

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

MONDAY, 30TH OCTOBER, 2017

- Councillors Present:** Councillor Jessica Webb in the Chair
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Katie Hanson, Cllr Christopher Kennedy,
Cllr Nick Sharman, Cllr Vincent Stops,
Cllr Sally Mulready, Cllr Clare Potter and
Cllr M Can Ozsen
- Apologies:** Councillor Michael Levy, Councillor Ian David Sharer, Councillor Will Brett, Councillor Laura Bunt and Councillor Mete Coban
- Also in attendance** Cllr Caroline Selman
Cllr Carole Williams
- Officers in Attendance:** Dan Paul (Head of Human Resources and Electoral Services) , Seamus Adams (Head of Parking and Markets Service) and Gerry McCarthy (Head of Community Safety, Enforcement and Business Regulations)

1 APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Levy, Sharer, Brett, Bunt and Coban.

2 DECLARATIONS OF INTEREST - MEMBERS TO DECLARE AS APPROPRIATE

2.1 There were no declarations of interest.

3 CONSIDERATION OF MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the previous meeting held on 28 March 2017 were agreed as a correct record.

3.2 Matters Arising

3.2.1 Corporate Committee reports

The Chair reported that since the previous meeting she had written to the Chief Executive requesting a meeting with the Chair, Vice-Chair and Councillor Sharman to discuss the issues raised concerning the contents of Corporate Committee reports. The Chair advised that the Chief Executive had indicated that he would be willing to hold a meeting only with the Chair and Vice Chair.

3.2.2 Construction waivers

Councillor Hanson sought clarification regarding the progress made on publishing the list of construction waivers on the Council's website and requested an update.

Actioned: Ashraful Haque

With regards to the Geographical Information System (GIS) layer on the database, unfortunately we are still in the process of migrating to a new database which will allow us to complete the BI update. We will need to update the system so it works with the BI model. Once this has been finalised, we will then need to discuss with ICT about the mapping. However, as you can imagine there are always delays to such things and we are already behind schedule with the migration. But I have put a provisional target date of end of Q4 to have the system ready. I will update you once we have the system ready.

4 PAY POLICY STATEMENT 2018/19

4.1 Dan Paul introduced the report relating to the draft annual pay statement for Chief Officer Pay for 2018/19 and advised that there was a legal requirement to publish the pay policy under the Localism Act. This statement would have to be approved by Council before 31 March 2018.

4.2 Mr Paul summarised the contents of the report including the pay multiples in 2015/16 and 2016/17 and stated that the increase in the Chief Executive's pay in 2016/17 had been unique and was the result of 7 elections including 4 by-elections or referenda being held during this financial year.

4.3 The reduction in median total pay and median total earnings had resulted from the TUPE transfer of Hackney Homes employees to the Council. The median pay in future would not reach the previous level achieved in 2015/16 as the TUPE employees had proportionally more employees at lower grades.

4.4 In response to a question from Councillor Hanson, Mr Paul confirmed that the Localism Act required information relating to the Chief Executive pay to be published.

4.5 Councillor Sharman asked if the Council monitored gender and ethnic minority pay and whether this information could be incorporated into this report. Mr Paul stated that from April 2018 it would be a legal requirement to publish data on gender and ethnic minority pay gaps. The Council currently held data relating to the workforce gender, ethnicity and disability and other groups but this data could not be published in this report until local authorities had agreed a format to ensure that the data would be comparable in the future.

4.6 Councillor Mulready enquired whether the Council had a breakdown of the disabled employees in top tier management and the additional support they received. Councillor Williams confirmed that the Council provided additional support for staff with disabilities and the Council published information relating to its workforce, which could be circulated to members following the meeting.

4.7 The Chair sought clarification on whether the Council would be publishing its pay data relating to gender, ethnic minority, disabled and other groups. Councillor

Monday, 30th October, 2017

Williams indicated that the Council would be reporting on gender pay gap in 2018 and then planned to publish the pay data for ethnic minorities and other groups.

RESOLVED to agree the Pay Policy Statement and recommend Council approve it.

Actioned: Dan Paul

'The information that the Council currently publish pertaining to its workforce is available at <https://www.hackney.gov.uk/knowning-our-workforce>

We will be going further in 2018 to add pay gap data to this. We are progressing the gender pay gap information, and have already planned to follow this with ethnicity pay gap data. As requested by the Committee, we will then continue with this to roll it out to other characteristics.'

**5 HIGHWAYS OBSTRUCTION AND ENFORCEMENT: TABLES AND CHAIRS
- VERBAL REPORT**

5.1 Seamus Adams provided a verbal report relating to the enforcement of tables and chairs on the public highway and advised that the Council recognised the issue of tables and chairs being an obstruction on the public highway. However, it was also necessary to balance enforcement with business growth in the borough.

5.2 Mr Adams advised that with the planned improvements to the IT systems and service this would allow officers from Parking to access street trading licences and conditions and also premises licensing conditions. Any breaches of the premises licence would be reported to the Environmental Enforcement Team. The licensable area would be shown on the street trading licence to encourage operators to remain within their designated area at the front of the premises. The improved systems would enable the service to address this issue more robustly in the future.

5.3 Councillor Stops stated that some traders were not displaying their street trading licences in shop windows, which was a breach of their licensing condition. He added that the footpath requirement for a minimum of 1.2 metres clear of any obstruction was not appropriate for some footpaths especially for narrow and busy footpaths and when using buggies. Mr Adams indicated that two enforcement officers visited shops in the borough to ensure that shops complied with their licence. He explained the footpath access requirements and although enforcement action had improved the increase in the growth of café culture had led to an increase in street furniture. It was stressed that it was necessary to balance business needs with public highway safety and Mr Adams was confident that as the service took a pro-active approach to address this issue the improvements would be visible. The service was also changing the licence to show the licenced area on the licence and this process would be more transparent for all parties and enforcement would be easier. Councillor Stops indicated that he would also like a written response to the concerns that he had circulated prior to the meeting.

5.4 Cllr Mulready expressed concern at the building material and street furniture blocking footpaths, which were dangerous and could potentially cause accidents area especially in Church Street and Stoke Newington. Mr McCarthy stated that enforcement officers had taken action to remove building material from streets but it was a challenge to identify the owner. With limited resources operations had to be

Monday, 30th October, 2017

targeted in order to address this issue. Councillor Mulready sought clarification regarding the enforcement process and Mr McCarthy advised that the process consisted of a verbal warning, followed by written warning and final written warning before any enforcement action was taken. The warnings allowed the trader with opportunities to comply with the condition and further breaches of licensing conditions would result in enforcement action.

5.5 In response to a question regarding A-boards, Mr McCarthy said that a zero tolerance policy had been taken to tackle the issue of A-boards on public highways and a breach would include issuing a warning and then a written warning and then seizure of the board. He added that most owners complied with the warning and removed the A boards immediately.

5.6 The Chair indicated that this subject matter was of particular interest to members and requested that a report be submitted annually on furniture blocking the public highway in public realm.

RESOLVED that the verbal report be noted and annual report to be submitted to future Committee meetings.

Actioned: Seamus Adams

Response to the points raised by the corporate committee regarding the enforcement of shop front street trading licence terms and conditions within the borough by the council's markets & street trading service.

Monitoring and licence display

In respect of licences being permanently displayed in shop windows, the markets service have dedicated inspectors who specifically oversee the effective management and delivery of shop front licences. Throughout each week these inspectors attend businesses who trade from the front of their premises. Visits are carried out on a regular basis to ensure valid licences are in place and that trading activity is compliant with our terms and conditions. This includes checks to ensure that licences are correctly displayed prominently in the front window or door of the premises. In addition, visits are also carried out on a reactive basis where reports of licence infringements have been received.

Following recent feedback about the display of licences in shop front windows, the service is currently redesigning the licence to accommodate a schematic drawing of the licenced area on the licence itself. Additionally the licence will clearly state that it must be on display prominently in the front window or door of the premises along with any licence restrictions or special conditions noted where relevant such as times of operation.

This piece of work should be completed by February 2018 making the process more transparent for all involved, enabling the service to enforce regulation 3.1 (stated below) more rigorously:

- *3.1 - A copy of the shop front trading licence must be displayed in the window of the premises outside which trading is permitted. The copy of the licence is to be displayed so as to be clearly visible and legible from the street.*

Enforcement process

Monday, 30th October, 2017

All correspondence and action taken by council inspectors in relation to these visits is documented in a database held by the markets service and managed through the standardised formal warning process. This process consists of a verbal warning, a written warning and final written warning before action is taken to revoke the licence. Further licence breaches are then escalated to the environmental enforcement team to progress with formal action in the form of a PACE interview and fixed penalty notices. Continued infringements ultimately result in prosecution proceedings as seen in the current case of Hackney vs L&G Disposables.

Shop front trading applications - suitability assessment

Market & street trading Officers issue shop front licences by following the process in line with the current street trading regulations. This process does not require consultation with Streetscene or TFL about the size of shop front trading areas. Applications received for a shop front trading licence are followed up by an inspector who conducts a site visit to assess the premises' suitability for shop front trading which includes taking physical measurements. A decision is made based on the prevailing street trading regulations which presently require a minimum width of 1.2m to the nearest street furniture as a standard condition laid out in Regulation 4.2 (below):

- *4.2 - A minimum of 1.2m clear of any obstruction shall be maintained for safe access to and egress from the premises to which the licence relates*

Officers may refuse an application or place conditions before granting a licence, for example in locations with very high pedestrian footfall on busy thoroughfares. These locations may require an increased distance from the premises to the nearest street furniture of 1.5m or 2m to ensure the free movement of pedestrians, wheelchair users and push chairs & prams etc.

6 WORK PROGRAMME 2017/18

6.1 Members expressed their dissatisfaction at the quality of reports presented at meetings of the Corporate Committee and the Committee's role and areas of work. The Chair indicated that it was now necessary to review the annual work programme and the terms of reference.

6.2 Councillor Potter commented that the Committee had not received the Planning Authority Monitoring (AMR) Report 2016, which had been scheduled for July 2017.

6.3 Councillor Selman invited members to attend a Members' Briefing on 7th November 2017.

Stephen Rix undertook to circulate the Committee's terms of reference so that members could understand the areas of work covered by the Committee.

RESOLVED to note the work programme.

Actioned: Stephen Rix

The terms of reference and area of work was circulated following the meeting.

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

7.1 There was no other urgent business.

Monday, 30th October, 2017

Duration of the meeting: 6.30 - 8.00 pm

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