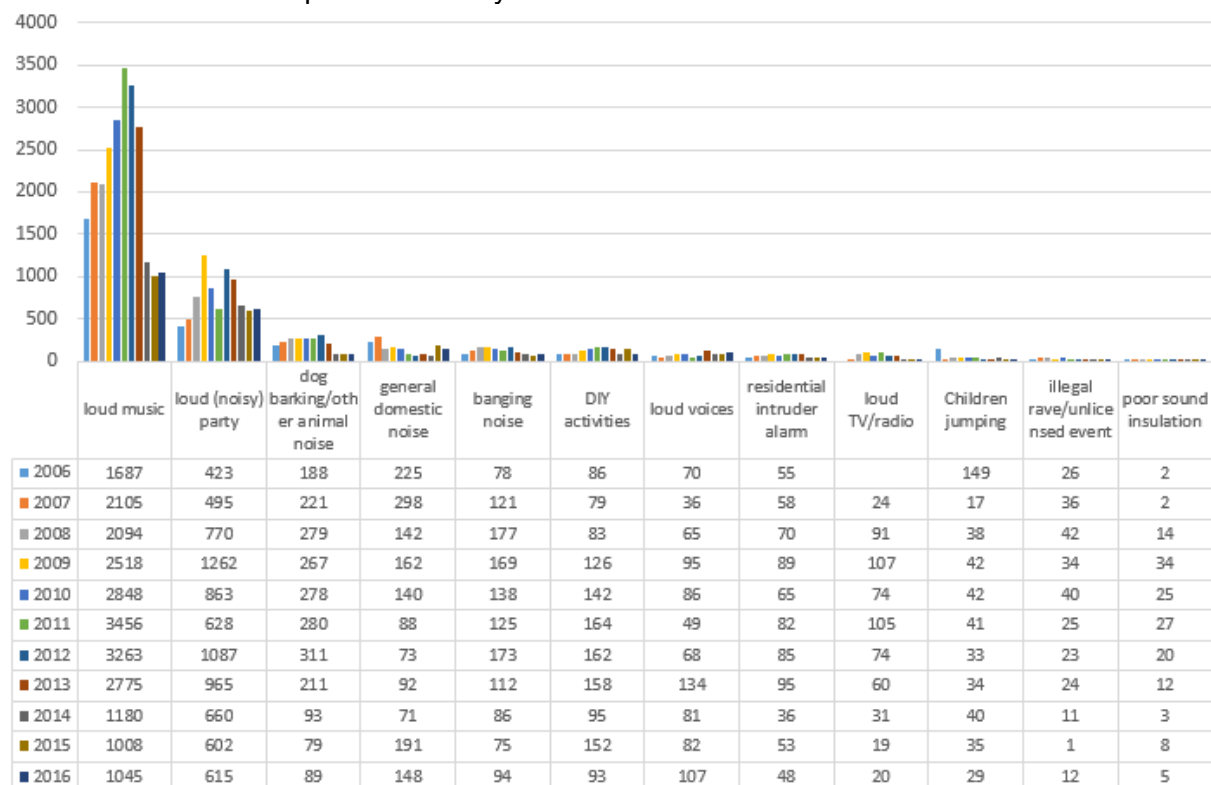


Chart 4: Commercial Complaints Summary - Calendar Years 2006 to 2016

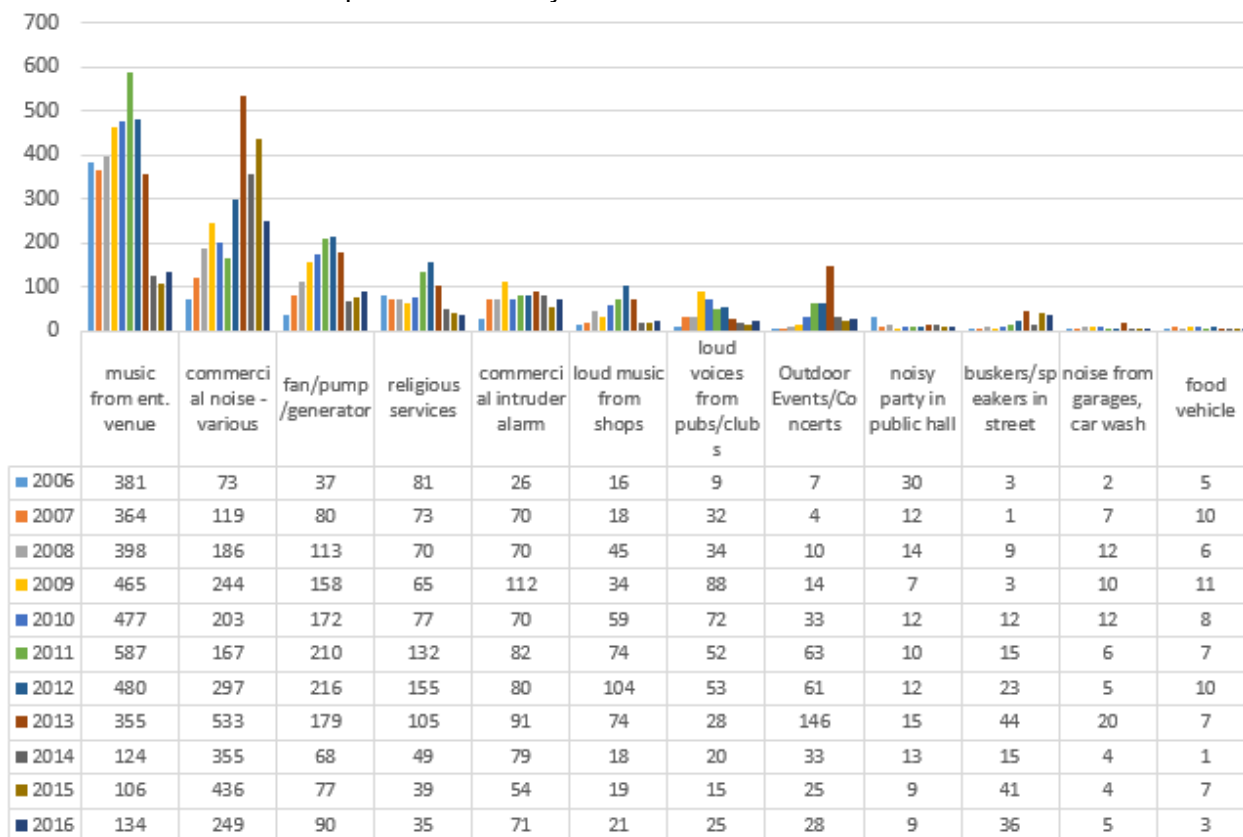


Chart 5: TEN's Applications - Calendar Years 2006 to 2016

	January	February	March	April	May	June	July	August	September	October	November	December	Total
2011	50	89	105	118	107	97	108	87	98	81	162	186	1288
2012	93	121	105	155	125	162	182	186	123	162	191	260	1865
2013	98	124	140	170	153	145	174	166	150	156	175	245	1896
2014	76	120	106	182	163	225	203	159	170	202	159	372	2137
2015	70	122	146	175	164	184	145	126	132	172	257	367	2060
2016	69	143	173	160	199	172	146	159	205	179	255	353	2213
2017	108												108
Average	81	120	129	160	152	164	160	147	146	159	200	297	



FIFTH ANNUAL REPORT – BOROUGH WIDE DESIGNATED PUBLIC PLACE ORDER (DPPO)

**CORPORATE COMMITTEE
MEETING DATE 2016/17**

28 March 2017

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CORPORATE DIRECTOR

Tim Shields, Chief Executive

1. CORPORATE DIRECTOR'S INTRODUCTION

- 1.1 The Borough wide Designated Public Place Order (DPPO) was introduced on 24 May 2010. It was implemented under Section 13 of the Criminal Justice and Police Act 2001, now superseded by the Anti-social Behaviour, Crime and Policing Act 2014. This report is the fifth and final annual report on the DPPO for consideration by the Corporate Committee.

2. RECOMMENDATION(S)

2.1 The Corporate Committee is recommended to:

Note the content of this report

3. REASONS FOR DECISION

Not applicable to this report

4. BACKGROUND

Executive summary

- The reporting period for this report is from 24 May 15 to 23 May 16. However in order to give members ongoing information about recent initiatives relating to the DPPO, mention is also made of activities which have occurred post 25 May 16. In summary the legislation covering this power has been superseded by the new Anti-Social Behaviour, Crime and Policing Act 2014 and the DPPO will either automatically transition into a Public Spaces Protection Order by virtue of the Act, or cease to exist as an order if a decision is taken not to allow the transition to take place before 20th of October 2017.
- The visible street population appears to have increased but behaviour of individuals has during the first few years at least of the DPPO been moderated by use of this and other powers. In the context of a year on year overall reduction in all ASB in this borough, over the first three years after the introduction of the DPPO, calls to the Police regarding antisocial Street Drinking have fallen year on year but with a very small increase recorded in the fourth year (but analysts indicate that this is an increase that may be attributed to the way police have recently changed how they classify incidents). In this the last year there were 64 reports. This is still a very significant decrease in the complaints in the last year compared to the year before implementation where the baseline was 609.
- The resources available to enforce the DPPO are limited, in particular when looking at co-ordinated activity by more than one agency. However

there remains very effective operational partnership working and tasking to address this and related ASB issues.

- A monthly Street Users Outreach Meeting (SUOM) where police and outreach staff regularly meet to discuss individual cases of street drinkers; is the mechanism used to co-ordinate the enforcement and improve treatment efforts in order to reduce alcohol related ASB. Officers continue to work closely on the streets with Thamesreach and officers in other support agencies when dealing with individuals.
- The identification of any emerging or actual hotspots and tasking of police and warden resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Deputy Head of Safer Communities.
- There are two Antisocial Behaviour Orders (ASBO) with conditions attached to include prohibiting the individual from consuming alcohol in Hackney or in specific areas of the borough. However although ASBOs can no longer be applied for since the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, new community protection notice procedures provide similar provisions. The view of staff is that the use of DPPO powers has negated the need to seek injunctions, whilst there is one injunction in place currently there are no injunctions currently being considered for alcohol related ASB. There have been a number of lower level Community Protection Notice (CPN) warnings issued.
- Detailed analysis by the Community Safety team, has identified hotspots that are subject to detailed discussion with partners at Partnership Tasking. Action plans are in place supplemented in the short-term by joint patrols involving police, wardens and Community Safety with referrals being made to Westminster Drugs Partnership and other support agencies as appropriate

4.1. Background

4.1.1 The borough wide Designated Public Place Order (DPPO) went live on the 24th of May 2010. The aims of this order are to reduce the amount of anti-social street drinking occurring within Hackney and therefore lowering the number of residents' complaints and also to ensure our public spaces are safe, improving the quality of life for residents and visitors. The Order was approved by Regulatory Committee following an extensive public consultation during the last three months of 2009. The power gives police officers, PCSOs and LBH Wardens the power to require people to stop drinking within the designated area and to surrender any open or unopened containers of alcohol. It is an offence to fail to comply with either request. Police were trained and processes put into place to manage tasking of police resources and tracking both hotspots and individual incidents. The training specifically highlighted the use of the power to deal with "Anti-Social Behaviour" related to the consumption of alcohol in public places and not simply consumption.

Additionally the Street Users Outreach Meeting (SUOM), a multi-disciplinary operational forum consisting of police and outreach and support services was re-designed to manage the balance between enforcement, treatment and support. It should be noted that this stance towards implementation of the order was to ensure that the balance was achieved between proportionate enforcement against particular behaviour with the provision of any appropriate support for some potentially vulnerable individuals.

4.1.2. A successive reduction year on year in the numbers of complaints of anti-social street drinking has already been reported to the committee in its previous guise as Regulatory Committee with a small increase noted in the fourth annual report.

4.2. Data for the reporting period 24th May 2015 to 23rd May 2016

- **Police Figures**

Alcohol related

13 CPN warnings issued

1 CPN issued

1 Injunction issued

- **Seizures by Council Wardens**

115 alcohol seizures

- **Calls to the Police (Computer Aided Despatch – CAD)** from the public reporting street drinking. Baseline year 09/10 prior to introduction of the DPPO.

09/10 = 609

10/11 = 342

12/13 – 46

13/14 – 61

14/15 – 109

15/16 – 64

- **Complaints to the Council** – These increased during the reporting period mainly concerning street drinking related ASB activity in the Mare Street and Narrowway areas then the wider areas including London Fields and Well Street as identified through other analysis and subject to the action plans.

4.3. Anti-Social Behaviour Orders (ASBOs) and Injunctions

4.3.1. There are two current active ASBOs conditions include prohibiting the person from drinking alcohol in a public place.

The conditions attached to the first ASBO include 'Not to be in possession of any open container of alcohol unless in a public house in the E8 and E16 post code area' and expires in November 2018

The second 'Prohibition from carrying any bottle, can, carton or any other receptacle which contains alcohol outlined on the map' remains in force until further ordered.

4.3.2. There is one injunction currently in force. The conditions attached include a requirement not to

1. 'Being in possession of open bottles, cans or open receptacles of alcohol anywhere in LBH'
2. 'Drinking alcohol anywhere the public has access within the LBH including but not limited to highways, streets, passages and parks'.

4.4. Feedback from officers regarding the use of the DPPO

4.4.1.-SUOM Chair

'The SUOM seeks to address street drinking from a case management perspective via a care and enforcement approach. Since its introduction, The DPPO has been an important element in giving the SUOM an enforcement aspect to the intervention that was needed to work with this client group. Previously it had reached a point with this client group where no matter how many warnings were given to street drinkers in relation to their ASB, they were not complying as they knew that very little would be done if they ignored request to moderate their behaviour. It became apparent that warnings from the outreach teams, wardens and the police were not being taken seriously by street drinkers. When the DPPO was introduced to specific areas this only exacerbated the problem and we found that street drinking was displaced to other locations. When the DPPO was introduced borough wide it made a marked difference. Street drinkers were no longer in their comfort zone and this made engagement with them much easier.

One of the positives that came out of the DPPO's encouraging more engagement from street drinkers and the street population as a whole was the recognition of how complex and multifaceted the street drinking cohort was. This group was identified as having multiple needs and recognised by public health in consultation with other local stakeholders including community safety. As a result a Multiple Needs Service was formed to work with this group with a remit to work intensely and long term with clients to try and stabilize their chaotic lifestyles. A number of MNS clients were on the SUOM (around 40%) it is a big indicator that the ability to be able to work with this group initially was crucial in looking at long term intervention. All the MNS clients referred from SUOM are engaging at a medium to high level and 3 of the 9 clients that were on SUOM are now stable enough to be removed from SUOM discussions'.

4.4.2. -Town Centre Manager

'The Borough wide DPPO has had a positive impact on Dalston Town Centre. Dalston Town Centre continues to be blighted by street drinkers, which has in turn consumed significant council and third party resources. Additionally, the congregation of street drinkers has had an adverse impact on visitors and businesses in the area. The DPPO has provided the Wardens and other enforcement agencies with the tools required to help to reduce the impact of the problem. Areas such as Gillett Square and Ridley Road are routinely patrolled and DPPO regulations enforced. DPPO designation provides the flexibility required to ensure alcohol consumption leading to potential or actual Anti-social behaviour is managed and in many cases averted. The Council Community Safety Wardens and the Police have done an excellent job in finding the right balance between allowing individuals to enjoy alcohol in public places in a responsible manner and enforcement when necessary. Many businesses support the DPPO and would have concerns if the powers provided by the DPPO were no longer available.

4.4.3. - Lead Warden

'The power of the wardens to deal with street drinkers – engaging, warning, signposting and where necessary seizing alcohol is a really excellent tool – the amount of ASB it reduces is dramatic.

The wardens know and deal with the street drinkers in the main hotspot areas on a daily basis more or less – and Gillett, Broadway, Narroway, Stamford Hill and London Fields are among the locations where we have a big impact in reducing ASB. If we didn't enforce and engage there would be far more ASB and complaints of the same. By our presence and the drinkers' knowledge of what we do we are able to keep it relatively under control. I recently gave evidence in relation to a prolific street drinker who was at court for a possession order and the weight of evidence given in relation to her behaviour assisted greatly in the success of the court case.

We don't over use the seizure powers but by our presence and the belief by the drinkers that we will seize is of great use. If we didn't have the DPPO or going forward the PSPO I think we would be inundated with complaints and it could then take many months to get one in place. We have never received a single complaint in five years in relation to our activities in the use of its powers in the DPPO'. For this reporting period we have had 115 alcohol seizures and we would signpost the majority we seize from to support services'

4.5. Summary and legislative changes and use of new powers.

4.5.1. The introduction of the borough wide DPPO was never intended on its own to completely eradicate the issues of anti-social street drinking. Numbers of persons within the street drinking population do not appear to have reduced significantly in Hackney since the order came into force and in fact may well

have increased. The reasons for this and the social and other factors that may be affecting this are not matters that the DPPO was able to address but the moderation of the behaviour of this element of Hackney's community is something the DPPO did address and has done so significantly compared to before its introduction. Following the clear initial overall reduction of incidents, incidents now appear to have broadly levelled out. The ongoing work by the analysis team has identified hotspots. These in general do not include a number of the original pre-DPPO hotspots such as Kynaston Park that were blighted by ASB before the DPPO.

4.5.2. The Anti-Social Behaviour, Crime and Policing Act 2014 came into effect on 20 October 2014. It has replaced a number of older powers including the DPPO. The DPPO and some other powers can remain in force for up to three years from that date, after which the DPPO provisions will automatically transition into a PSPO unless there is a decision not to permit that transition. A process of consultation as to whether to intervene and prevent transition will be the subject of elected member and public consultation over the Summer.

5.1 Policy Context

Community Safety Partnership Plan

5.2 Equality Impact Assessment

Not applicable to this report

5.2.1 Sustainability

Not applicable to this report

5.3 Consultations

In accordance with the guidance for the implementation of a DPPO, during September, October and November 2009 the council conducted an extensive public consultation. This included businesses and particular licence holders of licensed premise, residents and visitors, local police commanders, neighbouring local authorities.

5.4 Risk Assessment

Not applicable to this report

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

6.1 There are no direct financial implications arising from this report given that it reports on past activity. The current financial position of the Council however

means that finances must always be borne in mind and consideration must be given to the level of resource that the council can reasonably invest in the implementation of the DPPO versus other activities.

7. COMMENTS OF THE DIRECTOR LEGAL

- 7.1 Designation Orders are made under the provisions of the Criminal Justice and Police Act 2001 (the Act). The Act gives powers to local authorities to designate certain areas as public places in which the drinking of alcohol is prohibited. In this instance the whole borough has been designated as a public place for the order. Refusal to comply with a request to refrain from drinking alcohol in these areas can result in the confiscation of alcohol and/or a fine and can lead to the offender being arrested.
- 7.2 The Designation Order does not apply to areas that allow for the lawful consumption of alcohol.
- 7.3 Whilst there is no statutory requirement the Home Office Guidance for Local Authorities relating to a Designated Public Place Order (DPPO) states that it is good practice to review existing DPPO's at least every two years, in order to establish how effective it is in tackling nuisance an/d/or annoyance associated with the consumption of alcohol in a public place. It should be noted in this regard that the Council has already committed to reviewing the borough wide DPPO on an annual basis and this is in fact the Council's fifth annual review.
- 7.4 The intended changes to the DPPO regime are highlighted in 4.5.2 of the report. The Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") introduces a Public Space Protection Order (PSPO) which can deal with a particular problem in a particular area that is detrimental to the local community's quality of life. A single order can cover a range of behaviours.
- 7.5 The new PSPOs can include a prohibition on consuming alcohol in a public space however there are several situations set out in the Act when a prohibition on consuming alcohol cannot be imposed. Breaches of a PSPO can result in a fixed penalty notice being issued and the failure to discharge liability by payment of the penalty notice could lead to a prosecution.
- 7.6 Transitional provisions set out in the Act and Home Office guidance provide that any existing DPPOs which are still in force as at 20 October 2017 will become a PSPO.
- 7.7 The provisions allow for any PSPO introduced before the DPPO is to expire can run alongside any existing DPPO in place.
- 7.8 The report also references Community Protection Notices (CPN), another new power introduced by the Act, which imposes requirements upon the individual on whom the Notice is issued, where it is clear the individual's conduct is having a detrimental effect on the quality of life of those in the locality, is of a

persistent or continuing nature and the conduct is unreasonable. Breach of a CPN can result in a fixed penalty notice being issued and or a prosecution.

- 7.9 With the introduction of the Act, the Council have a number of tools at its disposal to tackle street drinking however these tools must be utilised in a measured and proportionate way, in accordance with the council's policies/protocols and consultation requirements.

APPENDICES

None

BACKGROUND PAPERS

None

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REGULATORY SERVICES UPDATE – Regulatory Services’ Service Plan Update

**CORPORATE COMMITTEE
MEETING DATE 2016/17**

28 March 2017

CLASSIFICATION:

Open

**If exempt, the reason will be listed in the
main body of this report**

WARD(S) AFFECTED

All Wards

GROUP DIRECTOR

Kim Wright, Neighbourhoods and Housing

1. CORPORATE DIRECTOR'S INTRODUCTION

- 1.1 The Food Law Enforcement Service Plan 2016/17 was presented to the Corporate Committee in July 2016. The report was noted with a request for an update to be presented at a future Corporate Committee meeting.
- 1.2 The report now being presented;
- provides a nine month update on the performance of the Environmental Health Service against the Plan to the end of Q3 2016/17.
 - shows the impact of the Service in managing and reducing the numbers of 'not' broadly compliant premises and those not yet rated, in order to improve the percentage of broadly compliant premises in the Borough;
 - notes the greater emphasis placed on driving up compliance through advice, education, inspections of establishments considered to be flouting the law, and the necessary interventions undertaken.
- 1.3 This report also highlights the work of Hackney Trading Standards between April 2016 to December 2016. The plan outlines the Service's achievements and identifies areas of interest for the future.
- 1.4 In fulfilling its duties, the Service provides important support to individuals, communities and businesses in the borough to enable people to buy goods and services with confidence and security, and by offering advice to businesses to help them to comply with the law.
- 1.5 The Service also fulfils an important role in relation to public safety and health, for example through ensuring safe storage of dangerous items and by preventing the sale of dangerous products including the supply of age-restricted products to minors.
- 1.6 The Service also seeks to ensure there is a fair trading environment and helps businesses comply with legislation in order to protect consumers from unfair trading practices. The Service targets its enforcement activities using intelligence. Officers have removed illegal alcohol and tobacco from traders within the Borough. The Service has also removed unsafe cosmetics from traders in Dalston, and engages with a range of external partners such as HM Revenue and Customs (HMRC). The partnership working supports corporate objectives such as ensuring local workers are paid the national minimum wage.

2. RECOMMENDATION(S)

2.1 The Regulatory Committee is recommended to:

- **Note the contents of the update to the Food Law Enforcement Service Plan 2016/17**
- **Note the level and scope of work being carried out to meet the requirements of the plan.**
- **Note the contents of the update to the Trading Standards Service Plan Service Plan 2016/17**

- **Note the level and scope of work being carried out to meet the requirements of the plan.**

3. REASONS FOR DECISION

- 3.1 The Food Standards Agency recommends that food service plans are submitted for Member approval to ensure local transparency and accountability.
- 3.2 Trading Standards have a duty to ensure consumer protection law is enforced fairly and proportionately. Any comments from the Committee would be welcome.

4. BACKGROUND

- 4.1 The Food Law Enforcement Service Plan (FLESP) is a statutory plan which sets out how the Council will undertake enforcement of food safety legislation.
- 4.2 The Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement (2000), issued 1 April 2001, and is an important part of the process to ensure that national food safety priorities and standards are addressed and delivered locally. It also focuses on key deliverables, provides an essential link with financial planning, provides objectives for the future including identifying major issues that cross service boundaries and provides a means of managing performance and making performance comparisons.
- 4.3 The performance of the Food Safety Service is measured against its fulfilment of the Plan and the percentage of broadly compliant premises within the borough.
- 4.4 The Council has gone through a period of change and the Trading Standards Service has adapted to these changes.
- 4.5 The Service has undergone an audit to review procedures and to ensure confidence in the efficiency and effectiveness of the Trading Standards Service.
- 4.6 The Service also leads the way on financial investigations within the council. There are three accredited financial investigators and the Head of Service acts as Senior Authorising Officer for the purposes of the council's financial investigations under the Proceeds of Crime Act 2002.

5. FOOD LAW ENFORCEMENT SERVICE PLAN UPDATE

- 5.1 The FSA's Local Authority Enforcement Monitoring System (LAEMS) data shows that 83% of Hackney's food premises were broadly compliant as of 1st April 2016. The current position is that 85% of food premises are currently broadly compliant, an increase of 2% since 1st April 2016.
- 5.2 The data recently released by the FSA provides a comparative performance data for each local authority in the country.

- 5.3 Tables 1a below show food hygiene performance data across NE London Food Sector boroughs to the end of Q3 2016/17 in terms of percentage of broad compliance. The table highlights that Hackney is ranked third across the NE London Food Sector boroughs in terms of broad compliance even though it has the third highest number of food premises, see table 1b.
- 5.4 Table 2 demonstrates the level of enforcement action taken across the NE London Food Sector boroughs. It shows that Hackney served the third highest number of hygiene improvement notices, that Hackney issued the second highest number of warning letters, and was joint second highest in the number of prosecutions taken. This demonstrates that Service employs a graduated approach to enforcement in order to secure compliance.
- 5.5 Table 3 highlights that Hackney are only one of six NE London Food Sector boroughs to have completed 100% inspections of high risk premises for food standards and that Hackney issued the second highest number of warning letters.

Table 1a – Broadly Compliance

Local Authority	% BC (inc. unrated)	% BC (excl. unrated)	% B C - category A	% BC - category B	% B C - category C	% BC (Cat A-C)	% Unrated Premises
Barking & Dagenham	93%	103%	0%	65%	87%	85%	11%
Camden	72%	88%	0%	31%	86%	74%	18%
Enfield	56%	63%	10%	30%	78%	64%	11%
Hackney	86%	88%	13%	41%	80%	70%	2%
Havering	80%	87%	22%	42%	77%	68%	8%
Islington	77%	80%	6%	38%	71%	63%	4%
Newham	No data provided						
Redbridge	93%	96%	42%	69%	95%	92%	4%
Tower Hamlets	80%	86%	0%	26%	83%	67%	7%
Waltham Forest	74%	87%	9%	29%	82%	73%	15%

Table 1b – Breakdown of Premises

Local Authority	Total No. of Premises	Total No. of Unrated	Total No. of BC Premises	No. of Cat A	No. BC cat A	No. of Cat B	No. BC Cat B	No. of Cat C	No. BC Cat C
Barking & Dagenham	1287	136	1191	1	0	48	31	526	455
Camden	3810	669	2754	43	0	227	71	1090	942
Enfield	2496	273	1393	29	3	159	47	509	395
Hackney	2456	56	2109	15	2	199	82	673	536
Havering	1938	154	1545	9	2	146	62	440	340
Islington	2337	91	1796	17	1	223	85	863	614
Newham	No data provided								
Redbridge	1852	65	1721	12	5	74	51	721	685
Tower Hamlets	2954	214	2368	45	0	206	54	734	606
Waltham Forest	1775	263	1318	11	1	93	27	520	426

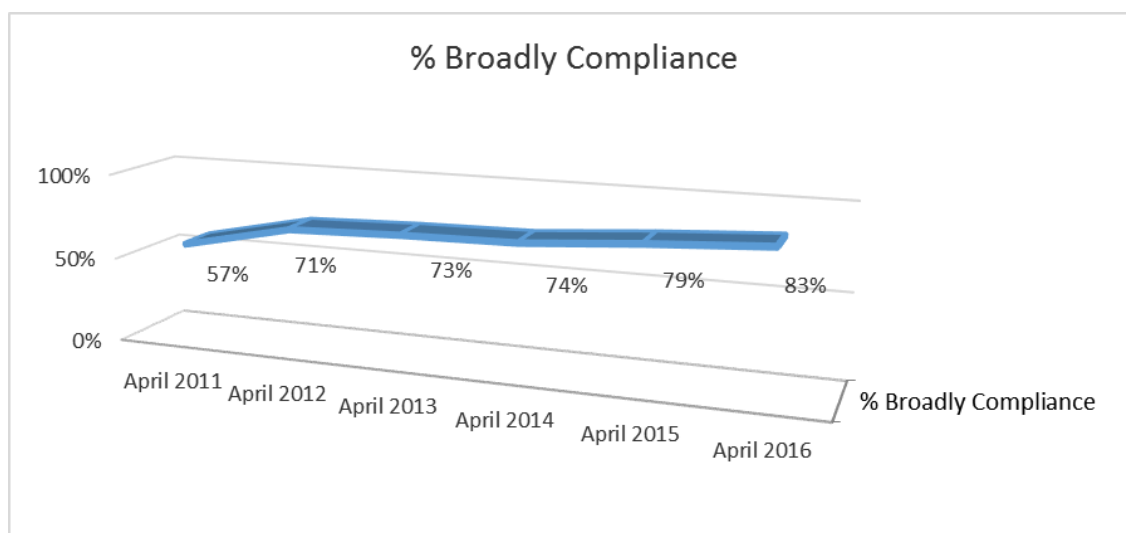
Table 2 - Enforcement

Authority Name	Total number of Voluntary closures	Total number of Seizure, detention and surrender of food	Total number of Hygiene Emergency Prohibition Notices	Total number of - Simple Cautions	Total number of Hygiene Improvement Notices	Total number of Written Warnings	Total number of Prosecutions
Barking and Dagenham	1	0	0	1	3	492	0
Camden (2)	16	0	7	0	48	464	0
Enfield	13	1	0	3	58	908	3
Hackney	4	7	0	0	43	973	3
Havering	0	1	0	0	10	907	1
Islington	13	2	0	8	28	460	1
Newham	45	10	4	4	42	676	2
Redbridge	3	0	0	0	2	37	0
Tower Hamlets	0	4	4	0	17	1,407	11
Waltham Forest	3	2	4	1	40	639	0

Table 3 - Food Standards

Authority Name	Total % of interventions - premises rated A	Total number of Improvement Notices	Total number of Written Warnings	Total number of Prosecutions
Barking and Dagenham	88.89	0	0	0
Camden (2)	100.00	0	0	0
Enfield	96.97	0	244	0
Hackney	100.00	1	659	0
Havering	100.00	0	164	0
Islington	100.00	0	24	0
Newham	100.00	0	178	0
Redbridge	NR	0	3	0
Tower Hamlets	100.00	0	1407	0
Waltham Forest	100.00	0	0	0

5.6 The graph below shows Hackney's broad compliance percentage performance data direction of travel since 2011. It can be seen that there has been a year-on-year improvement with the percentage of broadly compliance increasing by 26% since 2011. This is a direct reflection of the hard work of the team to raise the compliance of the food businesses in Hackney thereby ensuring the public are protected.



5.7 **Food Hygiene Inspection Programme** - Members will be aware from the FLESP that premises are categorised and the frequency of inspection depends primarily on their category as specified in the Food Law Code of Practice. The table below shows the progress with inspections.

Inspection Rating	Number of food hygiene inspections due 2016/17	Number of inspections completed	RAG	The frequency of inspection is for Category: A: every 6 months (2 insp/yr) B: every 12 months C: every 18 months D: every 2 years E: every 3 years
A	21 x 2 = 42	39	Green	
B	331	266	Yellow	
C	648 (114 NBC**)	372	Yellow	
D	745* (60 NBC**)	194	Yellow	
E	358*	78	Yellow	
New/Unrated premises carried over from 2015/16	24	24	Green	

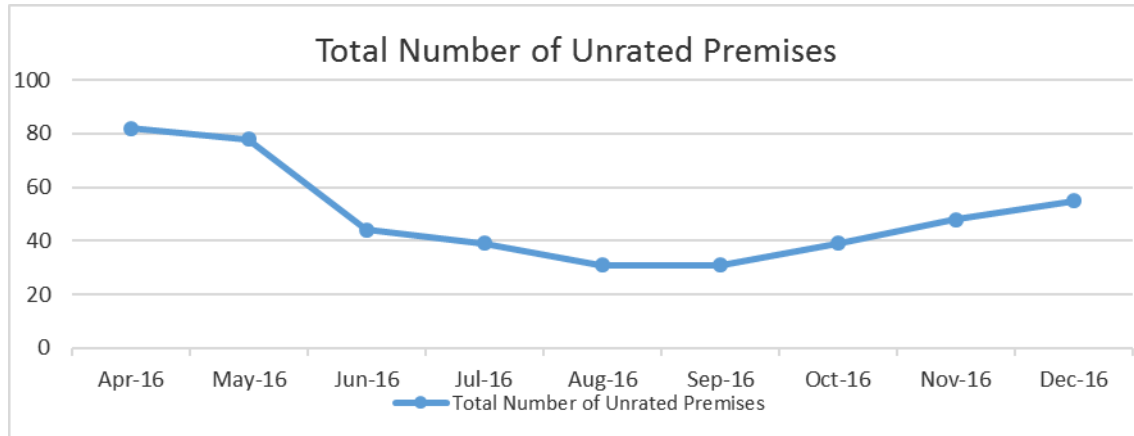
*relates to those premises subject to non-official interventions

**NBC = Not Broadly Complaint premises, which are not broadly compliant with food hygiene legislation

5.8 Category D & E premises are subject to the alternative enforcement strategy (AES) and are therefore subject to interventions other than inspections. It should be noted that the number of inspections due above includes a considerable backlog from the previous year. Category D and E are not considered a priority by this Service as resources are directed to the highest risk premises. A category D project was commissioned in Q4 2015/16, however the contractor employed to complete the project left part way through the project and the project was not completed.

5.9 Inspection rates are acceptable; and the numbers of unrated premises i.e. those premises not yet risk rated because they have not been inspected are being maintained at a low level.

5.10 The graph below shows the variation in numbers of unrated premises.

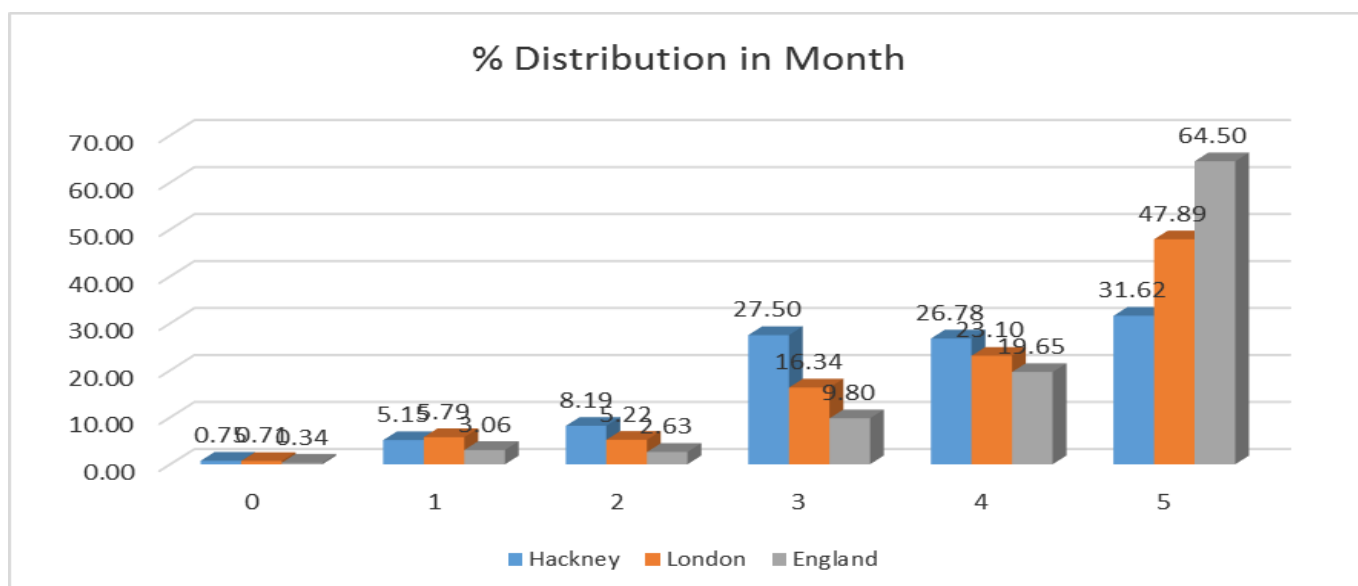


5.11 Food Hygiene Rating Scheme (FHRS)

5.12 The FHRS is key to the Food Standards Agency's strategic objective: safer food for the nation. Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, supermarkets and other retail food outlets in the Borough, as well as other businesses where consumers can eat or buy food, are given a hygiene rating as part of the scheme.

5.13 The number of 3-rated premises in Hackney remains high when compared to London and nationally and further work is planned with these businesses through the business consultancy process to assist businesses to improve hygiene and achieve a higher rating. Also, for 2017/18 the Service will be adopting the scheme for charging businesses who would like to be re-rated following improvement works. At present, the business has to wait between 3-6 months from the date of application for a re-rating inspection. The business can apply at any time and more than once. This service will encourage businesses to adopt this new way of working as a means of raising standards.

5.14 Currently, business that are rated 0-2 are encouraged to request a re-rating once the improvements highlighted during the initial inspection have been completed. The same businesses are also contacted by the business consultant to support the business through these improvements. In addition, a project is being developed to support and encourage businesses rated 3 to move to a higher rating, through increased revisits.



5.15 **Food Standards Inspection Programme** – Food standards inspections are also carried out on a risk based programme. The Code of Practice specifies the frequency of inspection. Premises that fall under a category A rating may be dealt with via the alternative enforcement strategy. The table below shows progress for food standards inspections. Similarly the inspections due include a considerable backlog.

Inspection Rating	Number of food standards inspections due	Number of inspections completed	RAG	The frequency of inspection for Category: A: every 12 months B: every 2 years C: every 5 years
A	19	19	Green	
B	558*	94	Yellow	
C	156*	124	Yellow	
New/Unrated premises carried over from 2015/16	24	24	Green	

*relates to those premises subject to non-official interventions

5.16 There has been an overall decrease in enforcement activities mainly due to improved engagement with businesses and the positive effects of face-to-face contact and support by ward officers out on the district. The table below shows a comparison of enforcement activities undertaken since 1st April 2016:

Enforcement action	2015/16 (end of yr)	2016/17 (31.12.16)
Total number of Food Hygiene Written warnings issued	973	515
Hygiene Emergency Prohibition notices (formal closure)	0	3
Voluntary Closures due to Food Hygiene imminent risk	4	1
Premises receiving a Hygiene Improvement notice	43	35
Seizure/detention of food	7	0
Prosecution of food premises	3	0
Total	1030	554

5.17 The table below shows level of other activities undertaken by the team are shown in the tables below:

Types and Numbers of Service Requests received 2015/16 (as of 31.12.16)	
Type of Service Request	Total
Alleged Food Poisoning	72
Business Requests for Advice/Info	143
Complaint about smoking allowed in premises	5
Defective Drainage	6
Food Contamination	19
Food Hazard Warning	5
Food Hygiene/Standards Complaint	146
Food Hygiene Rating Scheme Enquiry	44
Food Premises Complaint	29
Food Premises Pests Complaint	42
Food Premises Registration Form	188
Event Enquires	7
Other	12*
Grand Total	718

- Others include: - singular enquires on accumulation of rubbish, trading on the highway, bereavement, stray animals, non-defined enquires etc.

6. TRADING STANDARDS SERVICE PLAN UPDATE

6.1 Enforcement Visits

6.2 The data shown compares the enforcement visits figures for the last two years. Visits are categorised as High, Upper Medium, Lower Medium or low.

6.3 The basis of the scheme is that each business within a local authority's area receives a score to direct enforcement activity to deal with the risk posed by

the business, as opposed to a scheme which is based purely on inspection as a means of determining the risks. This means that businesses not previously risk rated (e.g. builders working from home) because they were not “inspectable” will now be risk rated as they can pose a Trading Standards risk which can be dealt with via other mechanisms (e.g. surveys, test purchases or internet examinations, etc.) The scheme comprises a hazard element (previously known as the national element) that is scored on the basis of business category and a Likelihood of Compliance element (previously known as the local element) that is particular to the individual business and determined by local authorities. An example of a high risk premises could be a premises selling products subject to safety legislation such as knives.

6.4 TS visits April – December 2016

High	Upper Med	Lower Med	Low
151	97	0	0

6.5 TS visits April – December 2015

High	Upper Med	Lower Med	Low
126	47	65	42

6.6 The Service has refocussed on risk based inspections as well as carrying out intelligence led projects. The Consumer Rights Act 2015 amends officers’ powers of entry and has led to a reduction in the overall number of visits conducted. However the visits are more targeted at the higher risk visits.

6.7 Consumer Complaints investigated

6.8 From April – December 2016 there were a total of 1844 consumer complaints received from members of the public. This is down from 2069 for the same period for the previous year.

Notifications	Referrals	Other	Total
1369	396	79	1844

6.9 The definition of these complaints is as follows. Notifications are received from the Consumer Advice Bureau (CAB). These are generally sent for intelligence purposes only. They are reviewed by officers and may lead to follow up work if there are any trends or serious breaches found. Referrals are sent to the Service for action if necessary. They may also be used for intelligence.

6.10 The fall in the number of complaints received reflects a national reduction in the number of complaints received by the Consumer Advice Bureau who receive the majority of complaints on behalf of trading standards.

6.11 Service requests undertaken

6.12 There has been a reduction in the number of service requests received by the service in the last two years. This year there has been 249 and for the same period in the preceding year there was 290.

Year	Number of requests received
Apr-Dec 2016	249
Apr-Dec 2015	290

6.13 The breakdown of the complaints received is shown below.

Type of service request	Number of requests received
Licensing requests received as responsible authority	154
Requests from public/other body	79
Notification of weights and measures verification	5
Animal feed registration	1
Other requests	10

6.14 Age Restricted Products

6.15 Hackney Council is committed to maintaining the health and safety of our young people and community. One way this is achieved is through the prevention of illegal sales of age-restricted products to young people. It is illegal to sell an age-restricted product to someone under 18 years of age. The Council take enforcement action against those businesses and traders that break this law. The Trading Standards team is responsible for enforcing a range of laws that deal with the sale of age-restricted products including tobacco, knives, alcohol, and lottery cards. The protection of children from harm is a key Mayoral priority and is very high on the political agenda. In addition the protection of children from harm is one of the Licensing objectives, supported by Trading Standards in its capacity as a Responsible Authority.

6.16 During the period April – December 2016 there were two test purchasing visit days made for Alcohol, with six sales to young people under 18. These traders were all the vicinity of Broadway market with each receiving a fixed penalty notice.

6.17 There were fourteen test purchasing visits conducted for fireworks between April – December 2016. There was a sale at a well-known retail chain's

premises in Well Street, London E9. The matter has been referred to the Primary Authority which is the particular local authority designated to provide Trading Standards advice to the business.

- 6.18 There were seven test purchasing visit days undertaken for knives and there were nine sales to a young person under 18.
- 6.19 Revisits were undertaken and one trader is being prosecuted.
- 6.20 One element of the operation is to provide education and to engage with the business community that sell knives, so in partnership with the Metropolitan Police, Trading Standards hosted the first “Knife Sales Seminar” in June, and retailers from the Victoria & Homerton Ward were invited to attend. The presentation covered a wide range of topics, including an explanation of the legislation around knives, best practice, and the role of the Metropolitan Police and Trading Standards. Warning letters were issued to the traders that had sold during this period. Just recently Trading Standards have introduced an education package to support small businesses offering them a BTEC Level 2 Award in “Preventing under Age Sales” and is based on the person completing a workbook and a short multiple choice test. The option to participate in an “Education Scheme”, is given to a business if it is their first offence.
- 6.21 The Service has met the target set for the year of a minimum of 20 test purchase visits, 75 premises visited during this period.

6.22 Tobacco Control - Activities to find illegal tobacco

- 6.23 The Service carried out a series of action days in search of illegal tobacco. Illegal products were at a business in Well Street London E9. Two hundred and forty foreign cigarettes and 0.15 kg of hand rolling tobacco was seized.
- 6.24 During the second action day five premises were visited to ascertain if they supplied tobacco. This relates to counterfeit or non-duty paid products. Three premises were found in possession of illegal products:
- the first premises in Green Lanes. Non-duty paid alcohol seized namely 5 x 1 litre Glens Vodka, 1 litre Smirnoff Vodka, 77 x 70cl Smirnoff Vodka and 2 x 70cl Famous Grouse whisky.
 - the second premises in Well Street, London E9. Non-duty paid alcohol & cigarettes seized namely 6 bottles of alcohol seized, 180 packets of Marlborough Gold king-size, 260 packets of Marlborough Gold original, and 60 packets of Marlborough Red.
 - the third premises in Goldsmith Row London E2. Non-duty paid tobacco seized. 17 packets of Golden Virginia and 2 packets of Amber Leaf 50g.
- 6.25 To address the increase in activity Window stickers for traders that sell alcohol and tobacco have been developed to display in shops to deter both customers asking for and the traders supplying illicit alcohol and tobacco. Traders are being asked voluntarily to display the window sticker saying `we

don't buy illegal alcohol and tobacco'. For some traders who have been found to be selling illegal tobacco and alcohol, the requirements of displaying the sticker have been added to the conditions of their alcohol licence and will be seen as a breach of their conditions if they do not comply.

6.26 A third action day was arranged to inspect traders to discover if they were supplying illegal tobacco. The premises visited in the borough were sites where there had been intelligence that illegal tobacco had been supplied. Officers were assisted by trained sniffer dogs who were able to detect whether tobacco is being hidden on the premises. Six premises were visited and one premises in Hoxton was found to have illegal product. Twelve packets of 20 Marlborough Gold, six packets of Benson and Hedges and eight packets of 50g Golden Virginia hidden under the counter. The packets have been sent off to ascertain whether the tobacco has only labelling/tax offences or whether the tobacco is also counterfeit.

6.27 The North East London Illegal tobacco group met in June to discuss communication strategies for promoting the enforcement against illegal tobacco. The strap lines for communications were:-

- Illegal tobacco makes it easier for children to smoke.
- Illegal tobacco makes it harder to stop smoking.
- Illegal tobacco encourages gang and criminal activity.

6.28 Finally the answerphone on the Service duty line 4929 has been updated to allow members of the public to report incidents of illegal tobacco and age restricted sales.

6.29 National Minimum Wage

6.30 The Service is committed to providing advice to traders on National Minimum Wage compliance.

6.31 Following a meeting with HMRC officers in April 2016 eight hundred nudge letters have been sent to traders in Hackney. These letters are reminders to traders about their duties with respect to the national minimum wage. These letters are reminders to traders about their duties with respect to the national minimum wage and the national living wage. All workers aged 25 and over are now legally entitled to at least £7.20 per hour. Letters were posted to the remaining traders in September. Contact details for the Hackney Business Network database have been forwarded to HMRC. The webinar which was scheduled for 27th July was cancelled. A series of Webinars occurred later in the year. These took place on 23rd November 2016, 30th November 2016 and 6th December 2016.

6.32 Following a further meeting held with HMRC a series of webinar events will be held on 15th February 2017, 23rd February 2017, 13th March 2017 and 20th March 2017. An assessment was made on the effectiveness of reminder letters (nudge letters) sent to 1000 Hackney employers. 144 calls

were received from Hackney employers. Fifty-seven disclosures were made with most stating they had nil arrears. There was only one positive disclosure for one worker. HMRC stated that they were not planning any multi-agency enforcement operations however if Hackney Council did have such events HMRC (NMW) could be invited. An article is planned for Hackney Today. The Communications Team will use the mailing list of the Regeneration Team to reach some target employers. A series of tweets will be sent from @hackneybusiness regarding the live webinars. In addition there will be a feature in the Hackney Business Network Newsletter sent out on Thursday 9th March 2017.

6.33 Shisha enforcement

6.34 A Shisha project is scheduled to be carried out with Environmental Health towards the end of March 2017.

6.35 Reducing the impact of scams on vulnerable groups

6.36 Trading Standards continue to support vulnerable adults who are preyed upon or fall victim to scammers. Officers provide and fit call blocking devices which block certain unsolicited calls from the receiver. The device then reduces the opportunity for the household to fall victim to telephone scams. The Service also return cheques which have been sent by consumers to rogue traders but intercepted by the Scambusters Team. These cheques are returned to Hackney residents by conducting visits to their homes and giving the cheques back to the victims in person. Victims are usually from the poorest sectors of the community, whom least can afford to fall victim to scam rogue traders.

6.37 Responsible Authority Licensing checks

6.38 The Service responded to 154 Licensing consultations as a Responsible Authority.

6.39 Service Improvements

6.40 Following an audit the Service has developed new procedures for their activities.

6.41 Other key recommendations from the audit included:

- Ensure that the Team Leader signs off the property disposal form for the disposal of controlled property as evidence of authorisation.
- Ensure that as a minimum an annual physical stock take is undertaken of controlled property by two officers.
- Ensure an audit of evidence was conducted.

- These activities have been undertaken.

6.42 Weights and Measures

6.43 Officers conducted 63 visits in relation to Weights and Measures and pricing. This work is undertaken to ensure that customers are not defrauded in terms of short measure. Traders have been advised to ensure the weighing indicators of the scales are visible to customers to help ensure weights are clearly understood.

6.44 Unsafe Cosmetics

6.45 Two traders were found guilty of selling banned cosmetics containing hydroquinone and mercury, high dose prescription only steroid creams and counterfeit cosmetics.

6.46 Sentencing took place on 26 May 2016. The Judge made it clear that she took a dim view of their activities and said that she would be disqualifying one of the traders from directorship as she 'simply could not trust him to run a company in accordance with the laws of this country'. The judge said she was only narrowly persuaded not to impose an immediate custodial sentence.

6.47 Sentencing was as follows:-

- Trader one
 - 10 weeks custodial sentence suspended for 2 years
 - Company disqualification of 4 years
 - Community Service 100 hours
 - Costs £10,000
 - Fine £2000
 - POCA £3661.59
- Trader two
 - 12 weeks suspended sentence suspended for two years
 - Community Service 100 hours
 - Costs £10,000
 - Fine £3000
 - POCA £99 confiscation
- Beauty Queens Cosmetics
 - £1000 fine
- Shaba Cosmetics
 - £500 fine

6.48 The Judge said that if any further criminal breaches occur in the next two years she reserves the matter and the suspended sentence will be added to

any custodial sentence she imposes for that offence. This sentence reflects the serious nature of these offences and their impact on consumer protection of the community.

6.49 Rogue Traders

6.50 22 Wenlock Road, London N1 7TA is the source of a high volume complaints concerning rogue traders. The address is that of a mail forwarding and company registration business. The Police had concerns that fraudulent companies were operating from the address and Trading Standards financial investigators found that the company had not been adhering to the Money Laundering Regulations when creating new limited companies. In summary the business was not doing the checks it was supposed to in law and as a result rogue traders were attracted from overseas and across the country to use the address for fraudulent trading purposes. The company had rapidly become a market leader and has been registering 30,000 new businesses every year, where the majority of them went on to use the company address as their registered office. As a result of these complaints Trading Standards have worked closely with the company in an attempt to resolve the issues but ultimately took a multi-agency approach and visited the location with the Police and HMRC.

6.51 The company now has a structured action plan to address the various compliance interests and further HMRC inspections are planned.

6.52 Animal Feed

6.53 We have a register of 23 animal feed premises and will visit all registered premises due an inspection by 31st March 2016.

6.54 Financial Investigations

6.55 The Service's accredited financial investigators are working on an advertising board case for colleagues in Planning. The case is in its initial stages of investigation and has the potential to be a large financial investigation as the advertising company have multiple sites. Officers obtained court orders at Wood Green Crown Court and subsequently received banking information for two companies. The Service is now in the process of analysing these bank statements in order to identify criminal benefit figures. A financial analysis tool, Altia software, which will be used to create a comprehensive schedule of incomings and outgoings from bank accounts has recently been obtained. The software allows us to carry out financial analysis on bank accounts

6.56 Trademark Proceeds of crime case

6.57 The Service accredited financial investigators are continuing to work on a complex financial investigation on behalf of Barking and Dagenham Trading Standards Service. This POCA case involves a large company with a substantial annual turnover and a high percentage of genuine trading activities so the Altia software will be used to identify the criminal transactions in order take this investigation further.

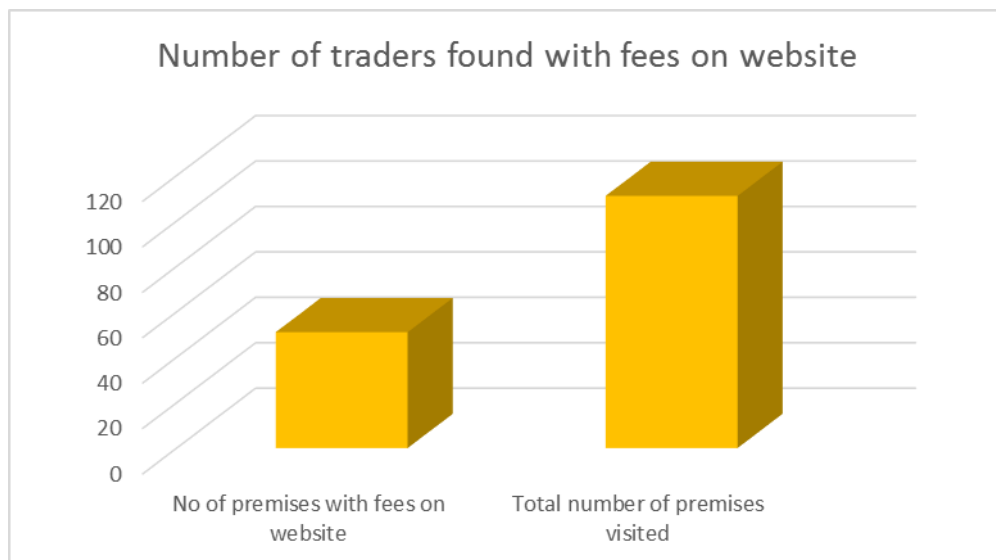
6.58 Lettings Agents

6.59 The Service visited 111 lettings agent businesses between April – December 2016. The purpose of the visits to the Letting Agents was to ensure that fees were displayed on the business website and inside the premises.

6.60 Data analysis

6.61 Premises with fees displayed on their website

6.62 The report found that of the 111 businesses visited 45.9% had the website fees displayed either on or after the visit. That is 51 out of 111 premises.

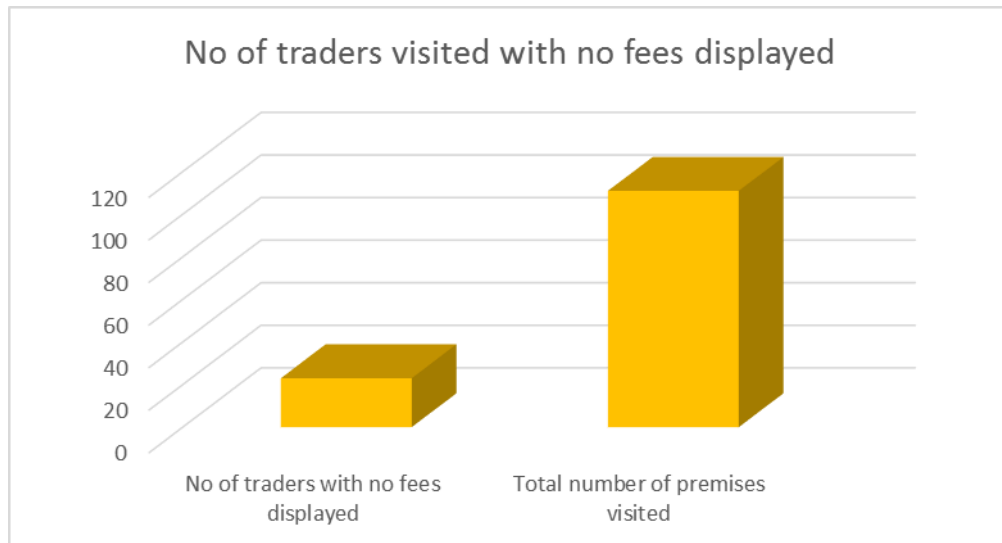


6.63 Traders with no website

6.64 Of the 111 businesses visited 16.2% had no website. That equates to 18 premises out of 111.

6.65 Traders found who did not have fees displayed on website or on premises on first visit.

6.66 23 traders out of 111 were found not to have fees on website or on the premises. This equates to 20.7%.



6.67 Summary of Lettings findings

6.68 The attitude of the businesses towards the legal requirements to display fees varied greatly. Some businesses were keen to address issues instantly at the time of visit. This tended to be smaller companies who did not have to discuss or gain approval from anyone above them. These companies were keen to gain advice from officers. Some larger companies had the benefit of information filtering down from their head offices. In those instances the Service found that the information was already displayed both on the websites and on the premises.

6.69 In conclusion, after the first contact with our known letting agents regarding fees, we have found the level of compliance in one or both of the two requirements was higher than we expected with the smaller and independent companies needing more guidance to bring them to compliance. Some of the larger companies were more compliant in general but still some had only one part of the requirement. Some follow up work is needed to raise the level of and to maintain compliance. This is a thriving sector and letting agents are opening throughout the Borough. This sector needs to be monitored to ensure those businesses new to the market are following the regulations in line with those already trading.

6.70 It is anticipated that new legislation will be enacted banning letting agents from charging fees to prospective tenants. It is expected that the bill will come before Parliament by October 2017.

6.71 Performance against priorities - Appendix 1

6.72 The direction of travel is positive and mainly on track to achieve the work plan for 2016/17.

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

7.1 This report recommends the Corporate Committee to note the performance to 31 December 2016, of the Environmental Health and Trading Standards Services against the Food Law Enforcement Service Plan.

7.2 The two services have delivered the work described in this report within the revenue budgets for Environmental Health and Trading Standards.

7.3 Future service plans will be drawn up within the available budgets and the service manager will continue to identify internal efficiencies to mitigate the impact of resource constraints on the delivery of outputs.

8. COMMENTS OF THE DIRECTOR OF LEGAL

8.1 There are no specific legal implications arising from this report.

APPENDICES

Appendix 1 – Regulatory Services Performance against priorities 2016/17 – 9 month update

BACKGROUND PAPERS

None

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Performance Against Priorities 2016/17 – 9 month update

Table 1. Environmental Health

Item no	What are the priorities?	Where to intervene?	Update	RAG
1.	Develop the Food Law Enforcement Service Plan		Completed	
2.	To submit the LAEMS		Completed	
3.	There is a high level of imported foods from non-EU countries entering the borough, either directly imported by businesses or by third parties located elsewhere. Some of these foods can be illegal (i.e. banned from importation, processed in a way that contravenes EU legislation, or they do not comply with compositional or labelling requirements).	To use intelligence led information to target illegal food activity in the borough and using historical knowledge to concentrate efforts on Ridley Road market.	<p>The service took part in a five borough co-ordinated action day on the 30th April 2016 and visited local butcher's shops to ensure that they were not handling and selling unfit or illegal meat. Hackney focussed on Ridley Road. Four premises were visited and although no food fraud or illegal meat was found, further action days are planned for the remainder of the year.</p> <p>A further action day took place on the 21st October 2016. Eight premises were visited, 4 butchers and 4 African retailers. No food related offences were noted at the butchers shop. However at the four African retailers goods were for sale that are prohibited on the <i>list of increased levels of official control on imports of certain feed and food of non-animal origin</i> produced by the European Union some non-contraventions were noted for incorrect labelling of loose food products, meat products without the correct documentation and the sale of Palm Oil. All goods were surrendered and removed from the premises. The food businesses operators were warned and informed of the correct checks that need to be implemented to ensure goods are only imported from recognised EU establishments</p>	
4.	The number of food businesses in the borough, subject to food hygiene controls, has risen by approximately 17% from 2,535 in April 2015 to 2954 in April 2016. The number of new premises are of particular concern to the Food Safety Service as they place a greater demand on the Service.	The Service manages a programme of inspections for all new/unrated food premises to ensure their hygiene compliance is assessed.	New applications are managed to ensure that only those businesses that are operating are maintained on the database for inspection. At the end of Q3 2016/17 there were 55 unrated premises. The Service has determined that no more than 70 unrated premises should be on the database at any one time.	
5.	Hackney participates in the National Food Hygiene Rating Scheme (FHRS). The scheme is designed to give the public information about local	All high risk premise rated category A-C are visited every 6-18 months.	Data is uploaded to the FSA National website every fortnight. Rating can be viewed at www.ratings.gov.uk	

	food businesses so that they can make informed choices about where they eat locally (and nationally).			
6.	Broad Compliance with Food Safety Legislation	The end of year target for the service is to have 80% of all businesses inspected to be broadly compliant.	At the end of Q3 85% of premises were broadly compliant with food hygiene.	
7.	This Service was awarded a grant by the Food Standards Agency (FSA) to tackle food fraud in Hackney. The project was set out over five phases and started in April 2014. Phases 1 & 2 of the project were completed. However, the project was unable to move to phase three due to operational issues and the project stalled in 2015.	The Service will continue to routinely deal with the occurrence of food fraud in the Borough, undertaking enforcement activities to remove illegal food from the food chain. This takes place during routine food inspections, following a complaint or service request or as part of proactive enforcement days undertaken by the Service.	<p>A meeting with the FSA in April 2016 agreed a way forward that both sides would work to. However after further review it was considered that the project in the form of the FSA submission was not the way forward for Hackney. Action days held this year in April and October 2016 have not revealed any issues of concern. The work completed in phases 1 & 2 has stood up well and the traders have been adhering to the advice given. In addition, action days held since the project began have also not revealed an issue with food fraud in the borough. Further, the recent intelligence received by the food fraud officer has also revealed that food fraud is not actively taking place in Hackney. The EH team have a presence in the Ridley Road market in the form of a EHO responsible for Dalston ward and this has acted as a deterrent to those considering trading in illegal meats.</p> <p>The way forward for Hackney is to broaden the food fraud scope to include alcohol, rice, fish, olive oil, etc. Also the subject needs to be integrated in to the work streams of other teams such as Trading Standards, Licensing Enforcement and Public Health.</p> <p>Although the FSA funded project has not progressed the Service have been proactively undertaking a programme of action days specifically targeting traders in Ridley Road, and butchers and importers to ensure compliance.</p> <p>A work programme is currently being developed with a view for inclusion the work streams of the departments highlighted in 2017/18.</p>	
8.	This Service will continue to support the work of	This project will look to target	This project is led by Trading Standards and to date there has	

	HMRC, and work with partners on observance of National Minimum Wage in Hackney to raise awareness with employers and workers to ensure the payment of at least the National Minimum Wage (NMW).	business premises where there is a suspicion that the NMW is not being paid for example Vietnamese wholesalers/retail businesses/restaurants, Turkish restaurants and nail bars.	been no progress. Following a meeting with HMRC officers in April 2016, 800 nudge letters were sent to traders, to remind traders of their duties with respect to the national minimum wage and the national living wage. Letters were sent to the remaining traders in September. A series of Webinars are planned for later in the year	
9.	Participation in Food Safety Week (week beginning 4 th July 2016).	Provide education, advice and support to target consumer groups and food businesses	The theme for food safety week was about food waste. During Food Safety week, officers visited a number of luncheon clubs and nursery's to inform the users on the importance of food waste and understanding durability date coding. An event was also held at Tesco supermarket, Mare Street in conjunction with colleagues from Waste Enforcement where the message was conveyed to customers of Tesco.	
10.	Use of the Training Centre to improve food hygiene broad compliance.	The training centre will support businesses by making food hygiene training accessible to food businesses in the borough and particularly to those that are not compliant or are subject to enforcement action due to the serious risks of their food operation.	81 food handlers from businesses in Hackney have completed the level 2 in Food Hygiene to date. A Service Level Agreement with the Hackney Learning Trust (HLT) has been established to deliver food hygiene training through to July 2017. To date, 54 HLT colleagues have been successfully trained	
11.	Primary Authority Principle (PAP)	This Service will look to engage businesses to establish a PAP to support businesses, raise standards and ensure a consistent approach to enforcement.	This Service has recently been in discussion with London Union the organisation responsible for Street Feast. The business will now consider whether to take this opportunity further. The Service will continue to reach out to further organisations in the anticipation of realising a formal PAP agreement.	
12.	Businesses Consultation	To engage businesses in Hackney who are looking to improve their businesses and to raise their compliance levels	This new role has is providing consultancy support to 12 businesses. Providing Safer Food Better Business coaching, assistance with Hazard Analysis Critical Control Points (HACCP) development, advice to architect on new kitchen plans and food hygiene training.	
13.	Additional visits will be undertaken where follow up/formal action is required as a result of serious		282 revisits completed in the first nine months of 2016/17.	

	contraventions found at the time of a primary inspection.			
14.	It is expected that the Service will receive over 1000 service requests in 2016/17		718 service requests have been received in the first nine months of 2016/17	
15.	Food sampling will be carried out in a programmed way, in response to complaints and referrals but also during or following inspections and in accordance with the food sampling policy procedure.		85 samples were taken in the first nine months of 2016/17.	
16.	The Service is committed to investigating all food poisoning outbreaks and notifications occurring in the borough in accordance with Public Health England/Local Authority Joint Infectious Diseases Protocol and Procedure.		220 Infectious Disease notifications received in the first nine months of 2016/17.	
17.	The Service has arrangements in place to ensure that it is able to implement the requirements of Food Law of Code Practice in respect of food alerts.		Food alerts issued by the Food Standards Agency have not require a response from the Service.	
18.	The Borough hosts a large number of annual festivals and other outdoor events which attract community caterers and a large number of temporary caterers, pop-ups and food producers, all of which require vetting and inspecting as necessary.	Participation at HEAT to consider all large scale events that take place in Hackney.	5 HEAT meetings have taken place covering events held in Queen Elizabeth Olympic Park and other smaller events held throughout the Borough that have enabled interventions to ensure the provision of safe food.	

Table 2. Trading Standards

Item no	What are the priorities?	Where to intervene?	Update	RAG
1.	Underage sales programme	Maintain the reduction in underage to combat anti-social behaviour and to promote the health and well-being of young people.	75 visits have been conducted, exceeding the target of 20 for the year.	
2.	Tobacco Control	Reduction in illegal sales and the use of tobacco in support of government efforts to encourage smoking cessation. To participate in appropriate/related health initiatives.	Two Wagtail operations have been conducted. A plan is being developed to tackle issues around the use of Shisha. It is not clear if the programme of Shisha visits will happen this year.	
3.	Animal Feed	Ensure any animal feed issues are dealt with effectively and efficiently.	A database of registered premises has been created and the service is on track to visit all registered premises by the end of the financial year.	
4.	Consumer Advice and Education	Promote the Service and deliver advice to residents and businesses. Role play event. The theme would be electrical safety. Respond to consumer complaints and service requests.	The Service participated in the National Consumer Week in Q3 2016. The service is on track to meet targets set at the start of year. Tweets were sent for several days on a range of topics including doorstep crime, electrical safety, tobacco and lettings. There was no role play event.	
5.	Product Safety		One large cosmetics case has concluded and a second cosmetics project is under consideration. Visits have been planned in relation to unsafe phone chargers. Research on products to be seized is ongoing.	
6.	Tackling Counterfeit Goods	Reduce the level of non-compliance and raise awareness through appropriate publicity.	Monitoring of Ridley Road and Hackney Road is ongoing. In addition online compliance is also being monitored.	
7.	Use of communications to raise awareness of the work of the service and provide improved	Contribute articles to suitable internal publications.	One article published regarding Gunners off licence. London trading Standards conducted various media events	

	information for residents and businesses.	Website information to be maintained and updated as necessary. Suitable information for press releases to be passed to the Communications Team.	on the issue of skin lightening including all day television coverage.	
8.	Partnership working - opportunities to be identified for joint working with external stakeholders and also for external funding	Raise service profile by attending relevant partnership meetings, improved stakeholder engagement and external/match funding achieved.	A consistent presence at inner LOTSA meetings has been achieved.	
9.	Education of identified vulnerable groups in conjunction with partner agencies	Education of residents thereby reducing the impact of scams and doorstep crime.	A Winter Warmer event is scheduled for early part of 2017.	
10.	Carry out Licensing checks	Ensure compliance with licensing principles.	The service are processing the Licensing applications as a Responsible Authority. They are mostly processed on time.	
11.	Co-ordination with the Licensing Team	Improved working between teams in the division.	The service have not carried out any joint activities with the licensing team.	
12.	Service Improvement	Improved internal processes	Procedures and process maps have been developed.	
13.	Complaints and service requests	Respond to complaints and service requests.	There were a total of 1844 complaints received by members of the public. This includes 396 referrals. The Service uses the Intelligence Operating Model and reviews the complaints to identify projects such as lettings. Business requests have been processed within target of 10 working days. Officers recording on Civica APP will be improved by the use of new codes which have been developed	
14.	Visits	Visit all high risk premises due for an inspection.	151 high risk inspections carried out. This target has been met.	

Draft Work Programme of the Corporate Committee 2017/18

13 July 2017				
	TITLE	DESCRIPTION	DECISION	GROUP DIRECTOR
1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Planning - Authority Monitoring Report 2016	The AMR provides monitoring information on spatial planning-related activity for the financial year 2016 to inform and monitor policy development and performance	For Information And Comment	Kim Wright (Ian Rae)

30 October 2017				
1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Environmental Enforcement - Annual Assessment Of The Local Environmental Quality Enforcement Strategy And Annual Performance Report 2016/17	The report sets out the annual performance report across the environmental enforcement remit for the 2015/16 financial year.	For Information And Comment	Kim Wright

12 December 2017				
1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Pay Policy Review 2017/18	The Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Tim Shields (Dan Paul)
3	Regulatory Services Update	The Food Law Enforcement Service Plan (FLESP) is a statutory plan which sets out how the Council will undertake enforcement of food safety legislation.	For Information And Comment	Kim Wright
4	Planning - Authority Monitoring Report 2017	The AMR provides monitoring information on spatial planning-related activity for the financial year 2017 to inform and monitor policy development and performance.	For Information And Comment	Kim Wright (Ian Rae)

26 March 2018

1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Annual Report Of The Community Safety Team And Noise Nuisance	The annual report sets out the development of the Council's response to noise nuisance.	For Information And Comment	Kim Wright
3	Annual Review Of The Borough Wide Designated Public Places Order (DPPO)/ Public Spaces Protection Order	Annual report on the DPPO/ Public Spaces Protection Order.	For Information And Comment	Kim Wright