

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE WEDNESDAY, 10TH OCTOBER, 2018

- Councillors Present:** Councillor Jessica Webb in the Chair
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Vincent Stops, Cllr Mete Coban,
Cllr M Can Ozsen and Cllr Ned Hercock
- Apologies:** Councillor Katie Hanson, Councillor Brian Bell,
Councillor Ajay Chauhan, Councillor Sade Etti,
Councillor Margaret Gordon, Councillor Clare
Joseph, Councillor Peter Snell, Councillor Michael
Levy and Councillor Tom Rahilly
- Officers in Attendance:** Rachel Cowburn (Head of Investment and Actuarial)
Dan Paul (Head of HR, OD and Elections) and Gerry
McCarthy (Head of Community Safety, Enforcement
and Business Regulations, Neighbourhoods and
Housing) and Sean Eratt (Legal Services).

1 Apologies for Absence

1.1 Apologies for absence were received from Councillors Hanson, Bell, Chauhan, Etti, Gordon, Joseph and Snell.

2 Declarations of Interest - Members to Declare As Appropriate

2.1 Councillors Stops, Fajana-Thomas and Ozsen declared a non-pecuniary interest as deferred members of the LGPS.

3 Consideration of Minutes Of The Previous Meeting

RESOLVED that the minutes of the previous meeting held on 10 July 2018 be approved as a correct record.

4 Employer Discretion Policies 2018

4.1 Rachel Cowburn introduced the report setting out the London Borough of Hackney's policies in respect of the discretionary elements within the Local Government Pension Scheme (LGPS) Regulations.

4.2 Ms Cowburn advised that the discretions policy had been updated to reflect the implementation of the LGPS (amendment) Regulations 2018 and best practice. The new policy and changes to existing policies were highlighted within Appendix 1 of the report.

4.3 Councillor Stops enquired if the Council had a policy to address the issue of former employees receiving exit payments and then being re-appointed by the Council. Mr Paul stated that national legislation set out the recovery of exit payments from former public sector employees that were re-employed within the sector within 12 months period. Ms Cowburn added that the Council had existing policy to ensure that redundant Council staff were not employed by the Council.

4.4 In response to a query regarding the delegated authority to amend the discretion policies, Ms Cowburn clarified that any material changes in policies that had significant financial implications would be referred to the Pensions and Corporate Committees for approval.

RESOLVED to:

- 1. Approve the updated and amended Employing Authority Discretion Policies.**
- 2. Note the ongoing delegated authority to the Group Director, Finance and Corporate Resources and the Director of Legal, to amend the Employing Authority discretions policies where changes are necessitated by new regulations and provided that the policy changes will have no significant financial implications.**

5 Environmental Enforcement - Annual Assessment Of The Local Environmental Quality Enforcement Strategy and Annual Performance Report 2017/18

5.1 Gerry McCarthy introduced the annual performance report across the Environmental Enforcement remit for the financial year 2017/18 and Annual Strategic Assessment of the Local Environmental Quality Enforcement Strategy. The report set out the key areas relating to environmental enforcement, management arrangements, resourcing and the key targets.

5.2 Mr McCarthy outlined the service's enforcement activities including: unregulated waste, highways obstructions, dog fouling and dog control, littering, illegal street trading, flyposting, and vomiting. A brief summary was provided of the overarching objectives set out in the Local Environmental Quality Enforcement strategy and the priorities in the strategy including to minimise the environmental impact of the growing night time and weekend economy; reduce fly posting, unregulated waste, illegal highway obstructions and dog fouling.

5.3 Mr McCarthy stated the objectives for 2017/18 as follows: tackling unregulated waste, improved levels of compliance, cost avoidance and sustained improvements in local environmental quality particularly in the night time economy and contribution to area regeneration. It was noted that at page 32 of the report the performance indicator HCS PR 057- Number of businesses in the borough with a trade waste agreement - had been deactivated in 2017/18 and was no longer relevant.

5.4 Mr McCarthy emphasised that the Service was running a project targeting the main roads that had amongst the highest volume of unregulated waste, namely the A10 (Kingsland Road through to Stamford Hill), Broadway Market and Chatsworth Road

5.5 Councillor Stops asked if the displaying of shop front licences in trader's premises window could be made mandatory and any breaches enforced, and whether time bands had been effective. Mr McCarthy advised that all shop front licensees are required to display their licence within the window of their premises ensuring it is

visible at all times and failure to do so was a contravention of the terms and conditions of the licence. The service was also considering adding the terms and conditions on the new system so that inspectors could access these records and take enforcement action as appropriate. With regard to the time bands, this enabled the Council to collect refuse from bins left on the pavement where it was difficult to identify the owner. The Council was in the process of reviewing the current time bands in conjunction with Waste Operations to tackle high volume crimes such as litter.

5.6 Councillor Hercock enquired how many waste companies provided waste collection services within the borough. Mr McCarthy stated that there were approximately five reputable companies providing waste collection contracts and that the waste contract depended on the business activity with a pharmacy requiring a different contract from a local store.

RESOLVED:

To note the annual performance report for the service and the annual strategic assessment of the Local Environmental Quality Enforcement Strategy 2017/18.

6 Annual Performance Report Of Shop Fronts Licensing And Enforcement

6.1 Gerry McCarthy introduced the report setting out the performance of the shop fronts service, specifically focusing on the enforcement aspect of tables and chairs within the borough for the period 1st April to 30th September 2018.

6.2 Mr McCarthy advised that businesses were required to have a shop front licence to trade goods and services outside shops, including tables and chairs. The highest volume of shop front trading licences issued across the borough were for tables and chairs and it was also the main area for complaints and enforcement action. Markets and Street Trading Service managed the licensing and enforcement process and in April 2018 the service invested £12,500 in a new Licensing system for shop fronts enabling Inspectors to access shop front records in real time and complete shop front application on their ipad devices. In addition, the service had undertaken 175 visits in a month that had resulted in year on year increase in enforcement visits and action taken for breaches or complaints by 20% in 2018.

6.3 Mr McCarthy stated that initially officers revisited a new licensee twice within the first month of trading and at least once a month thereafter unless a complaint or intelligence were received to suggest non-compliance or breaches of the terms and conditions of the licence. It was reported that from April 1st 2018 the new disciplinary enforcement process consisted of a verbal warning, written warning and FPN issued; final written warning and FPN issued, revocation of licence and /or prosecution, and right of appeal via the Head of Service. Mr McCarthy said that L and G Disposables, 2-3 Market Parade, Oldhill Street, N16 was now in compliance of its conditions.

6.4 Mr McCarthy highlighted that consultation would commence in November 2018 on shop fronts fees and charges with proposals to change the current fees and charges from a banding system to a pay by square metre system. Mr McCarthy outlined the clearances at paragraph 4.2 at page 60 of the report, which stated that 'a minimum of 1.2m clear of any obstruction shall be maintained for safe access to and egress from the premises.' and paragraph 9.4 'Temporary barriers of the type and construction approved by the council be placed around the licensed area at the start of

the licensed trading day and remain in place throughout the trading day until they are removed to a place of storage off the highway at the end of the licensed trading day.'

6.5 Councillor Fajana-Thomas sought clarification regarding the shop front trading licence and whether there were any mechanisms in place to manage and control the number of licences granted for tables and chairs, if traders were aware that they had to apply for a permanent licence after they had been issued a temporary licence and clarification regarding banding and fees. Mr McCarthy stated that the control and management of licences for tables and chairs would be referred to the Street Trading team for a direct response. With regard to the licence, a trader was eligible to apply for a permanent shop front licence after holding a temporary licence for six months prior to submitting the application. The current banding and fees affected small businesses and the proposed square metre system would help support the local business and economy by reducing fees for smaller businesses and ensuring costs of shop front trading were more proportionate to the size of space. The Council was also engaging with TfL regarding the proposed banding and fees.

6.6 Councillor Coban asked how the Council had publicised and raised awareness of the new disciplinary process amongst businesses. Mr McCarthy stated that the new process had been published on the Council's website and publicised through Launch and Landing pad. The Council's website also signposted small businesses to relevant information such as waste contracts and shop front licence.

6.7 In response to Councillor Hercock's query relating to table and chairs on red routes, Mr McCarthy stated that the Council held quarterly meetings with TfL to address this and related enforcement issues.

6.8 Councillor Stops sought clarification regarding the enforcement of tables and chairs licence in particular enforcement against licensees that did not display their licence in the shop window, bulky street furniture left overnight on the public highway, why the Council could not enforce any breaches of table and chairs on TfL routes using the Highways Act and queried paragraph 4.2 outlining 'a minimum of 1.2m clearance of any obstruction...' when Mr Cunningham had assured the Committee that there would be at least a minimum of 2 metres clearance on busy roads such as Kingsland Road and more than 2 metres at Dalston Junction. Mr McCarthy stated that shop front licensees were now required to display their licence in the shop window as part of the condition of their licence and failure to display was a breach and enforcement action could be taken. In addition, depending on the terms and conditions of the shop front licence, some licensees were allowed to leave affixed tables and chairs overnight on the public highway. However, Mr McCarthy would ask officers to clarify paragraph 9.7 at page 61 of the report which stated 'the removal of temporary barriers and construction... off the highway at the end of the licensed trading day' and how this related to furniture left overnight on the pavement. Mr Eratt requested that Councillor Stops put the relevant section of the Highways Act regarding Council enforcement of any highways within the borough within an email and a response would be provided from a lawyer specialising in highways. Mr McCarthy advised that a response would be forwarded to Councillor Stops regarding the 2 metre minimum clearance.

6.9 Members stated that to encourage more shop front licensees to display their licence, the Council should take a flexible approach to signages in particular the size of the photograph on the licence and asked that the photo be reduced so that it does

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not detract from the window display. Mr McCarthy agreed to consider making the photograph smaller or having a small photocard.

6.10 The Chair commented that the enforcement of A Boards on the highway were set out at paragraph 9.10 of the report. The Chair noted that the following words 'and the scope' be deleted from the recommendation.

RESOLVED:

To note the content of this report and the level of work being carried out in relation to Shop Fronts Licensing and Enforcement.

7 Draft Work Programme 2018/19

7.1 The draft work programme for 2018/19 was noted.

8 Any Other Business Which In The Opinion Of The Chair Is Urgent

8.1 There was no other urgent business.

Duration of the meeting: 6.30 - 7.50 pm

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