



CORPORATE COMMITTEE

Monday, 3rd June, 2019

at 6.30 pm

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

Committee Membership

Cllr Jessica Webb (Chair)
Cllr Susan Fajana-Thomas (Vice-Chair)
Cllr Katie Hanson, Cllr Vincent Stops
Cllr Mete Coban, Cllr M Can Ozsen
Cllr Brian Bell, Cllr Ajay Chauhan
Cllr Ned Hercock, Cllr Clare Joseph
Cllr Anthony McMahon, Cllr Peter Snell
Cllr Carole Williams, Cllr Michael Levy
Cllr Steve Race

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

Monday, 3rd June, 2019

ORDER OF BUSINESS

| Item No | | Page No |
|---------|--|-----------|
| 1 | <p>Chair and Vice-Chair for the Municipal Year 2019/20</p> <p>To approve Councillor Jessica Webb as the Chair and Councillor Susan Fajana-Thomas as Vice- Chair of the Corporate Committee for the Municipal Year 2019/20</p> | |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interest - Members to Declare As Appropriate | |
| 4 | Consideration of Minutes Of The Previous Meeting | 1 - 8 |
| 5 | Establishment and Composition of the Planning Sub Committee 2019/20 | 9 - 12 |
| 6 | Annual Performance Report Of Shop Fronts Licensing And Enforcement | 13 - 30 |
| 7 | Business Regulation Service Delivery Plans 2019/20 | 31 - 132 |
| 8 | Enforcement Services Delivery Plan 2019/20 | 133 - 174 |
| 9 | Draft Work Programme 2019/20 | 175 - 176 |
| 10 | 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:

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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 Director of Legal and Governance 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 Suki Binjal, Interim Director of Legal and Governance Services on 020 8356 6234 or email suki.binjal@hackney.gov.uk



MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY, 9TH APRIL, 2019

Councillors Present: Councillor Jessica Webb in the Chair
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Vincent Stops, Cllr M Can Ozsen,
Cllr Ajay Chauhan, Cllr Margaret Gordon,
Cllr Clare Joseph, Cllr Peter Snell and
Cllr Tom Rahilly

Apologies: Councillor Katie Hanson, Councillor Brian Bell and
Councillor Sade Etti

Officers in Attendance: Gerry McCarthy (Head of Community Safety,
Enforcement and Business Regulations,
Neighbourhoods and Housing) and Dawn Carter-
McDonald (Head of Legal and Governance).

Also in Attendance: Cllr Caroline Selman

1 Apologies for Absence

1.1 Apologies for absence were submitted from Councillors Hanson, Bell and Etti.

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

RESOLVED that the minutes of the previous meeting held on 8 January 2019 be approved as a correct record.

Matters Arising

The following updates were provided in relation to the actions arising from the previous minutes:

- **Regulatory Services Service Plan update**
Mr McCarthy confirmed that the sale of e-cigarettes to under 18 year olds was illegal.
- **Planning AMR 2017/18**
The Committee noted that officers were acquiring information in relation to the number of public houses in Hackney and a response would be circulated in due course.

ACTIONED: Following the meeting it was reported that 'According to the Council's licensing records, there are approximately 140 pubs in the borough.'

4 Nomination from Corporate Committee to Council Joint Committee

4.1 Dawn Carter-McDonald introduced the report seeking a member of the Corporate Committee be appointed on the Council Joint Committee which had a vacancy since May 2018 following the stepping down of a former elected councillor.

4.2 Councillor Fajana- Thomas enquired about how the Corporate Committee was represented since May 2018. Ms Carter-McDonald advised that since May 2018 there had been two meetings of the Council Joint Committee.

RESOLVED to appoint Councillor Jessica Webb as the Corporate Committee Member for the Council Joint Committee.

5 Annual Performance Report of the Noise Service 2018

5.1 Gerry McCarthy outlined the report setting out the annual performance in relation to noise nuisance for the period 1st January to 31st December 2018 and an update on the volume of noise complaints, a breakdown of the individual types of noise within the services workload, including Temporary Event Notices (TENs). The Environmental Protection Service Delivery Plan sets out the objectives of the Team and the key areas relating to Environmental Protection addressing statutory nuisance including commercial noise and odours, artificial light nuisance and construction noise, the management arrangements and resources allocated for the works.

5.2 Mr McCarthy stated that noise nuisance was the largest anti-social behaviour (ASB) in the borough and a range of resources had been allocated to address this issue. He highlighted the key areas within the report:

Noise and ASB management

- The Council's Environmental Protection Officers (EPOs) focused on noise from commercial premises and issues related to construction noise and Principal Enforcement Officers focused on domestic noise and ASB cases and work out of hours.
- The online noise reporting service had been made simpler and streamlined.
- The e-form had been redesigned to allow the complainant to report noise nuisance issues and to complete a more detailed self-triage allowing officers to receive relevant information.
- The use of the online complaint e-forms and the ongoing planned automation changes would make the triage process less resource intensive
- The Council's noise nuisance webpage had been updated providing clear and concise information.
- Any completed form requests received during service hours including out of hours were assessed and triaged for engagement if required. Complaints were now assigned to the perpetrator.
- The provision of an out-of-hours service was challenging as demand had been unpredictable with officers dealing with both commercial and residential noise nuisance and at times of peak fluctuation could result in up to twenty service requests in an hour.
- EPOs worked closely with the Council's Licensing Section in respect of noise nuisance from commercial licensed premises.

Temporary Event Notices (TENs)

- Hackney had the second highest number of TENs in London and the number of TENs received in Hackney had increased by approximately 25% following the introduction of legislation. The demand in Hackney had been disproportionately high with a total of 1,315 TENs in 2012 and increasing to 2,401 in 2018. The maximum number of TENs a premises could apply for was from twelve to fifteen per calendar year.

Construction Noise

- The rise in construction noise had resulted from an increase in developments and construction within the borough within the past ten years. This had led to an increase in the average number of notices served or applications for consents approved under Section 60 and Section 61 of the Control of Pollution Act 1974. In the period from April to December 2018 there were 103 Section 60 notices served and 122 Section 61 consents issued.
- Funding had been agreed for two additional officers on fixed term contract until 3rd March 2021 to assist with the increased number of requests received and out of hour's service and to continue the proactive service on Sundays in relation to construction noise

5.3 Mr McCarthy responded to questions and comments from Members relating to the report as follows:

- Environmental Protection Officers had been jointly working with external agencies such as the police and the Council's Licensing Services to address commercial noise nuisance. Progress had been made in responding to Members' queries and complaints relating to noise nuisance and work had been continuing on further improving this service.
- The Council had been successful in three noise nuisance complaints that were not upheld at review and an Ombudsman case dating from 2018.
- The Council had been working on improving its pro-active intelligence gathering and further strengthening of local borough protocols to address this issue.
- The service's approach had been to deal with the premises when a complaint relating to noise was received.
- A high number of late night TENs applications had been submitted although the spirit of the legislation had been intended for events such as birthdays. The Council had also been concerned about the potential for crime and disorder at these late night events.
- TENs were risk assessed but late night TENs in particular had contributed to a rise in noise nuisance.
- All TEN applications received by the Council were published on its website.
- People could report noise nuisance complaints by phone or email and both these methods were effective and a response would be received.
- An agreement was drawn between the Council and construction setting out the hours of construction work. In drawing up the agreement the Council took in to consideration and balanced the needs of residents and the disruption of works and other factors such as the number of construction sites in an area.
- Construction and building site noise was governed by legislation in particular Sections 60 and 61 of the Control of Pollution Act 1974, which set out the permitted hours and exemptions. Companies could submit a Section 61 application for consent for construction works including on Sundays or out of hours. The applications for consent for Sundays or out of hours were granted in very few circumstances and subject to strict conditions.

- Officers engaged with residents regarding noise nuisance arising from construction work occurring outside permitted hour and residents were informed of any hours of construction and building site noise.
- Information on any construction works taking place within the borough including out of hours and Sundays were available on the Council's website.
- Councillor Selman emphasised that the service had made good progress in addressing noise nuisance as demand had increased but no additional resources had been provided. The Council was currently examining the reasons for the increase in noise nuisance within the borough in order to address this issue.
- The increase in noise nuisance was a combination of making it easier for residents to report noise nuisance online together with a gradual rise in both commercial and residential noise. Councillor Selman added that the Council was currently examining the reasons for the increase in noise nuisance within the borough in order to address this issue.
- The Council also had the powers to take action against domestic noise not considered normal domestic activity that was causing a nuisance such as noise emanating from power showers. It was confirmed that the Council had been received complaints related to noise nuisance from power showers.
- Noise emanating from laminate or wooden flooring in a block could be considered as normal domestic activity depending on a tenant's lease. Councillor Selman stated that tenants of Hackney Council properties were required to seek permission prior to installing wooden floors and this condition had been included in the tenants' leases. With regard to Housing Associations this issue would be included in their lease or tenancy agreement.
- Any technical issues that were still being identified as a result of the migration of the database from M3 PP to CIVICA in May 2018 were being resolved as soon as possible. Officers had been provided training on the database and the data had been used in a review of a licensed premises that had been revoked based on the noise nuisance complaints recorded.
- The Council had received a total of 5,874 noise complaints in 2018 and the complaints were now recorded under a complainant's name.
- The outcomes of the Sections 60 Notices served by the Environmental Protection Team between April 2018 and January 2019 were measured by whether any further action was necessary. If no further action was required than the case was considered resolved.
- The Council had not yet prosecuted any individuals for noise nuisance. The Council's approach had been to consider alternative enforcement action such as requesting a licensing review before considering prosecution as a final resort.
- Upon receipt of a noise nuisance complaint, Council officers visited the property to discuss the complaint and an individual was given a few weeks to respond. If the noise nuisance persisted, an officer would arrange a further visit to the property.
- There were seasonal variations in service demand with more noise nuisance complaints received in the month of July. Councillor Selman added that during high stress periods managers monitored staff leave to ensure that there was sufficient staff to meet the demands of the service and the service was currently being reviewed.

5.4 Councillor Snell requested that domestic noise and any enforcement action be included in future reports. Councillor Selman undertook to incorporate residential noise nuisance into future reports.

5.5 Councillor Gordon requested that the outcomes of Section 60 Notices served by Environmental Protection Team be included in future reports.

RESOLVED to:

- 1 Note the annual performance report for the service.**
- 2 Note the level and scope of work being carried out to meet the requirements of the Plan.**

6 Annual Report Of Public Space Protection Order (PSPO) 2018 Previously Designated Public Places Order (DPPO)

6.1 Gerry McCarthy introduced the report on the Public Space Protection Orders for the period from 1st January 2018 to 31st December 2018. The following areas were highlighted:

- The visible street population appeared to have had increased in the previous three years, but the behaviour of individuals had been moderated by use of the DPPO/PSPO and other powers
- The complaints relating to street drinking had reduced to 26 reports in 2018 from the 609 reports recorded prior to the implementation of the DPPO.
- The Council had maximised the resources available and established very effective operational partnership working and tasking to address street drinking and related ASB issues.
- Monthly Street Users Outreach Meeting (SUOM) were held with Council officers, Police and outreach staff regularly meeting to discuss individual cases and co-ordinate the enforcement activity and improve treatment efforts in order to tackle alcohol related ASB and street drinking.
- The Partnership Tasking Group met regularly to identify any emerging or actual hotspots and the tasking of police and enforcement resources.
- The Community Safety Team had identified hotspots and action plans were in place and supplemented by joint patrols involving Police, Enforcement Officers and Community Safety Officers. Referrals had been made to Westminster Drugs Partnership and other support agencies as appropriate.
- There were currently two Anti-Social Behaviour Orders (ASBO) in place on individuals in Hackney.
- The Group Director, Neighbourhoods and Housing had convened a working group consisting of Officers from Housing Needs, Community Safety, Enforcement and Public Health to review the current support and interventions commissioned or offered to street users.
- The Council had recognised in its Manifesto commitment that officers would engage with street users/drinkers and refer them to Street Link to moderate their behaviour. Hackney Enforcement Officers and the Metropolitan Police Officers issued anti- social behaviour warnings prior to the issuing of Fixed Penalty Notices for street drinking in an attempt to tackle the problem in a proportionate manner. Prosecution would be considered in extreme circumstances and in the event a failure to pay a fine or breaching an injunction.

6.2 Councillor Stops asked whether further work could be carried out to prevent or stop the sale of alcohol cans by off licences to people already drunk, which was contributing to street drinking in Hackney. Mr McCarthy stated that the Council was taking action against off licences and targeted work had been taken in the Narrow

Way in Mare Street. In addition there had been no restrictions on the off licences to sell no more than one can of alcohol. Councillor Selman highlighted that Licensing had the powers to take enforcement action against a licensee in breach of their premises licence, however, no action could be taken against those holding a historic licence that did not have any condition restricting the sale of alcohol cans. Further, legal action against a street drinker had been a challenge as the Council had to provide evidence and meet a high legal threshold.

6.3 Councillor Rahilly noted the drop in ASB warnings issued for street drinking since May to November 2018. Mr McCarthy replied that the fall had resulted from the ongoing engagement with street drinkers and support provided by officers and various agencies. Councillor Selman emphasised that there were currently no injunctions in place in relation to ASB associated with street drinking under the PSPO. The two current active ASBOs on the individuals had been issued under the former DPPO and prior to the introduction of the Anti-Social Behaviour Crime and Policing Act 2014.

6.4 Councillor Snell referred to the fewer calls made to the Police for street drinking from 126 in 2014 to 26 in 2018 and enquired about underlying reasons relating to the drop and the ASB warnings in Dalston issued by the police. Mr McCarthy stated that there were many factors that had led to a drop in warnings. With regard to Dalston, Council officers and the police had issued warnings during the days of action undertaken in Dalston.

6.5 Councillor Gordon asked if any FPN had been issued for ASB related to drinking. Mr McCarthy replied that no FPN had been issued yet and that the Council had taken an approach to refer street drinkers for support before applying for injunction against vulnerable people. Councillors Joseph and Gordon asked if Members could have quantitative data and a case study relating to vulnerable people in particular ASB associated to substance misuse. Mr McCarthy advised that any information would have to be anonymised. Councillor Selman indicated that it would be feasible to look at outcome measures and data and case profile.

6.6 Councillor Ozsen commented that there was no evidence to suggest that off licences had been contributing to the crime within the borough.

6.7 Councillor Stops commended the service for its successful work in tackling drinking in public places.

RESOLVED to note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO.

7 Draft Work Programme 2019/20

7.1 The Committee's draft work programme for 2019/2020 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- 8.00 pm

Tuesday, 9th April, 2019

Contact:
Rabiya Khatun
Governance Services
020 8356 6279

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ESTABLISHMENT AND COMPOSITION OF THE PLANNING SUB COMMITTEE

**CORPORATE COMMITTEE
MEETING DATES 2019/2020**

3 June 2019

CLASSIFICATION:

Open

GROUP DIRECTOR

Tim Shields, Chief Executive

1. INTRODUCTION AND PURPOSE

Corporate Committee was established and the membership approved at the Annual General Meeting of the Council on 23 May 2019. As set out in the Corporate Committee’s terms of reference in part 3 of the Council’s constitution, Corporate Committee is responsible for appointing a Planning Sub-Committee. The membership of the Planning Sub-Committee is drawn from the membership of the Corporate Committee.

2. RECOMMENDATION(S)

The Corporate Committee is recommended to:

- 1. Establish a Planning Sub-Committee**
- 2. Approve the membership of the Planning-Sub-Committee as set out in Appendix 1 to this report.**
- 3. Approve the substitute members of the Planning Sub-Committee as set out in Appendix 1 to this report.**
- 4. Nominate the Chair and Vice Chair of the Sub-Committee for ratification by the Planning Sub-Committee at its first meeting as set out in Appendix 1 to this report.**

3. REASONS FOR DECISION

The Corporate Committee is responsible under its terms of reference to appoint a Planning Sub-Committee. In previous years, an extraordinary Corporate Committee meeting has been held at the end of the Annual General Meeting (AGM) to do this. However, in order to streamline the Annual General Meeting process, the first Corporate Committee meeting was scheduled as soon as was practicable after the AGM so that the Planning Sub-Committee could be established.

4. COMMENTS FROM THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

There are no immediate implications arising out of this report.

5. COMMENTS FROM THE DIRECTOR OF LEGAL AND GOVERNANCE

There are no immediate implications arising out of this report.

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| Report Author | Tess Merrett, Governance Services Tess.merrett@hackney.gov.uk 020 8356 3432 |
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|--|---|
| Comments on behalf of the Corporate Director of Finance and Resources | Philip Walcott, Group Accountant Philip.walcott@hackney.gov.uk 020 8356 2396 |
| Comments on behalf The Director of Legal and Governance | Dawn Carter-McDonald Head of Legal and Governance Deputy Monitoring Officer dawn.carter-mcdonald@hackney.gov.uk 020 8356 4817 |

APPENDIX 1

Planning Sub-Committee Membership

Cllr Vincent Stops
Cllr Katie Hanson
Cllr Brian Bell
Cllr Susan Fajana-Thomas
Cllr Ned Hercock
Cllr Clare Joseph
Cllr Anthony McMahon
Cllr Steve Race
Cllr Peter Snell
Cllr Michael Levy

Nominated Chair – Vincent Stops
Nominated Vice Chair – Katie Hanson

Planning Substitute Members

Soraya Adejare
Sophie Conway
M Can Ozsen
Clare Potter
Tom Rahilly



ANNUAL PERFORMANCE REPORT OF SHOP FRONTS LICENSING AND ENFORCEMENT

**CORPORATE COMMITTEE
MEETING DATES 2018/19**

3rd June 2019

CLASSIFICATION:

Open

WARD(S) AFFECTED

All

GROUP DIRECTOR

Kim Wright, Neighbourhoods and Housing

1. INTRODUCTION AND PURPOSE

- 1.1 This report sets out the year to date performance of the shop fronts service, specifically focusing on the enforcement aspect of tables and chairs within the borough for the period 1st October 2018 - 31th March 2019.
- 1.2 The Corporate Committee has requested an update on how the Council licences and enforces its shop fronts trading within Hackney.
- 1.3 A shop front licence is the specific licence businesses need to trade goods and services outside their shop, including everything from fruit and vegetables outside convenience stores to tables and chairs outside local cafes, bars and restaurants.
- 1.4 The licensee may only sell goods that the shop is legally registered to sell (excluding alcohol, tobacco and tobacco products and refreshments).
- 1.5 Temporary and permanent shop front licence applications are available, however permanent shop front applications are only available for licenced streets. Applicants would have to hold a temporary licence for six months before they can apply for a permanent licence.
- 1.6 All applications that are considered before they can become a permanent licence holder are decided by the Council's Officer Licencing Panel (OLP) which consists of the Markets and Street Trading Manager and the Head of Service who currently meet on a monthly basis. The applicant must meet a set criteria for the OLP to sign off on a permanent licence.
- 1.7 This licensing and enforcement process, as referred to in paragraph 4.2, is managed by the Markets and Street Trading service and the shop front licence is a service that supports business growth, stimulate the local economy & employment and attract customer footfall into the borough.
- 1.8 Shop front trading within Hackney continues to grow compared to last year (17/18), At the end of the financial year 2018/19 the markets and street trading service completed the year with double digit growth across both our markets and street trading operation with the shop fronts aspect of the service delivering an increase of 18% year on year and markets 15%
- 1.9 The table below highlights the growth in live shop front licences from 2017/19 vs 2018/19:

| Shop front licences | 2017/18 | 2018/19 | Overall +/- |
|----------------------------|----------------|----------------|--------------------|
| Permanent | 102 | 115 | +13% |
| Temporary | 157 | 190 | +21% |
| Overall | 259 | 305 | +18% |

*Tables & Chairs represent the highest volume of shop front licences we issue across Hackney, accounting for over 60% of our total shop front trading licences. This is also the main area for complaints and as such where enforcement action is most required.

2. RECOMMENDATION(S)

The Corporate Committee is recommended to:

- 2.1 Note the content of this annual report and level and the scope of work being carried out in relation to Shop Fronts Licensing and Enforcement.**

3. REASONS FOR DECISION

- 3.1 This report which is for noting and adheres to the requirement previously agreed by Corporate Committee to report annually on the Licensing and Enforcement of Shop Front trading.

4. BACKGROUND

- 4.1 In April 2018, the service invested £12,500 in a new Licensing system for shop fronts. This system enables Inspectors to access new and existing shop front records on the go and they have been equipped with tablet devices to complete shop front application visits on site in real time.

4.2 Policy Context

LICENSING AND ENFORCEMENT

- 4.2.1 When an application for a shop front licence arrives it is allocated to an Inspector to complete an on-site visit and assessment of the application. The officer will arrange with the proprietor to attend and complete the assessment.

The new system also includes the facility for the inspecting officer to now add a drawing to show the dimensions of the shop front directly to the account of the applicant. We originally planned by April 2019 this dimension drawing will not only appear on the account but will also appear on the licence itself, making it significantly easier and clearer for any enforcement service to highlight a breach of licencing conditions, thus creating a consistent joined up approach to enforcement.

Due to a number of technical issues within development of the new licencing system we will now deliver this style of licence by the 1st of August 2019. An example of the two page licence to be displayed can be found below.

Temporary Shop Front Trading Licence Card

Trading licence number: _____

Name of licensee: _____

Name of premises: _____

Address: _____

Postcode: _____

Shop front display/tables and chairs: _____

Special conditions attached to licence:
No advertising boards may be placed on the highway as per section 9.10 of shop front trading regulations.

Schedule

Valid from: _____

Expiry date: _____

Permitted trading days: _____

Permitted trading hours: _____

Dimensions of licensed area:

| Area 1 | Area 2 | Area 3 |
|-------------------|-------------------|-------------------|
| Length (m): _____ | Length (m): _____ | Length (m): _____ |
| Width (m): _____ | Width (m): _____ | Width (m): _____ |

NOT TRANSFERABLE

Hackney Council grants this licence on the basis of a promise to comply with the regulations. This licence is issued on the basis of the information provided in the application and the licence holder is responsible for the accuracy of the information provided. This licence is issued subject to the provisions of The London Local Authorities Act 1993 and regulations made pursuant to Section 21 of said Act. It is the responsibility of the licensee to ensure compliance with The London Local Authorities Act 1993 and any other regulations made pursuant to Section 21 of said Act. It is the responsibility of the licensee to ensure compliance with any other regulations made pursuant to Section 21 of said Act.

Signed: _____ Dated: _____

Authorised officer on behalf of the Director of Health and Community Services.

Temporary Shop Front Licence

Name of licensee: _____

Name of premises: _____

Address: _____

Postcode: _____

Shop front display/tables and chairs: _____

Special conditions attached to licence:
No advertising boards may be placed on the highway as per section 9.10 of shop front trading regulations.

Schedule

Trading Licence Number: _____

Valid from: _____

Expiry date: _____

Permitted trading days: _____

Permitted trading hours: _____

Dimensions of licensed area:

| Area 1 | Area 2 | Area 3 |
|-------------------|-------------------|-------------------|
| Length (m): _____ | Length (m): _____ | Length (m): _____ |
| Width (m): _____ | Width (m): _____ | Width (m): _____ |

NOT TRANSFERABLE

Markets and Street Trading Service call 020 8356 5300

THIS CARD MUST BE PROMINENTLY DISPLAYED IN PREMISES WINDOW

Produced by Hackney Design, Communications & Print • May 2011 • 10000107

Hackney

Temporary Shop Front Diagram

1.6m

1.3m

Produced by Hackney Design, Communications & Print • May 2011 • 10000107

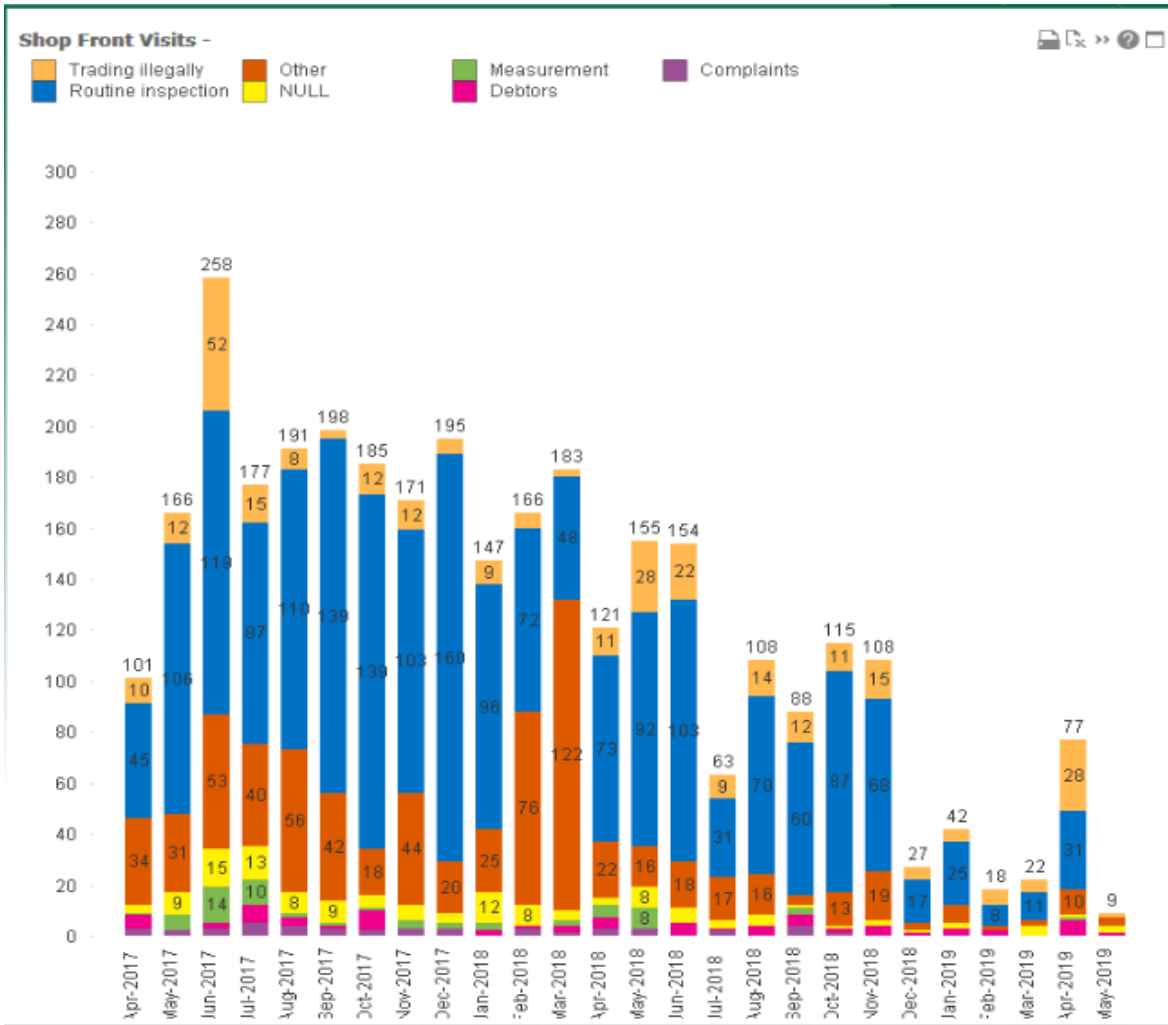
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Hackney

4.2.2 Once licensed, all shop front licensees are required to display their licence within the window of their business, ensuring it is visible at all times. Failure to do so is a breach of the terms and conditions of their licence. Initially we revisit a new licensee twice within the first month of trading and at least once a month thereafter unless we receive a complaint or intelligence to suggest non-compliance or breaches of the terms and conditions of their licence.

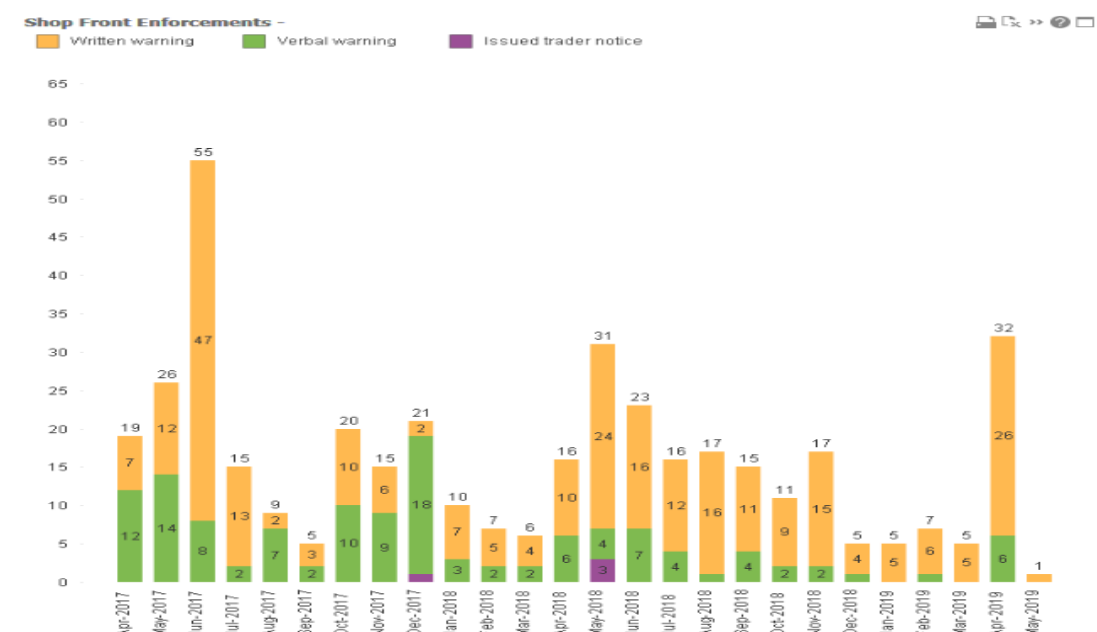
4.2.3 The Inspectors currently complete on average 190 visits per month. These visits will be for the below reasons:

- Complaints
- Debtors
- Licence Measurements
- Routine inspections
- Revisits
- Enforcement Action
- Illegal Trading



4.2.4 The current approach in dealing with any shop front licence breaches or complaints involves case management techniques and when identified proactive deployment against persistent offending premises or the persons responsible for causing the non-compliance. This has resulted in year on year increase in enforcement visits and action taken on licence breaches or complaints by 20% in 2018/19.

4.2.5 The below graph highlights the increase of enforcement visits in 2018:



4.2.6 This increase was expected and is proportionate to the number of historic or legacy enforcement issues with non-complaint businesses that are trading without a licence within the Borough. This included 5 premises where enforcement action was taken.

All 5 of these premises were prosecuted for illegally trading in 2018/19 and have resulted in the courts issuing fines to the business owners. Following on from the enforcement action that was taken 4 of these 5 premises now qualify to reapply for a shop front trading licence and have applied for a new licence and will be monitored weekly by the inspectors.

4.2.7 The current approach taken is part of a clear and robust disciplinary process implemented from April 1st 2018 which consists of:

- Verbal Warning
- Written Warning and FPN issued
- Final Written warning and FPN issued
- Revocation of licence and / or prosecution
- Right of Appeal via the Head of Service

4.2.8 The shop fronts officers are specialists in this field and are separate from the Market Inspector resource pool. They are however, currently reliant on crossover and co-working between teams within Transport for London (TFL) and the council's Enforcement Team to carry out enforcement action across the service. This is resource and workload heavy and is dependant on the availability of enforcement officers to discharge these duties on our behalf, following the removal of the delegated powers in a restructure in 2013.

4.2.9 The resolution to this issue would be to provide the markets and shop fronts service officers with the delegated powers to enforce across our markets, shop fronts and street trading sites. This will further enhance the services ability to swiftly and effectively deliver an end to end process and support our colleagues within the enforcement services without unnecessarily drawing on their resources.

RED ROUTES ENFORCEMENT

4.2.10 Red routes are managed and enforced by TfL who have a dedicated enforcement team for Shop Fronts. They are at present however, significantly understaffed and we have seen a sharp decline in visits and enforcement action on the red routes in Hackney since the end of 2017.

4.2.11 In February 2018 Officers met with TfL to discuss these concerns and an agreement was reached for the markets service and TfL to adopt a collaborative approach to enforcing on Shop Front violations across the borough of Hackney. This further enhanced our ability to police and enforce compliance to the licensee's shop front terms and conditions along with building a better working relationship with TfL.

4.2.12 Both teams now meet on a quarterly basis to review case load and collaborative enforcement actions and carry out regular joint enforcement operations.

4.2.13 TfL are currently resourced and engaged in large recruitment drive but at present they only have two officers and a manager dedicated to red route enforcement across Hackney and Tower Hamlets.

4.2.14 If we are to continue with the current enforcement across sites that sit within Hackney and the TfL jurisdiction, then the power to enforce this will need to be delegated to us from TfL and staffing transferred from TfL or the capital provided to ensure the correct volume of officers are tasked to manage and enforce accordingly.

4.3 Equality Impact Assessment

4.3.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

4.3.2 When considering Street Trading (Shop Front Trading and Tables and Chairs) applications, only issues provided for in the London Local Authority Act 1990 (as amended), in addition to the street trading regulations will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

4.3.3 There is no identified equality impact on any of the groups with protected characteristics emanating from the recommendations in this report.

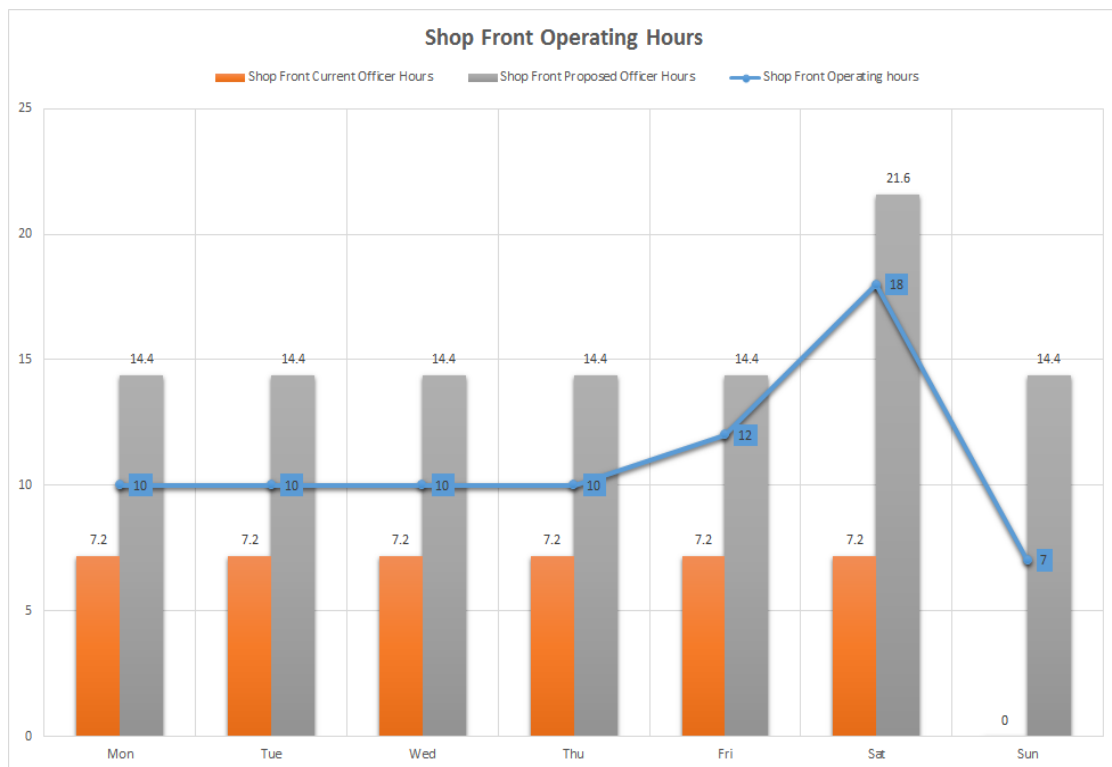
4.4 Sustainability

4.4.1 In April 2019 the Markets service restructure commenced. This will result in the creation of a bespoke Shop Front Service team as opposed to being managed out of the markets inspector resource pool.

4.4.2 At present the shop fronts resource is 1.2 FTE, to address the continuing growth in demand these proposals recommend an increase to 3.2 FTE. This resource will comprise of 1x Team Leader, 1 x Full time and 2x part time officers. The income to cover these additional staff will come from the growth in shop front licence revenue which has increased by £22,500 this year.

4.4.3 The role of a Shop Fronts Service Officer is very different to that of a market inspector. A different skill set and experience is required to deliver the revenue generating aspect, customer service, retention and end to end enforcement that is not contained within the current structure. Presently, shop front officers’ duties are inadequately described within the general market inspector JD.

4.4.4 This will provide full 7 day a week coverage and significantly improve the deployment of resources to match the needs of the borough:



*Current structure does not deliver the business need

** Proposed structure will deliver the business requirements but also allow opportunity to flex up with the increased demand without need for additional recruitment.

- 4.4.5 In order to maximise the operational management and income generation from our shop front service, this restructure will introduce role specific job descriptions for these posts and separate this function from the market inspector deployment pool due to the significant differences in competency and behaviours required to execute each role successfully.
- 4.4.6 To further improve compliance from licence holders and act swiftly on breaches the restructure will allow shop front officers the delegated powers of enforcement and facilitate them in case managing the end to end process internally, rather than passing on cases to external services.
- 4.4.7 Developments of the Shop Fronts Service will continue over the next 12 months and will involve introducing a number of changes that will see improvements in how we operate and enforce our shop fronts service such as the ability to issue on the spot Fixed Penalty notices through the newly developed enforcement app on the Officers mobile devices.
- 4.4.8 We originally planned in November 2018 to commence consultations on our Shop Fronts fees and Charges where we will propose changes to the current fees and charges from a banding system to a pay by square metre system. This will help support local businesses and the local economy by reducing fees for smaller business and ensuring costs of shop front trading are more proportionate to the size of space that is being used to trade from. This has been postponed until completion of the restructure in August 2019.
- 4.4.9 At the same time as the fees and charges consultation, we will also be consulting on a specific shop front terms and conditions document. Currently shop fronts licensees are issued with the street trading terms and conditions and the tables and chairs terms and conditions and are licensed according to these terms and conditions.
- 4.4.10 The new Terms and Conditions will include new sections and changes to existing terms such as:
- **Oversaturation Policy** as we currently do not legislate for oversaturation of specific commodities trading form shop fronts like we do in markets which is leading to overpopulation of the same commodities on the same highstreets and not offering value for money or variety for the public.
 - **Mobile Kiosk Policy** as these kiosks are popping up across the borough and are becoming a hotspot for illegal activity and crime.
 - **Commercial Park lets** currently not licenced and the bough has no way of enforcing the upkeep of these. We have created a licence and will add terms and conditions to facilitate the commercial use of these across the borough.
 - **Planters** are being used more and more by licenced premises who have permanent tables and chairs but here are no current guidance on upkeep or enforcement of in the current terms and conditions.

- **A Board Policy**, Re-stating the council's A board policy which is in line with TfL's zero tolerance approach of enforcement.
- **Tables and Chairs**, Update the current policy document to ensure it adds more clarity and in line with current legislation document as the last changes to this were made in 2008.

4.5 Consultations

There are no consultation issues emanating from the recommendations in the report.

4.6 Risk Assessment

4.6.1 It is important that the London Borough of Hackney adopts a robust and accountable regulatory regime in relation to street trading. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Council and the licence holders is minimised.

4.6.2 There are no risk assessment issues emanating from the recommendations in the report.

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

There are no direct financial implications emanating from the recommendations in the report.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

6.1 Street Trading in the Borough is controlled under the provisions of the London Local Authorities Act 1990 (as amended) ("the Act").

6.2 Under section 24(1) and (9) of the Act, if the Council consider that street trading should be licenced in their area they may pass a resolution designating any street within the borough as a "licensed street" for which a street trading licence is required to trade and rescind any designation of a street as a licence street.

6.3 Under section 25 of the Act, the Council is responsible for granting, renewing, varying or revoking all street trading licences.

6.4 Under section 27(3) of the Act, the Council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal of the same for the proper management and regulation of street trading within the London Borough of Hackney.

6.5 Under section 30 of the Act, any person aggrieved by the refusal by the Council to grant or renew a licence has the right to appeal to the Magistrates' Court at

any time before the expiration of the period of 21 days beginning with the date upon which notification in writing is given of the refusal or decision.

- 6.6 Section 32 of the Act sets out the council’s ability to charge fees and also the basis as to the level fees that can be set.
- 6.7 Section 34 and 38 of the Act provides that the Council’s may prosecute in respect of breaches of conditions on a street trading licence and/or illegal street trading, respectively.
- 6.8 The licensing of market and street trading under the 1990 Act is a Council function which has been delegated to the Corporate Director of Neighbourhoods and Housing to exercise.
- 6.9 There are no further legal or proprietary implications arising from this report.

APPENDICES

Appendix 1 is a copy of the current Street Trading Shop Front Trading and Tables and Chairs Regulations

BACKGROUND PAPERS

None

| | |
|--|---|
| Report Author | Daniel O’Sullivan Markets and Street Trading Service Area Manager Daniel.o’sullivan@hackney.gov.uk 0208 356 5981 |
| Comments of the Group Director of Finance and Corporate Resources | Nurur Rahman Group accountant Nurur.rahman@hackney.gov.uk 0208 356 2018 |
| Comments of the Director of Legal and Governance Services | Amanda Nauth Solicitor for Licensing & Corporate amanda.nauth@hackney.gov.uk 020 8356 6295 6345 |

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STREET TRADING (SHOP FRONT TRADING AND TABLES AND CHAIRS) REGULATIONS

Prescribing Standard Conditions Applicable to Shop Front Trading and tables and chairs licences.

REGULATIONS MADE BY THE LONDON BOROUGH OF HACKNEY PURSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) PRESCRIBING STANDARD CONDITIONS APPLICABLE TO SHOP FRONT TRADING AND TABLES AND CHAIRS LICENCES.

DEFINITIONS

- 1.1. In the regulations, unless the context otherwise requires, the following expressions shall have the following meanings
- a. "Advertisement" means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.
 - b. "Child" means a child who has not reached school leaving age
 - c. "Goods" means any goods, wares or merchandise for sale at a stall
 - d. "Licensed Area" means an area in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the Council or a duly authorised officer of the Council. This will normally be an area adjoining the frontage of a commercial premises
 - e. "Licence Holder" means the person authorised to carry out shop front trading activity from a licensed area as permitted under the Act.
 - f. "Premises" means any commercial premises immediately behind the licensed area.
 - g. "Receptacle" includes a box, vessel, table or stand or thing which is used (whether or not constructed or adapted for such use) as a container for the display of any article or thing or equipment used in the provision of any such service.
 - h. "Refuse" - includes empty and discarded receptacles and any waste material.
 - I. "Shop Front Trading" shall have the meaning as "Street Trading" in Section 21 (1) of the London Local Authorities Act 1990.
 - J. Street Trading licence includes licences issued for shop front trading or the or the placing of tables and chairs outside premises whether issued under the London Local Authorities Act 1990 (as amended) or the Highways Act 1980
 - k. The Act" means the London Local Authorities Act 1990 as amended
 - l. "The Council" means the London Borough of Hackney. "
 - m. "Trader" – means a person in whose name a current licence is held authorising shop front trading.

2. GENERAL

- 2.1. The grant of a Shop front trading licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act(s).
- 2.2. These conditions may be dispensed with or modified by the Council in any individual case by means of a licence variation in accordance with the statutory requirements.
- 2.3. Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be specified;
- 2.4. If a trader wishes any of the terms of a licence to be varied or the Council's agreement under these rules, an application must be made in writing to the Council in accordance with the statutory requirements.
- 2.5. The, trade, business, activity shall comply and be conducted in a manner that conforms to other relevant legislation enforced by the Local Authority or other Agencies. These include but are not limited to General Health and Safety, Food Safety, Trading Standards and Fire Prevention and Highways Regulations.
- 2.6. The Council's Shop Front Trading Regulations set out the framework of the Street Scene in the London Borough of Hackney in so far as it relates to shop front trading areas as permitted under licence by the Council under the Act and other activities as may be permitted by Part VII of the Highways Act 1980. The regulations do not override the Act(s) or other statutory provisions.
- 2.7. Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- 2.8. The licence does not authorise the Licence Holder to trade at anytime in contravention of any Order made under the Shops Act or any other statutory enactment

- 2.9. Traders shall ensure that they comply with all relevant legislation including:
- The Highways Act 1980, and,
 - London Local Authorities Act 1990,
- together with all associated legislation including orders and regulations. Failure to comply with such legislation may result in the revocation of the licence.

3. LICENCE

- 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 licence is to be displayed so as to be clearly visible and legible from the street.
- 3.2. A full copy of the licence, including explanatory notes and the conditions attached to the licence, shall be kept on the premises together with a copy of the licensees' public liability insurance.
- 3.3. A Shop Front Trading licence is not transferable.
- 3.4. Only the licence holder can engage in Shop Front Trading.
- 3.5. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
- 3.6. Only those services provided within the premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.

4. CLEARANCES

- 4.1. The size of any receptacle or display or the area taken up by any table(s) and Chair(s) shall not exceed the maximum dimensions stated in the licence.
- 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.
- 4.3. No receptacle, display or tables(s) or Chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises or to any part of the building to which the licence applies that is under separate occupation.
- 4.4. Where table(s) and Chair(s) are permitted under a licence issued by the council the number of tables and chairs on the street shall not exceed the numbers prescribed in the Licence.
- 4.5. The sizes of table(s) and chair(s) shall not exceed those prescribed in the Licence.
- 4.6. The maximum dimensions of the area permitted to be used for table(s) and chair(s) shall be demarcated by the use of temporary barrier(s) of an approved kind and be of the size, type and kind specified in the licence. (Licensing Act 2003).
- 4.7. Where necessary, temporary barriers of an approved type must, when required by a special condition added to the licence, be in situ during licensed hours and the same must be removed outside of the hours permitted by the licence.

5. INSURANCE

- 5.1. The licensee shall indemnify the council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use or presence of the trader their stall receptacle, tables or chairs or goods and any other object or thing they bring with them or produce in the course of their business and for this purpose must take out at the licensees expense a policy of insurance approved by the council in the minimum sum of £5,000,000 (5 million pounds) (or such higher sum as may from time to time be notified to licence holders in writing) in respect of any one event and must produce to the council on request the current receipts for the premium payment and confirmation of the renewals of the policy. The council reserves the right to vary this amount from time to time and to notify traders of any increase required by letter. A copy of the certificate of insurance shall be handed to the council on request.
- 5.2. Satisfactory evidence of such insurance must be produced to the Council before a street trading licence will be granted or renewed. Failure to produce insurance certificates when requested by an authorised office of the Council will lead to temporary suspension from trading until the certificate is produced and the Council is satisfied with the level of cover.
- 5.3. Evidence of such insurance shall be produced by a licensed street trader on request by an authorised officer of the Council or a police officer. The Council reserves the right to contact insurance companies for the purposes of verifying the authenticity of the cover. Any trader who does not have full insurance for the period specified within their licence and for the value stated by the Council will be suspended from trading and will be asked to leave the market until suitable insurance is in place and the cover note or policy presented to the Council.
- 5.4. Traders must inform the Council in writing and provide an updated copy of the certificate of insurance where there are any changes to their insurance cover. The council may use the information provided to contact the licensees insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.
- 5.5. In all cases the policy must clearly state that it covers articles and activity on the street not just those taking place within the associated premises. The policy must be maintained throughout the full duration of the licence.
- 5.6. A certified copy of the certificate of insurance must be kept on the premises together with the licence at all times.
- 5.7. Evidence of such insurance shall be produced by a licence holder on demand to an authorised officer of the Council or a Police Officer.

6. DAYS AND TIMES

- 6.1. Trading shall only take place during the days and between the times specified in the Licence.
- 6.2. Any receptacle, display or table(s) and chair(s) shall only be placed on the street at or after the earliest time permitted by the licence and shall be removed from the street no later than the latest time permitted by the licence.

7. INSPECTION OF LICENCE

- 7.1. Licence holders shall produce their licence for inspection when requested to do so by an authorised officer of the Council or police officer.
- 7.2. Where the Council has issued a variation to a licence the varied licence must be displayed on the premises.
- 7.3. If alcoholic beverages are consumed in an area licensed for shop front trading, the licence holder or assistant shall produce on demand the appropriate premises licence given under the Licensing Act 2003 or its successor, to an authorised officer of the Council or police officer.

8. LICENSED AREA AND POSITION

- 8.1. The licence holder shall only use the licensed area prescribed in the granted licence (which may be marked or denoted on the ground by means determined by the Council) unless the circumstances under paragraph 8.4 arise.
- 8.2. The Licence Holder shall not cause or permit receptacles, goods, tables or chairs; to project, whether grounded or suspended beyond the licensed area or to be placed or to stand anywhere else in the street than within the said licensed area.
- 8.3. In respect of catering/licensed establishments, tables and chairs shall not be placed or used outside of the area defined in the licence. This area shall, when required by the council, be demarcated in the manner and by the means determined by the Council and specified in the licence. The licence holder or assistant shall inspect the licensed area periodically and if required by written notice from the council, at least once in every hour to ensure that tables and chairs are not positioned outside of the licensed area. A record shall be made of these inspections if written notice to do so has been given to the licensee by the council. The records made shall be produced to an authorised officer of the Council or police officer on request.
- 8.4. If the licensed area or an adjacent area is or is to be obstructed by road works or other hazards the licence holder shall cease shop front trading when requested to do so in writing by the council and shall not resume shop front trading without the written consent of the Council.

9. TABLES & CHAIRS

- 9.1. A licence issued by the council for shop front trading does not give permission to serve alcohol outside of the terms conditions restrictions of a premises licence issued under the licensing Act 2003 or successor legislation.
- 9.2. The furniture and barrier shall be suitably stored off the highway outside of the prescribed hours.
- 9.3. The council is to be expressly exempted for loss theft or damage of the tables and chairs.
- 9.4. The furniture shall be removed from the highway to allow the highway to be cleaned or maintained by the council (or its contractors), for urgent access for the emergency services or for statutory undertakers (e.g. gas, electricity, water, telecoms) to gain access to their equipment if so requested.
- 9.5. The tables are to be regularly cleared of glasses, plates, ashtrays, etc and the surrounding area to be swept clear of litter, food and smoking deposits etc. Receptacles must be provided at the tables to allow for the smoking debris to be extinguished. Waste deposited on the Highway must be removed at least once per hour at the Licensee's expense or at more frequent intervals as may be required by the Council under the Environmental Protection Act 1990. The licensee shall be liable pay the councils cost if it has to clean in default.
- 9.6. The licensee shall not affix or permit to be affixed any thing to the highway
- 9.7. 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 he licensed trading day.
- 9.8. The furniture permitted under the licence shall not be used in such a way as to cause unreasonable nuisance or disturbance to adjoining property or other users of the highway.
- 9.9. The furniture shall be kept within the designated area, marked-out by a physical feature, and a clear access way of no less than 1.2 metres is kept clear to allow safe entry into the area
- 9.10. No advertising boards may be placed on the highway (this includes A-boards, swing boards and rotating advertisements)
- 9.11. No awning, parasol or other cover shall be placed over the licensed area without consents or permissions being obtained from the council
- 9.12. Any table, chair or barrier used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the council.

10. PERMITTED GOODS AND SERVICES

- 10.1. Only those goods or services specified on the licence may be displayed, used, provided or offered for sale. Only goods of like kind to those on sale within the premises shall be displayed outside of it and those goods for sale shall be the lawful property of the licensee. In exceptional circumstances where with the written consent of an adjoining premise owner a shop front trading licence extends to the frontage of an adjoining premise this condition may be dispensed with for the area in front of that premise only.
- 10.2. No part of any shop front display or licensed area shall be sub-let or loaned to any other person or body.
- 10.3. In respect of displays outside shop premises, cash registers, scales and other measuring devices shall be contained within the shop and not brought onto the street or licensed area.
- 10.4. No advertisement shall be displayed within the licensed area which relates to any goods or services other than those offered for sale or provided within the licensed area

11. DEALING WITH THE PUBLIC

- 11.1 The Licence holder and their assistant(s) shall ensure that the public are treated fairly and with courtesy.
- 11.2 Any breach of these regulations by an assistant shall be deemed to be a breach of these regulations by the licence holder.
- 11.3 Admission to or service provided within a licensed area shall not be refused to any person on the grounds of race, homophobia, transphobia, religion or faith, sexuality, disability, asylum or refugee status.
- 11.4 The licence holder shall not use or permit any activity, omissions or practice in the conduct of the business which will cause harassment to any person.
- 11.5 The serving of customers shall be confined to the licensed area only.
- 11.6 No customer shall be charged for admission to the licensed area
- 11.7 A Licence Holder or assistant offering a service shall make clear the nature and cost of that service by way of a notice within the licensed area.
- 11.8 All categories of goods shall be clearly marked with a price, and where appropriate an indication of the unit quantity in which they are being offered for supply.
- 11.9 The customer should be able to conveniently view the goods being weighed, measured etc within the premises before they confirm their intention to purchase.
- 11.10 A Licence Holder or assistant shall not use a megaphone or amplification equipment or a loud voice to shout out the price of goods in order to attract customers.
- 11.11 Radios or other audio equipment shall not be used in or around the licensed site other than by agreement with the council and as specified in the licence.

12. RECEPTACLES

- 12.1 Only those receptacles and containers which are suitable and fit for purpose and approved by the Council shall be used by the licence holder and assistants for shop front trading or ancillary to shop front trading. Displays shall not be formed by the use of unsuitable items such as milk crates and the like and other receptacles the Council has notified the licence holder in writing the council deems inappropriate.
- 2 Goods must not be placed directly on the street unless allowed in the licence.
- 12.3 Where the Council has licensed the display of bulky furniture or the like outside shop premises on the street and has granted an exemption under paragraph 12.2, a suitable receptacle or device to remove those goods from the street shall be available and maintained within the shop.
- 12.4 Displays shall be constructed and maintained so as not to become unbalanced or otherwise unstable.
- 12.5 Displays shall be free from protruding nails or other hazards likely to cause injury or damage to a person or their property.
- 12.6 Displays shall be constructed so as to be immediately removable.
- 12.7 Nothing shall be placed or stored underneath a display.
- 12.8 No display receptacle, table or chair shall be used if it is likely to damage the street.
- 12.9 Nothing shall be secured or temporarily or permanently affixed to either the street or street furniture in the vicinity of the licensed area.
- 12.10 Licensed areas for the display of goods outside shop premises shall not incorporate any form of seating facility, nor may any seating be used or provided by the licence holder or assistant immediately outside the licensed area or elsewhere in the street other than on a private forecourt associated with the business.
- 12.11 No permanent structure and/ or unauthorized marking of any kind will be permitted on the public highway. Unauthorized structures or unauthorized marking(s) on the public highway may be removed by the council and the cost of so doing charged to the licensee
- 12.12 The display or stand must be of sufficient contrast to its surrounding area and so constructed to prevent hazard to visually impaired footway users. (The colours and type will be agreed before grant of a licence)
- 12.13 The display/stand must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
- 12.14 The display/stand must be well maintained and kept free from litter. Any table, Chair or barrier, receptacle or display stand used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the council.

12.14 The display/stand must be removed from the street when not in licensed use

13. ROOFING OF SHOP FRONTS

13.1 No parasol, awning or canopy or other cover shall be used to cover any Shop front trading display and/or tables and chairs without separate consent being sought under the Highways Act or Planning Acts having been obtained.

14. REMOVAL OF DISPLAYS AND STANDS

14.1 Goods, stands, displays, receptacles, tables and chairs etc shall be removed from the public highway to the place of storage, as notified to the council at the time of application for the licence, or such other alternative place subsequently agreed by the Council in writing by the time specified in the licence.

14.2 A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.

14.3 A Licence holder in respect of shop premises shall remove the display, stand and goods on the cessation of trading and before closing the shop premises.

14.4 Licence holders and their assistants shall temporarily remove displays, goods, tables and chairs and anything else under their control as directed by the Council or a Police for so long as may be necessary in the event of:

14.5 an emergency (including any public demonstration, congregation or disorder in the area);

14.6 In the exercise of the Council's powers and duties which include the maintenance of the licensed area, to enable its re-marking and to check whether the stall is capable of being removed in accordance with these Regulations; and,

14.7 To enable statutory undertakings to maintain their services.

15. REFUSE

15.1 Licence Holders and their Assistants, in respect of shop front trading and catering establishments shall ensure that any refuse arising from the external activities is properly stored and disposed of.

15.2 No refuse or litter shall be allowed to accumulate or be placed in the street or street litter bins.

15.3 No vehicle shall be used for the storage of such refuse.

15.4 The Licence Holder shall produce on demand to an authorised officer, proof of a contract for the disposal of trade refuse.

15.5 The licensed area shall not be used for the storage of waste or storage of receptacles for waste other than as may be permitted in writing and specified on the licence.

15.6 Where food and/or drink is served or consumed, the licence holder when meeting the requirement in Regulation 15.1 shall also remove from tables any used and discarded articles or vessels used by or for the service of customers

15.7 The Licence Holder must ensure that litter and waste generated by the business is removed only to an authorised place of disposal.

15.8 The shop front area is to be kept clean and maintained in a clean condition throughout the day.

16. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT

16.1 Only the licence holder can engage in shop front trading.

16.2 The Licence Holder shall give any other information regarding employees acting assistants as may reasonably be required by the Council.

16.3 A Licence Holder shall not have as an assistant any child in the business of shop front trading including the putting out or stocking of receptacles, clearance of refuse, attending to a licenced area or any related activity.

16.4 The failure of an employee or any other person acting as an assistant to the licensee to comply with these regulations or any condition of the licence held by the employer shall be deemed to be a failure by the licence holder.

17. ADMINISTRATION

17.1 Licence holders and assistants shall give reasonable assistance to Council Officers and their contractors in carrying out their duties.

17.2 A permanent street trading (or shop front trading licence) shall cease to have effect (other than being revoked or having expired or on the death of the trader) only upon it being surrendered by the licence holder in exchange for a written receipt at the Council's offices or on suspension by the council on reasonable grounds which the council shall have given in writing or as may be permitted by the Act.

17.3 On submitting an application for a Licence, the applicant must provide the following:

17.3.1 Three passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.

17.3.2 Two proofs of Licence Holder's home address and business premises address which is no older than 3 months

17.3.3 Documentary proof of the Licence Holder's National Insurance Number

17.3.4 Documentary proof of a commercial trade waste agreement.

17.3.5 The requisite application fee

17.3.6 Proof of Planning consent where necessary

17.3.7 Proof of ownership or other right to occupy the premises to which the shop front trading application relates

17.3.8 Such proof of having carried out consultation as may be required by the council

17.3.9 The application fee notified to the applicant in writing

- 17.4 A Licence Holder making an application for the renewal of a licence shall bring or send the completed application form and prescribed renewal fee to the Council offices by appointment.
- 17.5 Licence Holders shall notify the Council in writing of any change of their title, name of the business, trading name or home address as soon as it occurs and in any event within seven days the change occurring.
- 17.6 The sending of letters and Notices from the Council by the General Postal Service to the last notified address by the Licence Holder shall be taken by the Council as proper and good service of documents.
- 17.7 All notifications (excluding payments of weekly/monthly charges) given by the licence holder to the Council shall be to the Council's address as it appears on the licence or that subsequently amended and notified in writing to the Licence Holder.
- 17.8 Any allegations made by a shop front trader against traders or officers of the Council will be fully investigated, however should the allegations be found to be untrue, malicious or vexatious then this will be grounds for the shop front trading to be suspended or revoked.

- 17.9 Any offer of bribes or inducement will also be deemed a failure under the terms of the Act and grounds for the licence to be suspended or withdrawn absolutely.
- 17.10 Licences are not transferable.

18. PAYMENT OF CHARGES

- 18.1 A Licence Holder shall pay all fees and charges, in addition to application fees due to the Council upon dates and intervals agreed by the Council upon the issue or renewal of the Licence.

19. ENFORCEMENT

- 19.1 The Council has the responsibility to investigate and enforce against traders in breach of any of the standard terms and conditions or special conditions annexed to any licence. A license holder shall co-operate at all times with any authorised officer of the Council or Police officer in the exercise of this duty.
- 19.2 Failure to pay Licence fees and charges for 4 weeks shall be grounds for the suspension or revocation of the licence.

AS WITNESS THE HANDS OF THE PARTIES HERETO:

.....

SIGNED by or on behalf of the Council

.....

In the presence of:

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SIGNED by or on behalf of the Licensee

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In the presence of:

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| BUSINESS REGULATION SERVICE DELIVERY PLANS 2019/20 | |
| CORPORATE COMMITTEE MEETING 3 rd June 2019 | 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. INTRODUCTION AND PURPOSE

1.1 This report relates to the service delivery plans for 2019/20 for the Business Regulation Teams that sit within the Community Safety, Enforcement and Business Regulation Service.

1.2 The Business Regulation Division consists of the following areas:

- Environmental Health : Food Safety
- Environmental Health : Occupational Health & Safety
- Environmental Protection (noise and other nuisance)
- Trading Standards
- Licensing

1.3 This report relates to service delivery plans for three of these areas:

- Environmental Health Service: Food Safety
- Environmental Health Service: Occupational Health & Safety
- Trading Standards

1.4 The service delivery plan for the Environmental Protection was brought to a previous Corporate Committee meeting on 9th April 2019.

1.5 *Environmental Health Service: Food Safety*

1.5.1 The Food Law Enforcement Service Plan (FLESP) is a statutory plan which sets out how the Council will undertake enforcement of food safety legislation.

1.5.2 The Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement template April 2010, 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.

1.5.3 The Food Law Enforcement Service Plan sets out the objectives of the service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy. It also sets out the key areas of food law enforcement, the management arrangements, the resources that have been allocated for this work by the local authority and the key targets.

1.5.4 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. The FSA continues to monitor the performance of the Service through the annual enforcement data returns made to the FSA via the Local Authority Enforcement Monitoring System (LAEMS).

1.6 Environmental Health Service: Occupational Health and Safety

1.6.1 With regard to Health and Safety responsibility for the enforcement of Health and Safety law is split between the Health and Safety Executive (HSE) and the Council; depending on the activity being undertaken by the duty holder. Officers in Hackney ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities.

1.6.2 Hackney is an enforcing authority in its own right and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles the Council should follow in a consistent, proportionate and targeted approach to regulation based on risk.

1.6.3 The Health and Safety Service Delivery Plan fulfils the Council's obligations under s18 of the Health and Safety at Work etc. Act 1974 and the Enforcement Code. The format and content of the Plan provides the basis upon which the service operates in order to ensure that it is providing an effective service to protect those working in Hackney.

1.6.4 The HSE collects and publishes data annually on the enforcement activities of all local authorities.

1.7 Trading Standards

1.7.1 In relation to Trading Standards the Plan sets out the objectives of the service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy. It also sets out the key areas of law enforcement, the management arrangements, the resources that have been allocated for this work by the local authority and the key targets

1.7.2 In fulfilling its duties, the service provides 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.

1.7.3 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.

1.7.4 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.

2. **RECOMMENDATION(S)**

2.1 **The Corporate Committee is recommended to:**

2.1.1 **Approve the Food Law Enforcement Service Plan for 2019/20**

2.1.2 **The level and scope of work being carried out to meet the requirements of the plan.**

2.1.3 Note the level and scope of work being carried out to meet the requirements of the Occupational Health and Safety and Trading Standards Service Delivery Plans.

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 The Health and Safety Plan ensures that there is a programme of health and safety enforcement activity undertaken in order to instil confidence that the Council protects those employed in the Borough.
- 3.3 Trading Standards have a duty to ensure consumer protection law is enforced fairly and proportionately.

4. BACKGROUND

- 4.01 Officers within the Business Regulation Service are delegated to enforce Food Safety and Trading Standards legislation, Weights and Measures, Consumer Protection legislation and Health and Safety legislation.
- 4.02 The Service Delivery Plans (Appendices 1-3) and the associated specific individual plans relating to each service area have not been written in isolation since the services worked together to identify areas where synergy, cross services/authority working or additional skills are required to deliver work programmes and individual projects.
- 4.03 The Plans explain the background to regulatory services, identifies the scope of the services and resources that have been allocated to meet the services' requirements.
- 4.04 **Food Safety:** The Food Law Enforcement Service Plan (FLESP) sets out the inspection programme for the Borough's food premises for 2019/20. This year's programme currently (as of 1st April 2019) has 1194 food hygiene and 640 food standards interventions due. The number of inspections due is based on the premises risk rating and which is determined at a primary inspections.
- 4.05 The service has prioritised the highest risk category inspection (category A and B) with 100% of category A and B premises due for inspection inspected within 28 days of the due date along with 95% of service requests and consumer complaints about food and other businesses actioned within 10 working days and 100% of new premises registered with the Council inspected within 28 days excluding those not yet trading.
- 4.06 In 2018/19 an additional member of staff was employed to concentrate on category C inspections, all due and over overdue inspections (479) were completed. In addition 394 category E inspections were completed by the use of an Alternative Enforcement Strategy thereby clearing the backlog.

- 4.07 As of the 1st April 2019 the following food hygiene inspections are overdue:-
- 590 category D
 - there are also 267 category E premises from the 2018-19 Alternative Enforcement Strategy where there was no response from the business and as such, an intervention (inspection/visit) will be required

As of the 1st April 2019 the following food standards inspections were overdue:-

- 381 category B; (reduced from 769 in 2018/19)
- 229 category C; (reduced from 317 in 2018/19)

4.08 A strategy has been put in place for 2019/20 to retain the additional member of staff to concentrate on clearing the overdue category D food hygiene inspections. This will ensure that in subsequent years the service will not need to rely on additional resources to help support the programmed work of the team.

4.09 The lower risk category B and C food standards premises will be inspected at the same time as the programmed food hygiene inspections planned to be carried out this financial year.

4.10 **Health and Safety:** In fulfilling the Health and Safety Service Delivery Plan Officers use a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including provision of advice and guidance to individual businesses or groups, proactive interventions including inspections and reactive interventions e.g. to investigate accidents or complaints.

4.11 Hackney Officers may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.

4.12 Proactive health and safety has diminished over the years in line with the Government instruction and guidance. Hackney has traditionally focused on food safety whilst the health and safety service has been more reactive. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health and safety issues in Hackney. As such the Health and Safety Service Delivery Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney.

4.13 Health and safety inspections are prioritised with the highest risk category (category A) inspections to be undertaken. The risk rating for this is set out in a HSE Local Authority Circular - 67/2 (revision 8). For 2019/20 no high risk, category A, premises have been identified. The Service will also take part in any projects initiated by the all London Boroughs Health and Safety Committee.

- 4.14 **Trading Standards:** In fulfilling the Trading Standards Service Delivery Plan Officers provide 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.
- 4.15 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 such as knives, alcohol, cigarettes and fireworks to minors.
- 4.16 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.
- 4.17 The Service will focus on the highest risk premises, categorised as Upper and Upper Medium inspections. In 2019/20 there are 149 and 190 premises inspections respectively due to be undertaken. In addition, 267 Low Medium inspections will be completed using an Alternative Enforcement Strategy.

4.18 **Key Achievements 2018/19**

| Action | Output | Outcome |
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| <p>ENVIRONMENTAL HEALTH</p> <p>To complete the action plan agreed with the Food Standards Agency following their audit of the Service in October 2017.</p> | | <p>A procedure has been developed and implemented to improve the accuracy of information held on the food database.</p> <p>All undertakings within the action plan for 2018/19 have been complied with and confirmed to the audit team at the FSA</p> |
| <p>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</p> | <p>To use intelligence led information to target illegal food activity in the borough and using historical knowledge to concentrate efforts on known problematic traders and other relevant premises.</p> | <p>A multi-disciplinary action day took place in Q3 targeting licensed premises that included investigation of counterfeit and adulterated alcohol.</p> |

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| compositional or labelling requirements). | | |
| The number of new premises are of particular concern to the Food Safety Team 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. | 32 unrated premises have been carried over from 2018/19 well below the target of 70. |
| Hackney participates in the National Food Hygiene Rating Scheme (FHRS). The scheme is designed to give the public information about local food businesses so that they can make informed choices about where they eat locally (and nationally). | All high risk premise rated category A-C are visited every 6-18 months. | Data is uploaded to the FSA National website every fortnight. Ratings can be viewed at www.ratings.gov.uk |
| Broad Compliance with Food Safety Legislation | The end of year target for the service was to have 87% of all businesses inspected to be broadly compliant. | 89% of premises were broadly compliant as of 31 st March 2019. |
| The Borough hosts a large number of annual festivals and other outdoor events as well as regular markets 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. | To develop better joint working with Markets and Street Trading to improve compliance among street food businesses. Participation in the Hackney Safety Advisory Group is essential to consider all large scale events that take place in Hackney do not cause and food safety issues. | Officers participate in HSAG meetings Officers participated in the Hackney Carnival and 17 inspections of food traders were undertaken. 54 inspections have also been undertaken of food traders across 4 markets. |
| Healthier Catering Commitment (HCC) | The Team is delivering the project on behalf of Public Health as part of the Council's obesity strategy. | 70 independent food businesses have now joined the scheme. |

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| <p>Use of the Training Centre to improve food safety knowledge in local businesses and to improve food hygiene broad compliance.</p> | <p>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.</p> | <p>53 food handlers from businesses in Hackney have completed the level 2 courses in Food Hygiene and 44 completed the Food Allergens course.</p> |
| <p>Primary Authority Principle (PAP)</p> | <p>This Service will look to engage businesses to establish a PAP to support businesses, raise standards and ensure a consistent approach to enforcement.</p> | <p>This Service has in place an agreement with national snack company, Propercorn and two Hackney-based snack companies Emily's Crisps and Love Corn. The Service will continue to work with additional manufacturers in the anticipation of obtaining additional PAP agreements.</p> |
| <p>Additional visits will be undertaken where follow up/formal action is required as a result of serious contraventions found at the time of a primary inspection.</p> | | <p>243 revisits have been undertaken in 2018/19.</p> |
| <p>It was expected that the Team would receive over 1000 service requests in 2018/19</p> | | <p>784 service requests were received at the end of Q4 (there has been a reduction compared with the same period last year partly as a result of a change in the recording of licensing consultations).</p> |
| <p>Proactive food sampling will be carried out in an intelligence-led way based on national,</p> | | <p>156 samples were taken by the end of Q4.</p> |

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| regional and local priorities. | | |
| 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. | | 147 Infectious Disease notifications were received at the end of Q4. The Team has also investigated an unsubstantiated food poisoning outbreak affecting 20 people following an event at a local pub, and an outbreak involving 18 people being affected by Norovirus which was found to have been caused due to environmental contamination spread by infected food handlers. |
| 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. | | None of the Food alerts issued to date by the Food Standards Agency have required a response from the Service. |

| Action | Output | Outcome |
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| HEALTH & SAFETY | | |
| Inspection of Cat A high risk premises | All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures. | 4 high risk premises inspections completed. |
| Inspection and risk assessment of work based transport (such as fork lift trucks) as a specific project | Inspection, education & awareness | 20 Provisional premises have been identified in readiness for the project to be implemented. |
| Investigations of incidents and | Incident & ill health investigation | 136 notifications were received, 112 notifications were |

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| complaints using LAC 67/2 (rev7) | | assessed and responded to.12 (10%) were also fully investigated. |
| Proactive work in accordance with the beauty sector strategy including the monitoring of reports and complaints to identify reports of ill health, accidents, incidents, poor performance, trends and local issues which may require further interventions or issues which may need to be taken forward nationally. | Inspections and other appropriate interventions | All licensing consultations applications (39) and businesses with Massage and Special Treatment Licences (68) have been followed up by inspection visits. |
| Increased enforcement of H&S matters. | Inspection or other appropriate interventions | 25 Health and Safety inspections were carried out. 2 Improvement Notices and 2 prohibition Notices were served. 137 H&S related service requests and complaints were responded to. |
| .Matters of Evident Concern (MEC) arising from multi-agency projects | Inspection, joint operations | Participation in Operation Razor, a multi- agency operation enforcing regulations on sale of alcohol to minors, safeguarding, counterfeit alcohol and unlicensed shisha premises. 21 businesses were visited |
| Workplace health and wellbeing | Review and respond to consultations, including making of representations where necessary. | A business regulation wide action day was undertaken in December 2018 (Operation Festive) to assess the impact of noise at work, potential for noise |

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| | | nuisance and sale of counterfeit alcohol. |
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| Action | Output | Outcome |
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| TRADING STANDARDS | | |
| High & Upper Medium Risk Visits | To visit 100% of the high risk and upper medium inspections by 31 st March 2019 | 100% of inspections completed, a first for this Service across all inspection categories |
| Underage sales programme | Maintain the reduction in underage to combat anti-social behaviour and to promote the health and well-being of young people. | 8 operations completed. |
| Tobacco Control | <p>Reduction in illegal sales and the use of tobacco in support of government efforts to encourage smoking cessation.</p> <p>To participate in appropriate/related health initiatives.</p> | <p>Trading Standards in partnership with public health have appointed an Officer who will be used to combat illegal tobacco and alcohol.</p> <p>An Operation took place in February with the use of a sniffer dog where nine premises were visited and seizures were made in three premises with a total of 50 packets of tobacco taken.</p> |
| Animal Feed | Ensure any animal feed issues are dealt with effectively and efficiently. | 29 registered premises inspections completed which is 100% |
| Weights & Measures | Ensure a minimum of 6 Weights & Measures inspections are undertaken per month. (Statutory requirement from National Measurement Office) | 190 inspections completed This is excess of the target of 72. New Officers recruited to the Team are qualified to undertake these |

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| | | inspections which explains the increase. |
| Consumer Advice and Education | Promote the Service and deliver advice to residents and businesses. | The Service participated in the Winter Warmer event on the 27th Nov 2018. |
| Product Safety | Respond to consumer complaints and service requests. | <p>A Successful prosecution of Dalston Hair and Cosmetics Ltd trading as Shabba Cosmetics of 36-42 Kingsland High Street, London E8 2JP which was fined £59,793 at Thames Magistrates Court on the 13th April 2018 for supplying dangerous skin lightening products.</p> <p>A formal caution was obtained for Wura Cosmetics 102 Ridley Road London E8 2NR found in possession of a range of infringing skin lighteners</p> <p>The Service participated in a part worn tyre project, carried out by the London boroughs. The project entailed carrying out visits to 10 garages that sold and fitted part worn tyres and advising the owners about the law relating to these tyres.</p> |
| Tackling Counterfeit Goods | Reduce the level of non-compliance and raise awareness through appropriate publicity. | A large seizure was conducted at Vicky's Afro Foodstore, 136 Hoxton Street, London N1 6SH. Samples of the seized items have be sent to the brand holders for verification. |

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| <p>Coordination with the Licensing Team</p> | <p>Improved working between teams in the division.</p> | <p>The Service requested a review of the licence for Kingsland wine 77 Kingsland High Street London E8 2PB. The decision of the committee was to suspend the licence for six weeks, to allow for work to reorganise the layout of the premises. Representations were made by the Police and Public Health.</p> |
| <p>Complaints and service requests</p> | <p>Respond to complaints and service requests.</p> | <p>3162 consumer complaints received from members of the public. This is up from 2817 for the same period for the previous year.</p> |
| <p>POCA/Financial Investigations</p> | <p>Completion of Financial investigations</p> <p>Support planning confiscations</p> | <p>A £100k confiscation was set against a Stoke Newington Landlord in February 2018 and the confiscation order of £36,749 has now been paid to the Council.</p> <p>On the 13th September 2018 Volus Properties Ltd pleaded guilty to a Planning Offence of converting the ground floor and basement of 21 Well Street, London E9 and was sentenced at Snaresbrook Crown Court.</p> <p>A fine of £5000 was issued, costs of £2080 and a compensation order of £8167.78 made. This has now</p> |

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| | | been paid to the Council. |
| 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 in place an agreement with a genealogy service, Finders international Ltd. The Service will continue to reach out to further organisations in the anticipation of realising additional PAP agreements. |

Key priorities for next three years

| ACTION | WHAT WE WILL DO | PURPOSE | KEY CORPORATE ACTIVITY |
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| Maximising the Use of Resources | | | |
| New Ways of Working and delivery of the Cross-Cutting Enforcement Review | <p>Review ways of working:</p> <ul style="list-style-type: none"> Review of operational processes including procedures and documentation where necessary. Implementation of process mapping programme. <p>Participation and contribution to:</p> <ul style="list-style-type: none"> Corporate Mobile Requirements Project Corporate Business Intelligence Project Cross Cutting Enforcement Programme | <p>To reduce operating costs and increase efficiency and revenue</p> <p>To identify areas where resources can be more efficiently and effectively used through integrated processes.</p> <p>To maintain high levels of customer satisfaction amongst residents and businesses</p> | <p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> By embedding corporate modern working practices; By contributing to the delivery of the Cross-Cutting Enforcement Review; By delivering of performance managed services; By generation revenue; By utilising new ways of working and |

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| | | | available technology to increase efficiency. |
| Developing manager and leadership skills. | <ul style="list-style-type: none"> • Attendance management training • Managers undertaking check-ins on time • Managing staff absence and reducing sickness • Performance management and reporting | To ensure all individuals and teams benefit from excellent leadership, providing clear direction, creating a positive and productive environment and role modelling behaviours. | |
| Review of fees and charges | Review fees and charges in light of recent case law and legislative guidance | To ensure balanced fee income budget and where possible cost neutral service. | |
| Website review including Public Registers | Review and update website content as appropriate | To improve Public access and information | |
| Health and Safety Service | | | |
| To ensure the good health, safety and welfare standards in workplaces in the borough | <p>Development and delivery of a programme of activities/interventions:</p> <p>H&S premises inspection programme (Cat A premises only) H&S projects</p> <ul style="list-style-type: none"> • To participate in all London wide projects <p>Responding to and enquiries</p> | <p>To reduce accidents and incidents resulting from occupational hazards, by targeting the highest risk.</p> <p>To support business growth and encourage businesses to approach the service for support and information.</p> <p>To maintain high levels of resident and business satisfaction with the service.</p> | <p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> • By promoting and participating in initiatives that provide business support and by providing low cost training and business coaching and advice; • By providing an efficient, effective and quality service to both businesses and consumers; • By ensuring the provision of |

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| | | | <p>safe working environments within the community to reduce incidences of accidents and deaths;</p> <ul style="list-style-type: none"> • By utilising new ways of working and available technology to increase efficiency; • by assisting the business community to comply with legislation and by tackling those businesses that do not comply; • By undertaking the role of responsible authority under the Licensing Act 2003. |
| Trading Standards Service | | | |
| Consumer advice, education and Safety | <ul style="list-style-type: none"> • Intelligence led safety projects including participation in regional projects • Participation in National Consumer Week • Tackling counterfeit goods – continuation of the 'Real Deal' strategy • Pay Day Lenders – deliver programme of premises inspections, interventions, test purchasing • Letting and Managing Agents Redress Scheme. | <p>To protect consumers and the economy.</p> <p>To reduce the availability of counterfeit goods in Hackney</p> <p>To protect consumers so that they are not financially exploited and check compliance with the financial conduct rules.</p> <p>To ensure membership of the redress schemes to protect tenants'</p> | <p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> • By advising and regulating businesses that sell age restricted products such as alcohol, tobacco, fireworks and knives to young people; • By combating rogue traders, obtaining redress for consumers and undertaking |

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| | | rights and to ensure a level playing field for other traders. | outreach work particularly during National Consumer Week; |
| Age Restricted Sales | Develop and implement an intelligence-led intervention programme concerning: <ul style="list-style-type: none"> ● Knives: ● Alcohol: ● Fireworks: ● Tobacco ● Legal highs Collaboration with other Council services and external agencies. | and an To promote the health and well-being of young people. To reduce anti-social behaviour associated with age restricted products. To explore delivery of a training programme | <ul style="list-style-type: none"> ● By carrying out electrical safety test purchases and testing on electrical items to protect vulnerable low income groups; ● By dealing with complaints received from the public, other agencies and Consumer Advice Service to address contraventions; ● By carrying out targeted visits/inspections of the main markets in the borough to ensure that traders are trading fairly; ● By carrying out education and advice visits and inspections of high/ medium high risk premises; ● By test purchasing cosmetics/wigs/hair extensions to ensure they meet safety requirements; ● By carrying out initiatives the restricted sale of alcohol including Alcohol Misuse Enforcement work (AMEC), and also sale of |

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| | | | <p>fireworks, cigarettes and knives;</p> <ul style="list-style-type: none"> • By protecting intellectual property by reducing the sale of counterfeit items; • By developing proceeds of crime work (POCA); • By dealing with the proliferation of estate agents boards; • By undertaking the role as a responsible authority under the Licensing Act 2003. |
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Food Safety Service

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| <p>To ensuring good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents.</p> | <p>Development and implementation of Food Law Enforcement Service Plan:</p> <p>Delivery of food premises inspection programme, incorporating food safety coaching programme</p> <p>Food safety sampling programme</p> <p>Food Safety projects:</p> <ul style="list-style-type: none"> • Healthy Catering Commitments • Health in the High street • Improving food hygiene compliance <p>Food Safety Week</p> <p>Food hygiene training programme.</p> | <p>To contribute to the reduction in major causes of ill health.</p> <p>To improve the number of compliant food businesses in Hackney.</p> <p>To support business growth and encourage businesses to approach the service for support and information.</p> <p>To maintain high levels of resident and business satisfaction with the service</p> | <p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <ul style="list-style-type: none"> • By working with businesses and partners to protect consumers from harm by ensuring that food produced, distributed and marketed in the borough is safe and wholesome for the consumer to eat; • By working with businesses to ensure that food produced, distributed and marketed in the borough meets labelling and compositional |
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| | Responding to complaints and enquiries about food and food premises. | | requirements and is presented so that consumers are not misled as to its nature, substance or quality; |
| Harnessing consumer power to drive up food hygiene standards – Food Hygiene Rating Scheme | <ul style="list-style-type: none"> • Maintain a borough wide food hygiene rating scheme • Publish hygiene ratings and proactively encourage the display of ratings. | Consumers able to make informed choices on where to eat or purchase food through published food hygiene ratings. | <ul style="list-style-type: none"> • By deterring, detecting, investigating and disrupting fraudulent activity involving food, including the illegal importation of food; |
| Delivery of Food Fraud interventions to ensure the provision of safer, healthier and sustainable food | <p>Undertake animal feed interventions and funded pan-London initiative.</p> <p>Imported and illegal foods interventions:</p> <ul style="list-style-type: none"> • Working collaboratively with the FSA & City of London to deliver illegal meat training for London authority. • Lead pan-London illegal foods group. | To ensure protection of consumers and animals who may consume food or feed that is either bought/supplied or produced in Hackney | <ul style="list-style-type: none"> • By preventing the spread of infectious disease and food poisoning and to investigate outbreaks; • By responding quickly and proportionately to food incidents and customer complaints; • By providing advice and education to all sectors of the community on food safety matters and to meet the training needs of the businesses in Hackney with the promotion of in-house training courses; |
| Primary Authority Partnership (PAP) – A formal arrangement to serve as a business' first point of call for advice on regulatory issues | <ul style="list-style-type: none"> • Development of a protocol for delivery and charging in accordance with Better Regulation Delivery Office (BRDO) policy. • To undertake at least one primary authority partnership agreement in respect of one or more services. • Appraisal of each company's regulatory policies, procedures and practices as they are reviewed. • Appraisal of each company's contractors and management arrangements. | <p>To reduce regulatory burdens on businesses.</p> <p>To better the dialogue between businesses and regulatory services</p> <p>To improve business perceptions of regulators.</p> <p>Partnerships established as Better Regulation Delivery Office's initiative.</p> <p>Ability to charge for services to businesses</p> | <ul style="list-style-type: none"> • By promoting the provision of healthier food to reduce health inequalities; • By working with other Services, local authorities and agencies with common objectives to provide effective enforcement; |

| | | | |
|--|--|--|--|
| | <ul style="list-style-type: none"> ● Audit and review the regulatory arrangements, to include strategy and organisational implementation. ● Advising on related documentation as required. ● Advising companies on new developments in regulatory legislation and best practice. ● Respond to challenges faced by companies from other health & safety regulators. | | <ul style="list-style-type: none"> ● By protecting businesses from economic disadvantage caused by competitors not complying with food safety legislation ● By generating revenue. |
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Effective Partnership Working

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| To continue to work with partners on observance of National Minimum Wage in Hackney. | <ul style="list-style-type: none"> ● Development of a programme identifying priority areas. | To work with partners on the observance of human trafficking and slave labour. | <p>Mayor's Priority 1, 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <p>By undertaking themed evidence-led operations and activities with internal and external partners relating to (but not exclusively):</p> <ul style="list-style-type: none"> ● Pay day lenders ● Proceeds of Crime ● Tobacco ● Food Fraud and illegally imported food ● Healthy eating |
| Contributing to the reduction in causes of ill-health. | <p>Develop a programme of activities:</p> <ul style="list-style-type: none"> ● Review and follow up Infectious Diseases cases ● Massage and Special treatment inspections ● Smoke Free compliance and tobacco control measures including: ● Developing expertise in different areas (e.g. shisha) ● Collaboration between Trading | <p>To improve infectious disease control and management.</p> <p>To fulfil a request from the Health in Hackney Scrutiny Commission on ill health.</p> | |

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| | <p>Standards and Environmental Health and other partners (e.g. Police) to ensure legal requirements are met</p> <ul style="list-style-type: none"> • Continued partnership work with regional NE/NC Illicit Tobacco Group. • Collaboration with the Public health Team to explore implementation of a scheme for the voluntary removal of super strength beer, lager or cider from retailers' shelves. | | <ul style="list-style-type: none"> • Asbestos awareness • Illegal gaming machines |
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Health and Wellbeing

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| Contributing to the Council's input into the wider health & wellbeing/public health agenda | <ul style="list-style-type: none"> • Maintaining appropriate data input into the Joint Strategic Needs Assessment (JSNA) • Investigation and development of public health initiatives that would be of benefit in the: <ul style="list-style-type: none"> - Test purchases of alcohol and tobacco - Age Restricted Sales - Healthy eating initiatives - Responsible retailing of alcohol sales - Smoke Free multi-agency Shisha project - Voluntary 'Super Strength' Pilot. - Explore the development of a tattoo hygiene rating scheme which will be introduced with | <p>Promotion of good public health standards and reduction in adverse public health issues</p> <p>Enforcing Health Act 2006 (substantially enclosed premises) and Consumer Protection Act 1987 (labelling)</p> | <p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <p>By working with partners such as the Public Health Team, other local authorities and agencies to improve health inequalities.</p> |
|--|---|--|--|

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| | the aim of improving hygiene in tattoo parlours | | |
| Contributing to the reduction in causes of ill-health. | <p>Develop a programme of activities:</p> <ul style="list-style-type: none"> ● Review and follow up Infectious Diseases cases ● Massage and Special treatment inspections ● SmokeFree compliance and tobacco control measures including: ● Developing expertise in different areas (e.g. shisha) ● Collaboration between Trading Standards and Environmental Health and other partners (e.g. Police) to ensure legal requirements are met ● Continued partnership work with regional Illicit Tobacco Group. ● Collaboration with the Public health Team to explore implementation of a scheme for the voluntary removal of super strength beer, lager or cider from retailers' shelves. | <p>To improve infectious disease control and management.</p> <p>To fulfil a request from the Health in Hackney Scrutiny Commission on ill health.</p> | |
| Responding to emergencies, including serious accidents, food safety incidents and disease outbreaks. | <ul style="list-style-type: none"> ● Take part in partner exercises to test plans, as appropriate. ● Conduct risk based/intelligence led interventions with businesses ● Respond to disease notifications and outbreaks | Emergency planning and Out of hours responses | <p>Mayor's Priority 2 & 3</p> <p>Sustainable Community Strategy priority 3, 4 & 6</p> <p>By maintaining preparedness</p> |

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| | | | ensure public safety and health |
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4.1 Policy Context

4.1.1 The Food safety Service Delivery Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement (2010). The FSA require all local authorities to produce and approve an annual plan that sets out how it is going to discharge its responsibilities.

4.1.2 The performance of the Food Safety Service is measured against its fulfilment of the Plan.

4.2 Equality Impact Assessment

N/A

4.3 Sustainability

N/A.

4.4 Consultations

N/A

4.5 Risk Assessment

4.5.1 The Business Regulation service delivery plans set out how its services will take actions that contribute to achieving corporate priorities and desired outcomes. Without these agreed, clearly stated priorities and this plan, the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

| Nature of risk | Consequences if realised | Likelihood of occurrence | Control measures |
|--|---|--------------------------|--------------------------|
| The Service Plan is not approved | The Council would receive a directive from the Food Standards Agency (FSA) | Low | Approve the Service Plan |
| The Service Plan involves the carrying out of statutory duties - failure to deliver the service plan | Increase risks: <ul style="list-style-type: none"> - to consumer safety and the most vulnerable consumers; - to public health and increased risks of spread of infectious diseases and food poisoning and; - to employee and public safety with increased | High | Approve the Service Plan |

| | | | |
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| | risks of incidents and fatal accidents - of failure to administer and regulate licensable activities and premises | | |
| Increasing reactive workload or other significant service incidents | The lack of available resource to deliver the plan | High | This will be carefully monitored. |
| Poor performance against the plan | Could potentially result in the reputational damage and directions to the Council from the national measurement Office (NMO), Food Standards Agency and the Health and Safety Executive (HSE) | High | This will be carefully monitored. |

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

- 5.1 This report seeks the Corporate Committee to approve the Food Law Enforcement Service Plan (FLESP) for 2019/20. The report notes the level and scope of work being carried out to meet the requirements of the FLESP and the Service Delivery Plans for Occupational Health and Safety and Trading Standards.
- 5.2 This report is for noting and has no direct financial implications. The aims and objectives described in the FLESP for 2019/20 will be delivered within the constraints of the existing Business Regulation service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 6.1 The Food Law Enforcement Service Plan 2019/20 to be approved should contain information in accordance with the Food Standard Agency Codes of Practice and the Feed and Food Law Enforcement standard set out in the Framework Agreement on Official Feed and Food Controls by Local Authorities.
- 6.2 There are no immediate legal implications arising from this report.

APPENDICES

Appendix 1: Food Safety Service Delivery Plan 2019/20

Appendix 2: Health and Safety Service Delivery Plan 2019/20

Appendix 3: Trading Standards Service Delivery Plan 2019/20

BACKGROUND PAPERS

None

| | |
|--|--|
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London Borough of Hackney

Food Law Enforcement Service Delivery Plan 2019/20

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INVESTOR IN PEOPLE

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1. INTRODUCTION

This is the London Borough of Hackney's mandatory annual plan for the effective enforcement of food safety legislation, and follows the national template as directed by the Food Safety Agency (FSA), through the framework agreement with Local Authorities. This plan refers to the food law enforcement functions undertaken by Hackney's Neighbourhoods and Housing Directorate.

The objective of the plan is to demonstrate how the service ensures food safety in the borough. The Environmental Health Service provides the Food Safety function and aims to deliver an intelligence-led, risk-based approach to business regulation that achieves a high level of consumer protection.

This plan is a public document and will be published on the Borough's website. It sets out the aims and objectives of the direction for the delivery of food safety in Hackney for 2019 – 2020, in line with the Mayor's Priorities.

The performance of the Food Safety Service will be measured against the fulfilment of this Plan and the percentage of broadly compliant premises within the Borough. Currently 89% of food premises in Hackney are broadly compliant in respect of food hygiene. The Service has an aspiration to increase this further by 2% by targeted use of enforcement options and business support, seeking further efficiencies in the inspection process and with targeted initiatives in conjunction with other council services, community stakeholders and external agencies.

The number of food businesses in the borough, subject to food hygiene controls, has slightly decreased from 2,683 in April 2018 to 2,628 as of 31st March 2019. The number of new food business registrations received in 2018-19 to 31st March 2019 is 195. The reduction in the total number of businesses is partially due to the removal of businesses that have ceased trading that have been identified when dealing with the backlog of low risk premises.

The Food Safety Service continues to use a range of enforcement tools to improve and maintain food hygiene and safety compliance and to deliver a risk based approach. The service continues to move away from an "inspection for inspection's sake" approach allowing for a lighter touch treatment of those premises that are broadly compliant and providing advice and education, and where necessary, enforcement action of those premises that are not broadly compliant will be taken.

This approach is reflected in the priorities for 2019-20 which means that resources will be targeted at those premises posing the highest risk. There is a statutory duty (as set out in the Food Law Code of Practice) on food authorities to carry out 100% of all of the food hygiene and food standards inspections due within each financial year. Due to resource limitations, Hackney has set a target in previous Service Plans of inspecting 100% of the higher risk food hygiene and food standards premises that were due and this target has been met. However, this has resulted in the gradual build-up of a backlog of lower risk inspections. Examination of the overall performance figures for Hackney by the Food Standards Agency resulted in an audit being undertaken of the Food Safety Service in October 2017. The audit was focussed on the organisation, management, internal systems and monitoring of the delivery of the food service and although only minor recommendations have been made

by the Agency, they did however raise concerns regarding the inspection backlog. Failure to provide sufficient resources to address the inspection backlog will result in the Service not meeting its statutory duties as a food authority under the Food Law Code of Practice and the possibility of future intervention or sanctions imposed by the Agency. As part of the action plan agreed with the Food Standards Agency following the audit, the Service committed to carrying out 100% of all food hygiene inspections due in 2018-19 though five inspections of category B rated premises were undertaken more than 28 beyond the due date for doing so. The Service has also made a commitment to reducing the backlog of overdue lower risk food hygiene inspections. The majority of the overdue C category inspections have now been completed and an initial start has been made on reducing the D category backlog. All of the E category backlog has been completed as part of the Alternative Enforcement Strategy.

The Service will have a number of challenges in 2019-20 and over the following three years, managing the very different and growing demands of Government agencies and changes in central government financing of local authorities. The Food Standards Agency is planning a fundamental review of the way that food safety is delivered within the UK which will have a significant impact on all local authorities through the Regulating Our Future programme and there may be significant implications for food law enforcement in the UK as a result of Brexit.

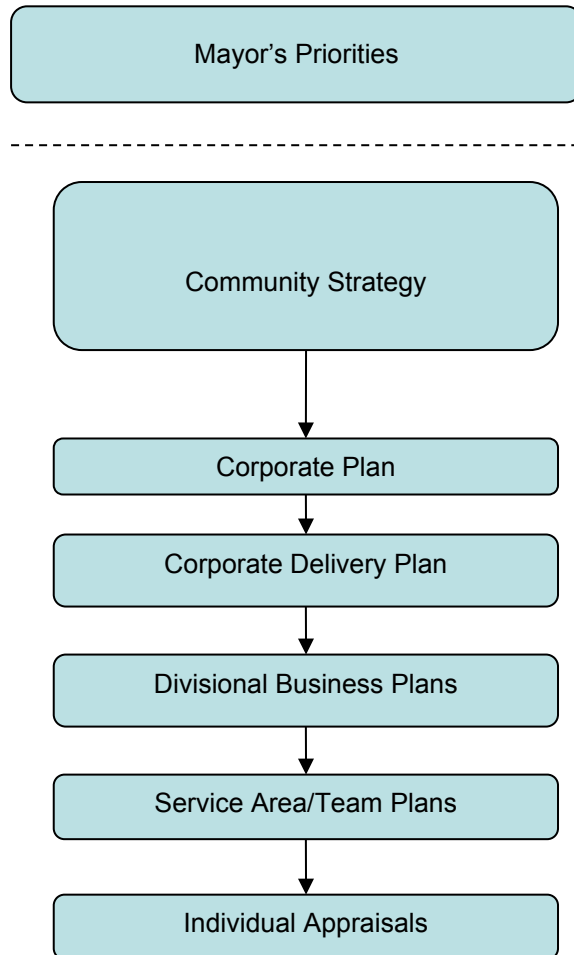
Along with the cross cutting review and local priorities the service will be challenged to ensure the provision of safe food, evaluating how to use resources differently and deliver the work innovatively and collaboratively in order to maintain and increase inspection levels. The trialling of proposed mobile working solutions should further improve working efficiency. Another challenge will be to drive up hygiene compliance along with the need to support and assist the increasing numbers of new business start-ups and pop-ups due to the growth of the hospitality and night-time economy in the borough. Better use of more focussed inspections and interventions (as permitted by the Food Law Code of Practice) targeted on key food safety elements of businesses will also help to improve efficiency while maintaining a high level of public protection.

The continuous need to find savings from the Service will also have a bearing on the effective delivery of this service. In the 2017 restructuring of the Service the staffing resource was reduced by 20%. The Service requires investment in order to maintain and further improve performance particularly in relation to the inspection programme establish future efficiencies.

2. FOOD LAW SERVICE AIMS AND OBJECTIVES

2.1. Aims and Objectives

How the Service Links to Corporate Priorities



Hackney's Vision: A place for everyone

- Mayor's Priority 1:** Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities and excellent schools; where everyone can play a part and where tackling inequality is at the heart of what we do.
- Mayor's Priority 2:** Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks and estates.
- Mayor's Priority 3:** Making Hackney an economically and environmentally sustainable place, with strong, cohesive and diverse communities.

The **2018-2028 Community Strategy** has five cross-cutting themes:

1. A Borough where everyone can enjoy a good quality of life and the whole community can benefit from growth.
2. A Borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life.
3. A greener and environmentally sustainable community which is prepared for the future.
4. An open, cohesive, safer and supportive community.
5. A Borough with healthy, active and independent residents.

The Food Safety Service contributes to the delivery of the following local policies and plans:

Environmental Health Service: Food Safety Service - undertakes a range of food hygiene, food standards and health and safety interventions across all Hackney food businesses including the provision of advice and information. The team also carries out infectious disease investigations, investigation of food complaints and sampling work. **Mayor's Priority 2, Community Strategy priorities 2, 4 & 5.**

The Service aims to:

- Work with businesses to protect consumers from harm by ensuring that food produced, distributed and marketed in the borough is safe and wholesome for the consumer to eat. This will be measured by an increase in broadly compliant businesses, increasing the number of FHRS rated 3-5 premises and a reduction in FHRS rated 0-2 premises.
- Work with businesses to ensure that food produced, distributed and marketed in the borough meets labelling and compositional requirements and is presented so that consumers are not misled as to its nature, substance or quality. This will be met by raising issues highlighted during visits to premises, acting on service requests and complaints, through promotional material where relevant and increasing enforcement for non-compliance following a graduated approach.
- Deter, detect, investigate and disrupt fraudulent activity involving food, including the illegal importation of food. This will be measured by taking an active role in local, regional and national food fraud initiatives and meetings, by organising intelligence-led action days to disrupt potential fraudulent activities and increasing enforcement for non-compliance following a graduated approach.
- Prevent the spread of infectious disease and food poisoning and to investigate outbreaks by working with Public Health England, investigating notifiable disease in line with agreed protocols, participating in local, regional and national initiatives and meetings.
- Provide advice and education to all sectors of the community on food safety matters and to meet the training needs of the businesses in Hackney with the promotion of in-house training courses and participation in national initiatives such as Food Safety week.
- Promote the provision of healthier food to reduce health inequalities through the Healthier Catering Commitment scheme in conjunction with Public Health and the aims of the Obesity Strategic Partnership.

- Work with other Services, local authorities and agencies with common objectives to provide effective enforcement. This will be achieved by attending local, regional and national meetings, benchmarking with neighbouring authorities and by taking part in internal and external partner led initiatives.
- Protect businesses from economic disadvantage caused by competitors not complying with food safety legislation and by following a graduated approach to enforcement.

2.2. Food Safety Service Performance Indicators for 2019-20

The service have a number of key performance indicators and the performance of the service is measured against the following:

| PI Code | Short Name | Frequency of reporting | Directorate | Annual Target 2018/19 | Achieved (as of 31/03/19) | Data Only PI | 2019/20 Target |
|------------|--|------------------------|--------------------------|-----------------------|---------------------------|--------------|----------------|
| NH PRS 030 | % of service requests/consumer complaints about food businesses actioned within 10 working days | Quarterly | Neighbourhoods & Housing | 95% | 100% | No | 95% |
| NH PRS 032 | Percentage of category A and B (food hygiene) risk premises inspected within 28 days | Quarterly | Neighbourhoods & Housing | 100% | 98%* | No | 100% |
| NH PRS 034 | % of Broad Compliance for food hygiene (accumulative) | Quarterly | Neighbourhoods & Housing | 87% | 89% | No | 89% |
| NH PRS 035 | % of unrated food premises inspected excluding registered premises not yet trading | Quarterly | Neighbourhoods & Housing | 100% | 100% | No | 100% |
| NH PRS 036 | Number of unrated food premises | Quarterly | Neighbourhoods & Housing | Less than 70 | 32 | Yes | Less than 70 |
| NH PRS 046 | Satisfaction of businesses with local authority Regulatory Services' inspections, visits, actions to ensure businesses are compliant | Annual | Neighbourhoods & Housing | 75 % | N/A | No | 75% |

*100% of A and B inspections were carried out; however, 5 'B' rated inspections were inspected outside the 28 targets due to officers' errors.

3. BACKGROUND

3.1. Scope of the Food Safety Service

3.1.1. The Food Safety Service is responsible for food hygiene, food standards, public health activities and health and safety in all food premises, and involves both planned and reactive work.

3.1.2. Food Safety Service officers, hold dual warrants for food safety and health and safety, so when appropriate, health and safety hazard spotting (matters of evident concern) and food standard inspections are carried out at the time of the primary food hygiene inspection.

3.1.3. The Food Safety Service provides the following services:

- Conducting official controls and other interventions at a frequency determined by Food Law Code of Practice and taking appropriate enforcement action as necessary;
- Working with local food businesses to help them comply with their legal responsibilities and good hygiene practice, by providing information, advice and guidance;
- Prevention, control and investigating of infectious diseases, outbreaks, and food-related infectious disease and food poisoning associated with food businesses in Hackney in accordance with the joint infectious disease protocol, London Outbreak Management Plan 2012 and advice from the Consultant for Communicative Diseases Control (CCDC) and the Public Health Laboratory Service (PHLS), within Public Health England (PHE);
- Undertaking sampling in accordance with our sampling policy;
- Control of imported foods in accordance with centrally issued guidance;
- Investigating complaints about food premises and food purchased/provided by consumers in Hackney;
- Initiating and responding to food alerts about unsafe or unwholesome food and taking appropriate action as necessary;
- Providing advice on training in safe food handling and hygienic practices to food handlers working in Hackney, including running food hygiene and food allergen training courses via our training centre.
- Processing applications for approval relating to the production of meat products, minced meat & meat preparations, dairy products, egg products and fishery products;
- Carrying out activities with regard to a food safety enforcement policy in line with the central government issued guidance;

- Undertaking food safety initiatives (Food Hygiene training and community events etc.)
- Delivering the Healthier Catering Commitment project in conjunction with Public Health to increase healthier food options available at independent catering outlets in Hackney. This project plays a key role in Hackney's Obesity Strategic Partnership.

3.1.4. The Trading Standards Service is responsible for Feed Law enforcement to ensure that any feed used is safe and does not adversely affect the human food chain.

3.2. Demands on the Food Safety Service

3.2.1. Premises Profile

As of 31st March 2019, there were 2628 food establishments in Hackney. The majority of food businesses in Hackney are catering premises at 62%. These are mainly sole trading micro businesses a number of which require support, advice and enforcement to ensure that the food they supply is safe to eat. This is reflected in the inspection programme and the demand for training. Food retailers make up the second most significant group (30%), with the remaining 8% being made up of food manufacturers, exporters, distributors and importers.

3.2.2. Outdoor Events

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. These range from several large events such as the Hackney Carnival and events held in Queen Elizabeth Olympic Park to smaller churchyard-style events held throughout the Borough.

3.2.3. Imported Food

As well as responding to complaints, referrals and notifications, the service carries out routine inspections and a range of proactive activities in premises across the Borough and in street markets that deal with the trade of illegally imported foods.

The Food Standards Agency has placed greater emphasis on local authority Food Safety Services to ensure controls on third country imported food (i.e. food imported from countries outside of the European Union). 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). Examples of this include fruit, vegetable and nuts that appear on a monthly warning list issued by the Food Standards Agency for investigation principally for chemical contamination such as pesticide residues. This area of work can have a high impact on the Service due to the number of businesses handling low cost imports to meet high consumer demand. This food, however, gives rise to a risk to human health and where necessary it is removed from sale and enforcement action taken. The Food Standards Agency has, in the past, supported the Food Safety Service in improving

controls on third country imported food sold in the Borough and to identify those imported foods that may have been brought into the Borough illegally to protect public health and animal health. This has led to increased related work activities such as sampling and surveillance activities. Brexit is likely to have an impact in this area as food from the EU will be deemed to be imported food after Brexit and additional UK controls may be introduced particularly if there is a no deal withdrawal from the EU. Similarly, there are likely to be changes for businesses that supply food to EU member states in terms of labelling requirements and export requirements. The Service may be required to issue health certification for exports and provide support to businesses regarding changes post-Brexit.

3.2.4. New Businesses

The number of food businesses in the Borough, subject to food hygiene controls, stands at 2628. The Service still receives a significant number of new food registrations (195 to 31st March 2019). It is anticipated that the number of new food businesses registered will continue at this level, and is of a particular concern to the Food Safety Service as they place a greater demand on the Service, to ensure that these premises remain 'fit for purpose' and food hygiene compliant as they vary their supply of food. New businesses are given priority within the inspection programme in order to ensure that they are compliant when they commence trading and also as new businesses can have a significant impact on the broadly compliant percentage under the Food Hygiene Rating Scheme (premises that have not been inspected are deemed to be non-compliant resulting in the broadly compliant score falling). Where possible, new unrated businesses are inspected within 28 days of commencing trading. In addition, there are a number of temporary food businesses and 'pop ups' who open and then cease trading within a short period of time and a number of market traders that are registered as food businesses with other local authorities but trade in Hackney that do not form part of the established inspection programme. The service manages a programme of inspections for all new/unrated food premises to ensure their hygiene compliance is assessed.

Inspections of new unrated food establishments are in addition to the main programme of inspections of existing businesses that are due within the financial year. It is anticipated that an additional 300 primary food hygiene and food standards inspections will need to be completed in 2019-20 for new establishments which is equivalent to 1.4 FTE.

In 2019-20, the way in which businesses register is changing as part of the FSA's Regulating Our Future programme. New food businesses will register centrally via the FSA with registrations being forwarded to Hackney. This means that our relevant IT systems need to be upgraded to accommodate this change and Hackney has volunteered to be one of the early adopters working with the FSA to implement the required changes.

3.2.5. Food Hygiene Rating Scheme

Hackney participates in the national Food Hygiene Rating Scheme (FHRS). The scheme is designed to give the public information about local food businesses so that they can make informed choices about where they eat locally (and nationally). As a result the

scheme allows for greater transparency for consumers and businesses due to work conducted by Hackney Food Safety Service. It also recognises those businesses that are operating to a good standard and aims to provide an incentive to those businesses that have not made food safety a priority.

However, the display of the rating sticker is still not mandatory in England but the Food Standards Agency is supportive of its introduction and additional legislation may be introduced post-Brexit.

Following an inspection, a business can be given one of the following FHS ratings and uploaded on the National FHS website (<http://ratings.food.gov.uk>) which can be accessed by businesses and consumers.



Businesses that obtain a rating of 0 to 2 are re-visited to ensure that they are compliant and they are encouraged to request a re-inspection to improve their rating. The Food Standards Agency has introduced changes to the scheme so that Councils can charge (on a cost recovery basis) for any re-rating inspections and businesses will no longer be restricted to a single re-rating request. A re-rating charging scheme has been introduced and disappointingly, the uptake rate has been low (as of 31/03/2019, 26 re-rating inspections have been carried out in 2018-19 compared with 53 in 2017-18).

3.2.6. Broad Compliance with Food Safety Legislation

At 31st March 2019, 89% of premises were found to be broadly compliant with food hygiene. This figure has increased from 85% in 2017-18 and this is part of a trend of increasing compliance which stood at 57% in April 2011. The most appropriate enforcement action will continue to be used to deal with premises that are non-compliant following a primary inspection as a means of driving up full compliance and delivering sustainable improvements.

3.2.7. Food Allergens

The recent tragic deaths of customers from exposure to allergens has received widespread media attention and the Government is proposing to tighten the controls on allergen labelling for non- pre-packed foods. Changes to the Food Law Code of Practice have incorporated allergen controls as a food safety issue and the Service has been placing greater emphasis on allergen controls at food businesses during routine inspections. Issues regarding a lack of staff knowledge, poor communication between kitchen and front of house staff and potential cross-contamination have been found. Test purchasing of foods has also been undertaken from take-away premises which have been analysed for a specified allergen. In order to ensure that catering premises in particular have robust systems in place to control allergens and can provide accurate information to customers, it is

proposed that a specific project is undertaken to address this aspect of food safety. A detailed assessment of allergen controls will be undertaken during routine food hygiene inspections of catering premises. Sampling (including test purchasing) will also be undertaken to assess controls based on inspection outcomes. Supporting information and guidance will be developed and provided to businesses and enforcement action will be taken where appropriate. Businesses will also be offered places on our Level 2 Food Allergen course.

3.2.8. Additional Priorities and Partnership Working

Joint working with other internal teams will improve following the recent re-organisation of Regulatory Services allowing the Food Safety service to take advantage of the Intelligence Hub and cross-team tasking arrangements to further improve efficiency of service delivery.

North East Sector Food Liaison Group: The authority participates in the North East Sector London Food Liaison Group, part of the Association of London Environmental Health Managers. Information is then exchanged with the London Food Coordinating group. General issues concerning policy, regulation and enforcement are discussed at this forum.

Events and partnership Group: The Food Safety Service participates in the Hackney Special Advisory Group (HSAG); and will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams and other internal and external organisations including the Metropolitan Police to tackle emerging issues and regulatory non-compliance.

Mobile Vending Operators: The Food Safety Service will continue to monitor increases of such premises in Hackney via the food premises registration process, complaints, referrals and surveys. In the past year this Service has engaged with the new Markets Manager and both sides agree that a closer working partnership would be beneficial to increase compliance across the markets. The Service will continue to work closely with the Markets and Street Trading Services and deal with non-compliance through existing programmes and initiatives and by developing joint strategies. However, inspections of market traders are outside of the inspection programme and will require additional staffing resource. The Service will work with Markets and Street Trading to try and identify additional funding that will enable regular inspections, interventions and project work to be undertaken in relation to market and street traders.

Healthier Catering Commitment: this is a London-wide project supported by the Association of London Environmental Health Managers, the Chartered Institute of Environmental Health and the Greater London Authority to improve the nutritional quality of take away food across the capital. The project aims to encourage traders to provide healthier options to customers as part of an award scheme and businesses are assessed according to the measures taken to reduce overall calories, saturated fats, sugar and salt on their menus. In Hackney, the project is being delivered by Environmental Health with financial and strategic support from Public Health colleagues and forms a key part of the Council's obesity reduction strategy.

Liaisons with other Organisations: The Council actively participates in liaising with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, share good practice and reduce duplication of work.

3.2.9. Promotional Campaigns

The Service will continue to publish information, to improve food hygiene and safety awareness within the food business community and the local consumer population and maintain a positive relationship with the media to raise the profile of the Food Safety Service.

The Food Safety Service will carry out food safety promotional work through participation in national and local campaigns and local projects, subject to available resources.

3.2.10. Training Centre

The continuation of the Training Centre will also improve food hygiene compliance as this facility will support businesses by making food 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. The training is promoted to food businesses through the Council website and during routine inspections. As of 31/03/2019, 97 food handlers have attended our Level 2 training in Food Hygiene and Food Allergens.

In 2019/20, the service will continue to offer RSPH accredited Level 2 training in Food Hygiene and Food Allergens, the number of courses offered will depend on demand from businesses and other pressures on the Service.

3.3. Enforcement Policy

3.3.1. The Food Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximize profits, they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

3.3.2. The published Food Safety Enforcement Policy, which follows a graduated approach, outlines all enforcement action to be carried out by officers in relation to food safety legislation, seeks to ensure that formal enforcement is focused where there is a real risk to public health and that officers carry out actions in a fair, practical and consistent manner. All authorised officers will follow the Enforcement Policy when making enforcement decisions.

- 3.3.3. The Food Safety Enforcement Policy, takes account of the principles of the Enforcement Concordat, the Regulator's Code, FSA's guidance, and has regard to Crown Prosecution Service guidelines and Equality Impact issues. The Plan will allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.
- 3.3.4. The Service will generally seek to recover from businesses the costs associated with any additional official controls (such as emergency closures of food businesses).

4. SERVICE DELIVERY

4.1. Interventions at Food Establishments

- 4.1.1. The Food Safety Service will employ a full, partial or range of other official control (interventions) (as permitted by the Food Law Code of Practice) to assist in raising the compliance rate and achieve broad compliance in food premises. Interventions include sampling, monitoring, surveillance, education or verification visits should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulator's Compliance Code.
- 4.1.2. Food hygiene inspections are the main driver for performance of the Food Safety Service, as a result of the priority setting and the scrutiny of the performance of the Service by the FSA, and local and national indicators. Inspections are allocated to officers who are appropriately qualified and authorised in accordance with the Food Law Code of Practice.
- 4.1.3. Following a primary inspection of each food business, a risk category is assigned based on the type of food business and the type of food it handles as well as the conditions found at the time of the inspection. Category 'A' and 'B' rated premises pose the greatest risk and these are therefore inspected at a greater frequency (6 and 12 months respectively).
- 4.1.4. In 2019-20, the Service will continue to prioritise the inspection of higher risk Category A and B premises due for inspection, along with the new and unrated premises and 'not' broadly compliant C rated premises. The FSA Food Law Code of Practice requires each food authority to achieve 100% of the inspections due in each financial year. This target has been included in this Service Plan and in order to try and achieve this target, greater use will need to be made of partial inspections and other interventions where possible for broadly compliant C category and D category businesses. An Alternative Enforcement Strategy has been used for E category premises that are in the lowest risk category. However, it has been decided that these premises will receive an inspection as this will provide more accurate and current information on the business's compliance and will allow the FHRS rating to be amended thereby providing more realistic information for the public. In relation to the programme of inspection for food standards, all A category premises will be inspected and inspections for food standards will be carried out at premises where the food hygiene inspection is also due. This does mean that there is likely to be a continuing backlog of lower risk food standards businesses

although the number will gradually reduce via the food hygiene programme.

4.2. Food Hygiene Inspection Programme

- 4.2.1. Food hygiene inspections are given priority in accordance with Food Law Code of Practice and associated Practice Guidance, issued by the FSA and in line with Hackney's Food Safety Service, Food Hygiene Inspections and Food Standards Procedures. Therefore, the majority of resources allocated to food safety are devoted to planned primary inspections for food hygiene purposes.
- 4.2.2. In accordance with the Food Law Code of Practice, the Service aims to inspect 100% of all food hygiene inspections due within the financial year. Priority will be given to the highest risk premises category A-B premises and all non-broadly compliant category C and category D premises that are due. In addition new and unrated premises will be inspected within the annual inspection cycle. The inspection of broadly compliant lower risk C, D and E category businesses will be given a lower priority within the programme. This should be achievable with current staffing resource but additional resource will be needed to address the significant backlog of lower risk D category businesses. The implications of failing to address the backlog has been highlighted in Section 1 above.
- 4.2.3. Partial inspections will be conducted on broadly compliant category C and D premises, in line with in the Food Law Code of Practice. This will reduce the burden on businesses and concentrate resources on the non-compliant businesses. However, a full inspection will be carried out if a compliant business is not in control of risks or a public health risk is identified.
- 4.2.4. Table 1 below identifies the food hygiene inspections due and overdue for 2019-20 (these are businesses that have been tagged on the premises database). The programme also includes 267 category E premises from last year's Alternative Enforcement Strategy where there was no response from the businesses which will be visited and inspected if the business is still trading. This will improve the accuracy of the database by removing businesses that have now ceased trading and will also identify any new replacement businesses.

Table 1. The number and types of food businesses and their risk rating planned for food hygiene inspections 2019-20

| Inspection Rating | Number of food hygiene inspections due | The frequency of inspection is for Category: |
|--|--|---|
| A | 8 x 2 = 16 | A: every 6 months (2 inspections a year) |
| B | 188 | B: every 12 months |
| C | 374 | C: every 18 months |
| D | 183 | D: every 2 years |
| E | 101* | E: every 3 years |
| New/Unrated premises carried over from 2018-19 | 32 | The category for premises classed as unrated is |
| Overdue category D premises | 590 | |
| Inspections of Category E from which AES | 267 | |

| | | |
|---|--------------|---|
| <i>Questionnaires were not received in 2018-19</i> | | determined at the first visit and can be A-E. Category E premises may be dealt with using an alternative enforcement strategy (AES). |
| <i>New/Unrated premises estimated opening during the year (2019-20)</i> | 300 | |
| Total inspections due for 2019-20 (due A-E + unrated) | 1,194 | |
| Total Inspections due for 2019-20 (including overdue) | 2,051 | |

*relates to those premises subject to non-official interventions

- 4.2.5. In accordance with the Food Law Code of Practice, the Food Safety Service aims to inspect all food hygiene businesses due for inspection in 2019-20. Category A and B premises, all unrated/new premises and not broadly compliant C and D premises will be inspected as a priority in the months for which they are due.
- 4.2.6. New premises will be added to the inspection programme as the service becomes aware of them, as these premises count against the overall broad compliance percentage and hygiene rating. Under the Food Hygiene Rating Scheme, new unrated businesses are deemed to be non-compliant until they are inspected. As such, not inspecting new businesses will reduce the overall broadly complaint figure.
- 4.2.7. At present, the following food hygiene inspections are overdue as of 31st March 2019:

590 category D.
- 4.2.8. Additional resources will be needed to tackle the inspection backlog as this cannot be addressed with current staffing resources.
- 4.2.9. Any complaint, received against a premises risk rated C, D or E may result in a Food Hygiene inspection. The decision to inspect will be based on the nature of the complaint and the officer's professional judgement.
- 4.2.10. The Service will utilise the tasking of Enforcement Officers within other Regulatory Service teams to identify whether premises overdue for inspection are still trading. This will contribute to improving the accuracy of the food register and database as well as remove closed premises from the inspection programme.

4.3. Food Standards Inspection Programme

4.3.1. **Table 2. The number and types of food businesses and their risk rating planned for food standards inspections 2019-20**

| Inspection Rating | Number of food standards inspections due | The frequency of inspection for Category: A: every 12 months B: every 2 years C: every 5 years The category for premises classed as unrated is determined at the first visit and can be A-C. Category C premises may be dealt with using an alternative enforcement strategy (AES) |
|---|--|---|
| A | 25 | |
| B | 197 | |
| C | 67* | |
| New/Unrated premises carried over from 2018-19 | 51 | |
| <i>New/Unrated premises estimated opening during the year</i> | 300 | |
| Overdue category B | 381 | |
| Overdue category C | 229 | |
| Total Inspections due for 2019-20 (A-C + unrated) | 640 | |
| Total inspections due for 2019-20 (including overdue) | 1,250 | |

*relates to those premises subject to non-official interventions

4.3.2. The actual premises due for inspection were identified at the beginning of April 2019 which have been accordingly tagged for inspection on the premises database.

4.3.3. All Category A premises will be inspected within the month for which they are due as they pose the highest risk.

4.3.4. Lower risk category B and C will be inspected at the same time as the planned food hygiene inspections.

4.3.5. Inspections of Category B and C premises may be undertaken (if the corresponding food hygiene inspection is not due) if a significant complaint is received. The decision to inspect will be based on the officer's professional judgement.

4.4. Secondary visits (Re-visits)

4.4.1. Officers will undertake additional visits to premises where follow-up/formal enforcement action is required as a result of serious contraventions found at the time of a primary (programmed) visit or where a contravention is not remedied through informal measures. A secondary visit will consist of one or more intervention activity.

4.4.2. Primary inspections resulting in advice to food business operators about minor technical contraventions will not receive a secondary visit.

- 4.4.3. Secondary visits will be carried out where significant breaches have been identified. It is anticipated that no more than 30% of planned inspections will result in a secondary visit.

4.5. Complaints and Service Requests

- 4.5.1. The Food Safety Service aims to investigate all food complaints concerning extraneous matter, chemical or microbiological contamination, unfitness and food alleged to have caused food poisoning, relating to food purchased within Hackney.
- 4.5.2. The Service will take receipt of all such complaints in accordance with its food and food premises policy and procedure and will pass on those that are the responsibility of other authorities to investigate.
- 4.5.3. A total of 784 food safety related service requests have been received as of 31st March 2019 and it is anticipated that a similar number will be received during 2019-20. Given the total number of service requests, a review will be undertaken to determine the type of complaints that the Service can continue to investigate given the reduction in resources available and the other demands on the Service. Consideration will be given to the provision of information to customers and the signposting to self-help and advice resources on the Council's and external websites. Work is currently being undertaken to improve the website design for businesses and the content will be reviewed and expanded to provide a better resource for both food businesses and the public. Improved access to relevant information and signposting should help to remove some of the demands on the Service.

4.6. Primary/Home Authority Principle

- 4.6.1. The Service is committed to the Primary/Home Authority Principle, i.e. the relationship between a food business and local authority where the decision making base (i.e. head office) of the company is located.
- 4.6.2. Currently, Hackney has three Primary Authority Partnership arrangements with three locally-based national food businesses and work will be undertaken in 2019-20 to consolidate and build the partnerships. The Service also continues to act in an informal capacity with a number of manufacturers, importers and wholesalers in the borough, as a Home Authority.
- 4.6.3. The principles of the Primary Authority Scheme are set out in the Regulatory Enforcement and Sanctions Act 2008, and are part of the Government's regulatory reform strategy led by the Hampton Report and Macrory Review that emphasised reducing burdens on businesses, and a focus on outcomes respectively.

4.7. Advice and Training to Businesses

- 4.7.1. The Food Safety Service has produced standards which along with the Food Safety Enforcement Policy outlines the Service's commitment to advising and supporting businesses to comply with the legal responsibilities and good food hygiene and food standard practices.

- 4.7.2. The Service will give assistance to food businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service is also proactive in supporting businesses and will continue to:
- Provide advice during routine inspections to premises;
 - Provide regular Food Hygiene and Food Allergen Training courses for businesses to attend
 - Provide information on the Hackney.gov.uk website with the purpose of providing advice to food business operators and consumers. <http://www.hackney.gov.uk/e-env-environmental-health.htm>
 - Following the cuts made to the Service as a result of the re-organisation in 2017/18, the provision of a Business Consultancy service for the provision of in-depth support to businesses regarding food safety management systems, staff coaching and specialist technical advice is no longer possible.

4.8. Food Sampling

- 4.8.1. A programme of food sampling will be carried out based on national, regional and local, intelligence-led priorities. Sampling may also be carried out in response to complaints and referrals but also during or following a primary inspection. All sampling is carried out in accordance with the Food Sampling Policy and Procedure.
- 4.8.2. The food sampling programme for 2019-20 will be developed to include London Food Co-ordinating Group (LFCG), FSA and Public Health England (PHE) programmes, the North East London Food Sector Group projects and local issues.
- 4.8.3. The authority has access to two official food control laboratories, one for microbiological examination of food (Food Water and Environmental Microbiology Laboratory run by PHE) and one for food analysis (Public Analyst Scientific Services Ltd).

4.9. Control and Investigation of Outbreaks and Food Related infectious Diseases

- 4.9.1. The Food Safety Service will investigate all food poisoning outbreaks and notifications occurring in the borough in accordance with the Public Health England/Local Authority Joint Infectious Disease Protocol and internal procedures.
- 4.9.2. The Consultant in Communicable Disease Control (CCDC) at the North East (NE) and North Central (NC) London, Health Protection Team of Public Health England to act as Proper Officer for the purposes of control and management of infectious diseases.
- 4.9.3. There have been no contingency resources identified for dealing with any outbreaks for 2019-20.

4.10. Food Safety Incidents

- 4.10.1. The Food Safety Service has arrangements in place to ensure that it is able to implement the requirements Food Law Code of Practice in respect of Food Alerts.
- 4.10.2. A Food Alert 'for Action' will be issued by the FSA where intervention by enforcement authorities is required and is often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. All urgent food alerts receive immediate attention. Outside office hours the emergency contact arrangements will be used.

4.11. Key Areas for Improvement/Development for the next two years

| What we will do | Purpose | when |
|---|--|-----------------------------------|
| Delivery of a targeted risk-based approach for all planned food hygiene and food standards interventions. To inspect 100% of food businesses that are due a food hygiene inspection in the financial year. | To ensure good food safety standards in food premises in the district to reduce the likelihood of food poisoning incidents. | Targets reviewed and set annually |
| Checks of food premises that at their last intervention were <i>ceased trading</i> and therefore recorded as <i>closed</i> . Contribution to a Service-wide ICT project to consolidate the property database to remove duplicated premises. | To ensure that the premises database is accurate and up to date and in readiness for the mobile working programme. | 2019-20 |
| Delivery of continued improvements on use of database and to identify efficiencies in processes in line with the Regulatory Services ICT strategy and associated road map | To contribute to the corporate ICT programmes, to improve the efficiency of the service delivery | 2019-20 |
| Review of procedures and quality monitoring processes of service activities and internal auditing against Standards and the FSA Framework agreement. Continue to implement recommendations from the Food Standards Agency audit in October 2017 | To build capacity and ensure the delivery of the food service is 'fit for purpose', fair, practical and consistent and able to withstand a challenge | 2019-20 |

| | | |
|--|---|-----------------------------------|
| Ramp-up follow-up on a range of interventions including formal enforcement activities in respect of not broadly compliant premises. Continue to promote re-inspection requests from businesses under the Food Hygiene Rating Scheme where improvements have been made. | To reduce the likelihood of food poisoning and significant risk of injury to public health; to improve the percentage of broadly compliant premises and achieve aspirational targets for food premises hygiene broad compliance | 2019-2020 |
| Deliver the Alternative Enforcement Strategy (AES) for low risk premises. | To monitor change of activities and maintain food safety compliance | Targets reviewed and set annually |
| Deliver the Healthy Catering Commitment in partnership with the Public Health team. | To deliver Hackney's Obesity Strategic Partnership plan and reduce health inequalities. | 2019/20 |
| Educate and support to businesses | To develop and deliver training courses to food businesses including market traders and mobile traders through the training centre | 2019-20 |
| | To continue to build on existing Primary Authority Partnerships with local food businesses and seek additional partnerships. | 2019-20 |
| Food hygiene registration | To ensure that all new food businesses are inspected in a timely manner to limit the negative impact on the broadly compliance figure and risk to public health. To implement the FSA's new food registration system. | 2019-20 |
| Effective partnership working | To support the work of FSA, PHE, DEFRA, HMRC, the Police, Immigration and other relevant internal and external partners. | 2019-20 |
| | To work with the relevant departments to establish indicators for human slavery and safeguarding that can be identified during inspections to food businesses. | 2019-20 |

| | | |
|--|--|---------|
| | To improve consultation process for licensing applications for new and change of use premises. | 2019-20 |
| | To improve joint working and intelligence sharing within Regulatory Services. | 2019-20 |
| Promote the Food Hygiene Rating Scheme | To allow consumers make informed choices, and driving up standards and the economy: Encourage the display of ratings. | 2019-20 |

5. RESOURCES

5.1 Resources for 2019-20 - Staffing Allocations

5.1.1 The staffing for food safety function for 2018-19 was as follows:

0.3 FTE x Regulatory Services Manager

1.6 FTE x Principal Environmental Health Officer (PEHO)

4.0 FTE x Senior Environmental Health Officer (SEHO)

1.0 FTE x Business Support Officer (BSO)

1.5 FTE x Technical Business Support

2 FTE x Agency Environmental Health Officer (non-establishment)

Total staffing resources = 10.4 FTE

The staffing for food safety & health & safety function for 2019-20 is as follows:

0.3 FTE x Regulatory Services Manager

1.6 FTE x Principal Environmental Health Officer (PEHO)

5.0 FTE x Senior Environmental Health Officer (SEHO)

0.2 FTE x Business Support Officer (BSO)

1.0 FTE x Technical Business Support

1.6 FTE x Agency Environmental Health Officers (non-establishment)

Total staffing resources = 9.7 FTE**Approximate resource time is spent on Health & Safety (= 1.2 FTE)****Staffing resource available to deliver the Food Safety function = 8.5 FTE****Staffing resource required to deliver the 2019-20 plan = 8.21 FTE****Staffing resource to deliver the 2019-20 plan including the food hygiene inspection backlog = 10.48 FTE**

(The Healthier Catering Commitment officer has not been included in the above resource as this post is dedicated to the delivery of HCC and is funded by Public Health).

5.2 Authorisation and Competencies in line with new requirements of CoP

5.2.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.

5.3 Staff Development Plan

- 5.3.1 There is a Corporate Staff Annual Appraisal and Development scheme, and at the start of the year all staff will have their own personal plan which comprises their main objectives for the year with targets and their own development plan.
- 5.3.2 All staff are appraised in accordance with the scheme, and their development needs assessed. Records of all identified training needs are recorded and incorporated into a training plan. In addition, staff also receive regular Check-In meetings whereby performance, competencies and development needs are discussed and assessed and adjustments are made to training plans where possible and appropriate.
- 5.3.3 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.
- 5.3.4 Officers will be assisted in achieving 20 hours' Continual Professional Development (minimum 20 hours food law related), where resources permit.

5.4 Allocation of resources to deliver the plan

- 5.4.1 The resources required to fulfil the plan for 2019-20 is approximately 8.21 FTE. The total resource available is approximately 8.5 FTE. In addition, the funding for one of the contractors is limited to the end of October 2019 to cover maternity leave. The current resource available (including contractors) will be sufficient to meet the planned programme for 2019-20 and as such, the Team should be able to achieve 100% of all food hygiene inspections due in 2019-20.
- 5.4.2 The current inspection backlog for food hygiene is given in section 4.2.7 above and stands at 590 premises. However, the remaining overdue D category businesses will require an additional resource. In addition, there are 267 premises from the AES project in 2018-19 that require an intervention as there was no response from these businesses. The number of premises that are now overdue for inspection and the current resource available was highlighted as an issue by the Food Standards Agency during their audit in October 2017 and an action plan needs to be developed and implemented to address the inspection backlog. Steps were taken in 2018-19 to clear all of the overdue C category food hygiene inspections and to undertake an Alternative Enforcement Strategy to deal with the overdue category E premises. An additional resource of approximately 1.98 FTE will be needed to meet the remaining food hygiene inspection backlog.
- 5.4.3 In calculating the FTE requirement for 2019-20, an estimate of time allocation has been assessed on the previous years' outputs. The estimations make allowance for management time but not for the unplanned arising issues that are not possible to predict.

5.5 Resource Allocation per Activity

The table below is the estimation of a full time equivalent.

| | |
|---|------------------------------|
| 1 year | 52 weeks (260 days) |
| Annual Leave / Bank holidays | 7 weeks (35 days) |
| Training / briefings etc. | 2 weeks (10 days) |
| Sick leave / dependency / special leave etc. | 1 week (5 days) |
| Number of working weeks | 42 |
| Number of working days | 210 days |
| 1 FTE | 210 days (1512 hours) |

5.6 Programmed Inspections

- High risk Category A, B and all unrated premises, (assume 300 new premises, and 32 unrated premises carried over from 2018-19) = 536 inspections due at 7.0 hours per inspection (including paperwork, notices and 30 minutes journey time). (Due Food Standards inspections will be carried out at the same time) = 3752 hours (2.48 FTE)
- Carry out partial inspections on the C, D and E rated premises; 658 premises at 4.5 hours an inspection (including paperwork and 30 minutes journey time) = 2961 hours (1.96 FTE)

Therefore total Food Hygiene inspection time 6713 hours (4.44 FTE)

- Food Standards Inspections Category A (25) premises due for food standards only @ 4.0hrs each (including paperwork and 30 minutes journey time) = 100 hrs.

Total Food Standards interventions = 100 hrs (0.067 FTE)

The total resource for carrying programmed inspections = 6813 hours (4.51 FTE)

Overdue Inspections

Category D food hygiene = 590, category E (no response from AES for 2018-19) = 267

Total of 857 inspections @ 4 hours per inspection (including paperwork and 30 minutes journey time) = 3428 hours (2.27 FTE)

Total resource required for food hygiene inspection backlog = 3428 hours (2.27 FTE)

5.7 Re- inspections following programmed inspections

Re-visits will be carried out in premises that are not broadly compliant during their initial inspection, and often multiple re-visits are needed at the same address. Calculations are based on the average number of monthly re-visits undertaken in 2018-19 up to 31st March 2019.

For both food hygiene and food standards, it is estimated that there will be 385 re-visits @ 2hrs each (including paperwork and 30 minutes journey time) plus 10% follow-up visit = 39 @ 2 hrs = 848 hours.

Total resource required for re-inspections = 848 hours (0.56 FTE).

5.8 Service requests

It is expected that approximately 825 (based on 2018-19 figures) food safety related service requests will be received during the year. These include advice to businesses and members of the public. It is estimated that each will take an average of 1.0 hrs; therefore 825 hrs will be required to deal with these.

Total resource required for Service Requests = 825 hours (0.55 FTE).

5.9 Infectious Diseases and Outbreak Control

The resource required to deal with an outbreak will depend on the size and complexity of the incident. This is not included in the estimation, and any outbreak will reduce resources available in other areas. In accordance with the Infectious Disease protocol agreed with the Public Health England, certain infectious diseases are not actioned by the Local Authority. It is estimated that further action (investigation, questionnaires, potting etc.) will be required on approximately 25% of all cases notified (37 cases) (based on a total of 147 cases for 2018-19). (1 hour each).

Total resource required for Infectious disease = 37 hours (0.025 FTE).

5.10 **Food Sampling**

Sampling will be based on the Sampling Programme – which consists of a number of projects co-ordinated by either: FSA, PHE, LFCG or the NE Sector Liaison Group, plus a number of local projects and home authority sampling.

- 150 samples @ average 4 hours per sample (including paperwork and 30 minutes journey time) = 600 hours
- Follow up to adverse results (20% approx.); 30 @ 4 hours per sample = 120 hours.

Total resource required for Food Sampling = 720 hours (0.48 FTE)

5.11 **Proactive Action Days**

Action days are taken in areas where there are known problems and it is a focused way of ensuring businesses are compliant. We expect to carry out at least 2 action days (minimum 20 premises visits) throughout the year for project and collaborative operations.

Each action days involves approx. 8 officers (5 hours per day) = 40 hours per action day

Total resource required for Proactive Action days = 80 hours (0.05 FTE)

5.12 **Food Safety Promotion**

Activities during Food Safety Week in June are estimated to take around 4 days of officer time (including maintaining the food safety web-pages on the Hackney website)

Total resource required for Food Safety Promotion = 28.8 hours (0.02 FTE)

5.13 **Food Hygiene Training to businesses.**

The Training Centre is scheduled to carry out 4 x training days in Level 2 Food Hygiene plus 4 x Food Allergens courses. It is estimated that each course currently takes 10 hours of officer time, and over the course of the year 10 hours' management time.

Total resource required for Food Hygiene Training = 90 hours (0.06 FTE)

5.14 **Outdoor Events/Markets**

These can occur almost every weekend during the summer months. The Service aims to undertake inspections at approximately 3 events during May to September. Two officers attend per event, for approximately 6 hours each. Preparation time for each event equates to four hours.

Additionally winter/Christmas themed events may occur during November to December. The service aims to undertake inspections at approximately 2 events during this time.

Total resource required for Outdoor events = 64 hours (0.05 FTE)

5.15 Enforcement/Prosecution/Legal work (including Hygiene Improvement Notices, seizures, closures).

Estimations of resource requirements for enforcement actions

| Type of enforcement | Number estimated based on 2018-19 | Estimate of hours | Total hours |
|--|--|--------------------------|--------------------|
| Hygiene Improvement Notices | 30 | 1 hour/notice | 30 |
| Hygiene Emergency Prohibition Notices/Orders | 5 anticipated | 18 hours | 90 |
| Voluntary Closures | 10 | 10 hours | 100 |
| Seizures and detentions | 5 | 18 hours | 90 |
| Simple Cautions | 2 anticipated | 72 hours | 144 |
| Prosecutions | 2 anticipated | 72 hours | 144 |
| Total estimated time | | | 598 |

Total resource required for enforcement work = 598 hours (0.40 FTE).

5.16 Technical Business Support

The technical Business Support team are responsible for supporting officers in their activities and for maintaining back-up systems and specific items of equipment and other resources, managing training courses, maintaining premises database, running reports for FOIs etc. = **1.5 FTE.**

5.17 Resource allocation by Activity

| Activity | FTE |
|------------------------|------------|
| Programmed Inspections | 4.51 |

| | |
|--|--------------|
| Re-inspections, re-visits | 0.56 |
| Service Requests | 0.55 |
| Infectious Diseases and Outbreak Control | 0.025 |
| Food Sampling | 0.48 |
| Proactive Action Days | 0.05 |
| Food Safety Promotion | 0.02 |
| Food Hygiene Training | 0.06 |
| Outdoor Events | 0.05 |
| Enforcement/Prosecution/Legal work | 0.40 |
| Technical Business Support | 1.5 |
| Approximate total resources required to fulfil the plan for 2019-20 | 8.21 |
| Resource required to address Food Hygiene inspection backlog | 2.27 |
| Total | 10.48 |

6 QUALITY ASSESSMENT

6.1 Internal Arrangement

6.1.1 Arrangements include:

- Monitoring arrangements to assess the quality of food enforcement work and compliance with the Food Law Code of Practice internal procedures.
- 6 weekly team meetings (minuted)
- Development needs assessments and training plan
- Cascade training and team briefings
- Accompanied/validation inspections
- 4-6 weekly Check-In meetings

6.2 External Arrangements

6.2.1 The service will submit an annual return to the FSA - Local Authority Enforcement Monitoring System (LAEMS), as required by the Food Standards Agency.

6.2.2 Hackney's FHRS data is uploaded to the FSA's National platform on a fortnightly basis.

- 6.2.3 The service participates in activities with other North East London Sector Food Liaison Group to share good practices. Lessons learned will be used to develop a consistent approach across the sector.
- 6.2.4 The service participates in programmes devised by the FSA, Public Health England, the London Food Co-Ordinating Group, and the Chartered Institute of Environmental Health Officers.

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London Borough of Hackney

Health and Safety Service Delivery Plan 2019/2020



INVESTOR IN PEOPLE

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INTRODUCTION

Responsibility for the enforcement of health and safety law is split between the Health and Safety Executive (HSE) and Local Authorities (Hackney) depending upon the activity undertaken by the duty holder. Within Hackney the responsibility for the enforcement of health and safety matters is delegated to Environmental Health Officers, within the Environmental Health team, who ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities in retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries.. To achieve this the Service provides advice and guidance on the management of risk and what the law requires, conduct inspections and investigations, and take enforcement action where appropriate. Health and safety protections, and the duties to protect the health and safety of people, will not change with Brexit. Only minor changes and amendment will need to be made which will impact on health and safety functions delegated to the local authorities, for example changes will be made to the Working Time Regulations 1998. The EU (Withdrawal) Act 2018 brings across the powers from EU Directives. This means that workers in the UK will continue to be entitled to the rights they have under UK law, covering those aspects which come from EU law. Domestic legislation already exceeds EU-required levels of employment protections in a number of ways. The government is only minded to make small amendments to the language of workplace legislation to ensure the existing regulations reflect the UK is no longer an EU country. These amendments will not change existing policy. After Brexit, businesses will continue to manage their business and employees in a proportionate way to reduce risk and to protect people and the environment. Businesses' obligations to protect people's health and safety will not change with Brexit.

HSE and Local Authority Representative Bodies have a 'Statement of Commitment' which sets out the joint commitment to ensure provision of adequate standards of working together as co-regulatory partners in order to prevent death, injury and ill health of those at work and those affected by work activities. Hackney is an enforcing authority in its own right and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles that each local authority should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.

This service uses a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:

- provision of advice and guidance to individual businesses or groups;
- proactive interventions including inspection; and
- reactive interventions e.g. to investigate an accident or complaint.

Hackney inspectors may use enforcement powers, in accordance with the council's enforcement policy, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.

Proactive health and safety has diminished over the years in line with Government instruction and guidance. Hackney has traditionally focused on food safety whilst the health and safety service has been more reactive. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health and safety issues in Hackney. As such the Health and Safety Law Enforcement Service Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney. The plan has been drawn in accordance with the Local Authority Circular (LAC 67/2 (rev 7)). This is due to be replaced by (LAC 67/2 (rev 8)). This Local Authority Circular is guidance under Section 18 Health and Safety at Work etc. Act 1974 (HSWA). The new version will update and provide LAs with guidance and tools for priority planning and targeting their interventions, enabling them to meet the requirements of the National Local Authority Enforcement Code (the Code). This plan will be amended, if required, to implement the guidance provided by the (LAC 67/2 (rev 8)). To fulfil the Council's obligations under section 18 of the Health and Safety at Work etc. Act 1974 and with the Health and Safety Executive (HSE) National Authority Enforcement Code, and will be put before the appropriate member forum for approval. The format and content of the Plan provides the basis upon which the Council's Health and Safety Service will operate in order to ensure they are providing an effective

service to protect the safety of people employed to work in Hackney. The HSE collects data annually on the enforcement activities of all local authorities and publishes this data. This data collection is known as the LAE1 Returns.

The objective of this plan is to ensure that a programme of health and safety enforcement activity is carried out, in order to instil confidence that Hackney protects those employed in the borough.

The Health and Safety Law Enforcement Service Plan refers to the health and safety law enforcement functions undertaken by Hackney's Neighbourhoods and Housing Directorate under the provisions of the Health and Safety at Work etc. Act 1974 and regulations made there under.

As well as setting out the aims and objectives of the Council's Health and Safety Service, the plan also links the Service's priorities to the Council's core themes. The plan is a public document and will be published on Hackney Council's website.

1. HEALTH AND SAEFTY AIMS AND OBJECTIVES

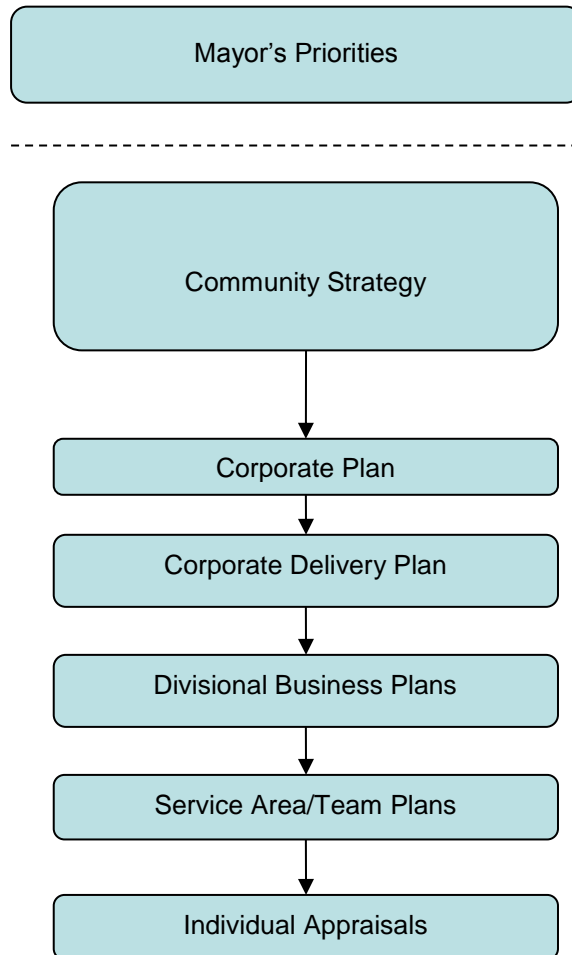
1.1.1 The Health and Safety Service is delivered by the Environmental Health Team, part of Business Regulations. The main objectives of the Service are to:

- to assist businesses to meet legal requirements and to raise standards to provide safer workplaces. Improved standards are proven to help businesses to become more prosperous, which can benefit the whole community;
- to use regulatory powers, sensibly and proportionately, and using risk based and intelligence led action.;
- ensure that the environment in which people work is safe and foreseeable risk are controlled;
- inspect premises in the borough that present the highest risk to employees;
- ensure that all reportable accidents are investigated in line with current HSE guidance (LAC 22/13 (rev1));
- ensure that the service delivery is planned in accordance with the HSE guidance (LAC 67/2(8));
- to undertake a number of projects in line with the National Code;
- to increase joint working with other services in the directorate, the council and other external agencies and partners to raise the profile of the health and safety service.

1.1. Links to Corporate Objectives and Plans

How the Service Links to Corporate Priorities

Hackney's Vision: A place for everyone



Mayor's Priority 1: Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities and excellent schools; where everyone can play a part and where tackling inequality is at the heart of what we do.

Mayor's Priority 2: Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks and estates.

Mayor's Priority 3: Making Hackney an economically and environmentally sustainable place, with strong, cohesive and diverse communities.

The **2018-2028 Community Strategy** has five cross-cutting themes:

1. A Borough where everyone can enjoy a good quality of life and the whole community can benefit from growth.
2. A Borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life.
3. A greener and environmentally sustainable community which is prepared for the future.
4. An open, cohesive, safer and supportive community.
5. A Borough with healthy, active and independent residents.

1.1.1. This plan supports the Mayor’s Priority 2, and Community Strategy priorities 2, 4 & 5

The Health and Safety Service will aim to meet these priorities by:

- promoting and participating in initiatives that provide business support;
- by distributing updated information, and by providing advice and guidance;
- by reducing incidences of reportable accidents;
- providing an efficient, effective and quality service to both businesses and consumers;
- to ensure the provision of safe working environments within the community;
- to utilise new ways of working and available technology to increase efficiency;
- by assisting the business community to comply with legislation;
- by tackling those businesses that do not comply to the same degree as those businesses that are responsible, diligent and compliant.
- by listening to feedback from businesses and making reasonable adjustments where possible to provide a well-respected service.

2. BACKGROUND

2.1. Scope of the Health and Safety

- 2.1.1 Hackney aims to provide a comprehensive service to all businesses that the service has responsibility for.
- 2.1.2 The Health and Safety Service is delivered by competent Officers equipped with the required knowledge, skills and experience, but if necessary consultants can also be utilised to provide additional expertise.
- 2.1.3. The Health and Safety Service is responsible for inspections and audits of businesses in the borough, which involves both planned and reactive work.
- 2.1.4. The Health and Safety Service aims to provide a “one stop” service as officers hold dual warrants for health and safety and food safety.

2.1.5. The Health and Safety Service provides the following services:

- carrying out planned inspections of businesses at a frequency determined by HSE LAC 67/2(8) and the National Code to ensure that businesses comply with health and safety laws, and taking appropriate enforcement action as necessary;
- working with local food businesses to help them comply with their legal responsibilities by using a range of interventions as set out in LAC 67/2(8) and by providing information, advice and guidance;
- investigating complaints about businesses in Hackney that present a health and safety risk;
- initiating and responding to notifications of reportable accidents as defined by the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 (RIDDOR) and guidance provided by LAC 22/13 (1) and taking appropriate action as necessary;
- carrying out activities with regard to an enforcement policy in line with the central government issued guidance;

2.2. Demands on the Health and Safety Service

2.2.1 A key challenge, given the limited resources being allocated for the health and safety service for 2019/20 will be to respond to changes to health and safety enforcement following the publication of HSE guidance LAC 67/2(8). This will entail changes in the way the service plans, targets and interventions with duty holders' activities and together with the Regulators' Code, the National Code necessitates the development of a different relationship and engagement with businesses to influence compliance.

The focus of the Service will remain to proactively inspect the highest risk premises and to plan/react to other service demands in accordance with the emerging needs.

2.2.2 This service receives a high number of accident notifications. During 2018/19 there were 90 such notifications; [over 110 projected for 2019/20]. However, in line with the direction and guidance provided by the Health and Safety Executive investigation is restricted to fatalities and major injuries.

2.2.3 This service works in partnership with a number of internal and external partner on health and safety related inspections such as Health and Safety Executive and Fire Brigade. Out of the total staffing resource of 9.15 FTE the work completed by the team

which focuses on health and safety is carried out approximately 1.2 FTE staff with the remaining 7.95 FTE is dedicated to food safety and other functions.

2.3. Enforcement Policy

- 2.3.1. The Health and Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximize profits, they also seek in most instances to be 'on the right side' of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action. This may include prosecution or other formal action where appropriate against those who disregard the law or act irresponsibly.
- 2.3.2. The Health and Safety Service will make full use of the interventions set out within the HSE guidance document that provides LAs with guidance and tools for priority planning and targeting their interventions known as LAC 67/2(8). This will ensure that those businesses that are compliant with health and safety law are subject to interventions which reflect the level of compliance that they have achieved and maintained in order to allow proportionate and targeted regulation of those businesses that present the greatest risk to health and safety.
- 2.3.3. The Service is involved in a number of enforcement initiatives which involves working in partnership across service areas and with external agencies and organisations to tackle issues and concerns about health and safety, identified by all London H&S Group. The Service will continue to participate in enforcement operations and activities where misdemeanours and infringements occur.
- 2.3.4. A revised Enforcement Policy was approved by Cabinet on 21st January 2019 and Officers also take account of the principles of the Enforcement concordat and have regard to the Enforcement Concordat and Crown Prosecution Service guidelines and Equality Impact issues when undertaking any enforcement action.

3. SERVICE DELIVERY

3.1. Inspection Programme 2019/20

- 3.1.1 The health and Safety Service will employ a range of interventions to assist in raising the compliance with businesses in the borough. Interventions include inspection, monitoring, surveillance, education or verification visits and should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulator's Compliance Code.
- 3.1.2 Alongside the National Code, the HSE publishes a list of higher risk activities as National Priorities to inform local authority planning, based on sector specific HSE strategies. These priorities need to be reflected in our service delivery plans and delivered to avoid HSE formally raising concerns about insufficient activities.
- 3.1.3 In considering the National and local priorities, the programme for 2019/20 is listed in table 1 below:

Table 1– Health & Safety Programme for 2019/20

| What are the priorities? | Why intervene? | Where to intervene? | How to intervene? | When to intervene? |
|--|--|---|---|--|
| 1. Inspection of cat A high risk premises. | High risk | All high risk premises which have been tagged for inspection. Total numbers of premises required to be inspected will be known after the tagging exercise at the end of the reporting year. | All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures. | On-going 2019/20 By the end of March 2020 |
| 2. Develop and deliver the health and safety delivery plan. | A comprehensive service plan detailing the activities of the team is essential to provide focus and direction to the team. | This Plan sets out the H&S service's priorities and resources identified. | Other interventions | By the end of April 2019 |
| 3. Inspection and risk assessment of work based transport (such as forklift trucks | This is an All London Health and Safety Group's considered priority. To | This will be dependent on the campaign material yet to be issued by the Group | Inspection, education & awareness | By the end Q3 2019/20 (depending on the HSE and |

| | | | | |
|---|--|--|---|------------------------------|
| <p>as a specific project.</p> | <p>raise the awareness surrounding risks associated with work based transport.</p> | | | <p>Regional time frames)</p> |
| <p>4. Investigations of incidents and complaints using LAC22/13(1)</p> | <p>To ensure that reports are made within the prescriptive timescales and the details of the events have been accurately represented.</p> | <p>10% of all RIDDOR notifications will be investigated.</p> | <p>Incident & ill health investigation</p> | <p>On-going in 2019/20</p> |
| <p>5. Proactive work in accordance with the beauty sector strategy including the monitoring of reports and complaints to identify reports of ill health, accidents, incidents, poor performance, trends and local issues which may require further interventions or issues which may need to be taken forward nationally.</p> | <p>Environmental Health Team carries out health and safety inspections of Massage and Special Treatment (MST) premises to assist the Licensing Team determine initial applications. Subsequently all premises deemed to be carrying out high risk activities are inspected annually, upon receipt of renewal application. All H&S related complaints related to MST premises are also investigated. Statutory return – performance information will be submitted Health and Safety Executive</p> | <p>The environmental health team will inspect all premises that apply for a new license to provide UV light treatment, IPL, sauna, steam, spa, tattooing and body piercing) not ear and nose piercing)</p> | <p>Inspections and other appropriate interventions.</p> | <p>On-going in 2019/20</p> |
| <p>6. To take appropriate formal</p> | <p>Undertake appropriate</p> | <p>Premises found to be</p> | <p>Inspection or other</p> | <p>On-going 2019/20</p> |

| | | | | |
|--|--|---|---|----------------------|
| enforcement actions of H&S matters, when warranted. | interventions consistent with Health and safety enforcement Policy. | unsafe will be faced with a graduated approach to enforcement. This could be a warning letter, an enforcement Notice or prosecution, in line with the enforcement policy. | appropriate interventions | |
| 7. Development of standard operating procedures (SOP) | Up to date and accurate standard operating procedures are essential to the team. | A programme of review of H&S SOPs. Revised/new procedures will be integrated in the teams work stream. | Development and review of procedures | By end of Q2 2019/20 |
| 8. Submission of LAE1 report | Statutory requirement | Annual and 6-month submissions | | By end of May 2019 |
| 9. Matters of Evident Concern (MEC) arising from multi-agency projects | Joint agency projects allow entry in to premises that we would not normally inspect. This facilitates intelligence gathering on those business activities and their compliance with H&S regulations. | Projects with internal and external partners on, for example, illegal sale of tobacco, licenced premises and enforcement of illegal shisha premises. | Other intervention Inspection, joint operations | On-going 2019/20 |
| 10. Responsible Authority role/Event safety | To ensure public safety issues arising from licensed events and premises in the Hackney are minimised. | Beneficial to employers, workers and the wider economy. | Advice, guidance and inspections | On-going 2019/20 |

3.2 Primary Inspections

- 3.2.1 Over the year high risk premises have been managed down to lower risk through interventions implemented by the team. Businesses are categorised into four risk types, category A – high risk; B1 and B2 - medium risk and C – low risk. However, current HSE advice states that no proactive inspection, other than category A, shall be undertaken. For 2019/20, no premises have been identified as category A. Businesses that are in category B1-C will be visited if a complaint is made or form part of a project identified in table 1 above.
- 3.2.2 Businesses are evaluated on four different elements of a business' health and safety performance (i.e. how effective is the business at managing any risks it creates) - confidence in management, safety performance, health performance and welfare compliance gap.
- 3.2.3 Ratings are based on finding during an intervention and a 'category' will then be assigned.
- Category A, are inspected annually;
 - Premises that are not rated category A are not subject to proactive inspections at any determined interval but can form part of a project or other interventions.

3.3 Health and Safety premises classification

- 3.3.1 There are a no premises, presenting a high health and safety risk, (category A) requiring a statutorily required proactive inspection for 2019/20, but the situation may change as result of investigating accident notification and complaints.
- 3.3.2 Premises due for inspection are allocated based on a ward and risk priority basis via Civica APP database. Officers participating in the health and safety inspection programme also undertake for all reactive work on a ward basis.
- 3.3.3 The inspection programme will be monitored on a monthly and quarterly basis as required.

3.4 Complaints and Service Requests

- 3.4.1 The Health and Safety Service aim to investigate all complaints within the timescales set out below in table 2.
- 3.4.2 Table 3 below sets out the main activates of the team in 2018/19

Table 2: Service Response Target Times

| | Response target |
|--|-------------------------|
| 1 st response | Within 10 working days |
| Urgent (i.e. existence of imminent risk to health) | Within 24 hours |
| Non-Urgent | Within 5 working days |
| Letters | Within 10 calendar days |
| Service Requests and Complaints | Within 10 working days |
| Members' Enquiries | Within 10 working days |

Table 3 below sets out the Key Service activity in 2018/19

| Type of Service Activity | No. |
|--|-----|
| Number of primary inspections | 16 |
| Number of Improvement Notices served | 2 |
| Number of Prohibition Notices served | 2 |
| Number of RIDDOR notifications | 90 |
| Number of enforcement letters | 27 |
| Number of H&S revisits | 7 |
| Number of H&S reactive revisits | 6 |
| Numbers of complaints and enquiries dealt with | 22 |
| Number of H&S project visits | 27 |

3.5 Home Authority Principle

- 3.5.1 The Service is committed to the Home Authority Principle, i.e. the relationship between a business and local authority where the decision making base (i.e. head office) of the company is located. The Service will continue to provide an informal Home Authority Service as it recognises the importance of using this approach and its value in securing health and safety practices.

Primary Authority Principle

- 3.5.2 The principles of the Primary Authority Scheme are set out in the Regulatory Enforcement and Sanctions Act 2008, and are part of the Government's regulatory reform strategy led by the Hampton Report, and McCrory Review that emphasised reducing burdens on businesses, and a focus on outcomes respectively.
- 3.5.3 The Environmental Health Service will seek to establish one Primary Authority Partnership agreement with a business for health and safety discipline too, in line with recent partnership arrangements secured for food standards.

3.6 Advice to Businesses

- 3.6.1 The Health and Safety Service recognises that the majority of businesses seek to comply with the law. The Service will give assistance to businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service will continue to:
- Provide advice during inspections and other visits to premises;
 - Provide and distribute advice documents produced by the HSE, other Government bodies, advisory groups, and in-house, as necessary.
 - Regularly update the department's web page to ensure the most up-to-date information is available and where possible links to the relevant documents.

3.7 Additional Priorities and Partnership Working

- 3.7.1 The Health and Safety Service will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams, Public Health (Hackney) and other internal and external organisations including the Metropolitan Police, HMRC and the Home Office to tackle emerging, arising issues and regulatory non-compliances.

3.8 Promotional Campaigns

- 3.8.1 The service will take part in campaigns that add value to the work of the service. The team are already committed to undertake work based transport checks, and any other initiated by the HSE or All London Group will also be supported. Projects initiated in line with the national planning priorities , as contained in Annexe A of the National Code, will also be participated.

4. RESOURCES

4.1. Staffing Allocation

The table below is the estimation of a full time equivalent

| | |
|---|------------------------------|
| 1 year | 52 weeks (260 days) |
| Annual Leave / Bank holidays | 7 weeks (35 days) |
| Training / briefings etc. | 2 weeks (10 days) |
| Sick leave / dependency / special leave etc. | 1 week (5 days) |
| Number of working weeks | 42 |
| Number of working days | 210 days |
| 1 FTE | 210 days (1512 hours) |

4.2 Resources for 2019-20 - Staffing Allocations

The staffing for food safety & health & safety function for 2019-20 is as follows:

Total staffing resources = 9.15 FTE

Approximate resource time is spent on Health & Safety (= 1.2 FTE) – equating to approximately 13% of the total resource available apportioned by activity type

4.3 Authorisation and Competencies and Staff Development Plan

- 4.3.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.
- 4.3.2 All staff will have their own personal plan which comprises their main objective with targets and their own development plan. In addition, all staff will receive regular Check-In/supervision meetings whereby competencies and development needs are discussed and assessed, with adjustments made to the training plan where appropriate.
- 4.3.3 All staff are appraised in accordance with the scheme, and their development needs assessed. Records of all identified training needs are recorded and incorporated into a training plan.
- 4.3.4 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

5. QUALITY ASSESSMENT

5.1 Internal Arrangements

Arrangements include:

- Monitoring arrangements to assess the quality of health and safety enforcement work and compliance with the guidance from the Health and Safety Executive;
- Minuted 6 weekly team meetings;
- Development needs assessments and training plan
- Cascade training and team briefings;
- Accompanied/validation inspections;
- 4-6 weekly Check-In meetings.

5.2 External Arrangements

5.2.1 The service will submit the annual LAE1 health and safety activity report to the Health and Safety Executive

5.2.2 Periodic review of practices and procedures will be discussed at the regional London and quadrant health and safety meetings held three to four times a year respectively.

5.2.1 Periodic paired up Peer Reviews as part of the North East Quadrant group, such as the one recently completed on enforcement policy

6 REVIEW

6.1 Review against the 2018/19 Service Plan

6.1.1 Performance is reviewed through a variety of mechanisms which include performance appraisals, monthly one-to-one meetings and monthly team meetings. Monthly and quarterly performance reports are produced for review by the Corporate Director and portfolio holder.

6.2 Highlights

- Completion of all high risk category A inspections (4)
- All complaints and service requests dealt with as appropriate (22)

- 21 premises were visited as part of a multi-disciplinary teams' action day (Operation Festive) in December 2018 to highlight the duty of businesses under the Control of Noise at Work Regulation 2005 and to advise on other identified H&S related issues during unannounced visits.
- 90 accident notifications (RIDDOR) were received and of those at least 9 (10%) were investigated and appropriate actions were taken
- All Massage and Special Treatment (MST) premises were inspected as part of the new licence applications determinations; high risk MST premises were also visited upon receiving licence renewal applications (27)
- Three multi-agency action days are planned to take place in February /March 2019 (Ridley Road Market and Gillet Square).

All of the above tasks/actions were completed within the time scale stipulated in the table 2 above.

6.3 Key areas for improvement/development

These include:

- To ensure delivery of a targeted risk-based approach for all health and safety interventions and project based work to deliver national and local priorities and the requirements of the National Code.
- Continued improvements on use of database and to identify efficiencies in processes.
- Quality monitoring of the Service activities against standard operating procedures.
- Continued development and review of procedures, and process maps.
- Responsible Authority role
- To support business development and compliance in the borough.

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London Borough of Hackney

Trading Standards Service Delivery Plan 2019/20



INVESTOR IN PEOPLE

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INTRODUCTION

The plan sets out the activities identified for the Trading Standards Service in 2019/20.

The Trading Standards Service sits within the Community Safety, Business Regulation and Enforcement Service.

Hackney Council's Trading Standards Service has responsibility for the vast majority of consumer protection issues that arise in the borough. Trading Standards provide advice and guidance to consumers and businesses based within Hackney, in conjunction with Citizens Advice Consumer Service. Trading Standards plays an important role in residents' health, safety and economic wellbeing.

This service plan provides information on the achievements of the service and future plans and how we intend to deliver them with the continued cooperation of our internal and external partners and stakeholders.

New Challenges: - Impact of Brexit

Consumer protection and business confidence will be fundamentally weakened following Britain's exit from the EU if current regulatory, enforcement and advice partnerships are not maintained, according to a report published by the Chartered Trading Standards Institute (CTSI).

The report entitled *Trading standards opportunities and threats from the UK withdrawal from the EU*, is the culmination of research from the CTSI Brexit Think Tank, a collection of consumer protection and trading standards experts brought together to assess the potential challenges and opportunities of Brexit. The reduction in Trading Standards Officers over the last decade throws doubt on the UK's ability to carry out any meaningful checks on businesses after Brexit, the report warns. Sudden divergence from EU standards and regulations will put extreme pressure on UK businesses and cause uncertainty among consumers, which would have a measurable impact on the UK economy. Concerns were also raised over the unsustainable loss of resources for regulation and market surveillance from local authority trading standards services.

The Service provides advice and regulatory services that protect both consumers and businesses as well as creating safer communities and a safe and fair economic environment for Hackney businesses.

The Service is currently staffed by a Principal Officer who fulfils the role of an Accredited Financial Investigator, four Senior Trading Standards Officers, one of who is employed on a two year fixed term contract (part funded by Public Health) to lead on the sale of illicit tobacco and alcohol and one Business Standards Officer.

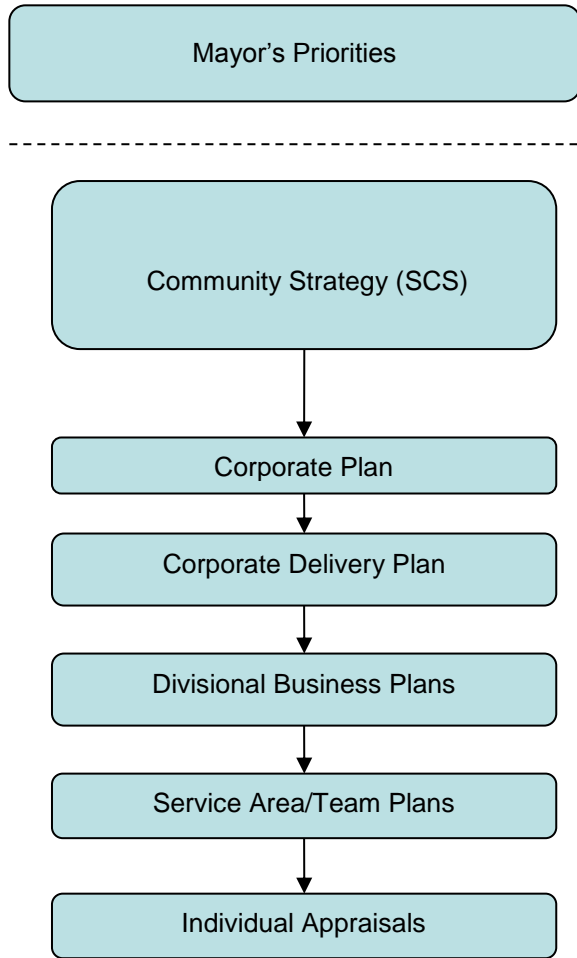
1. TRADING STANDARDS SERVICE AIMS AND OBJECTIVES

Aims and Objectives

1.1 The Services broadly aims to:-

- ensure fair trading with respect to consumer credit, counterfeiting, misleading prices, advertising and the description of goods, services and property; ensure that weighing and measuring equipment used in the Borough meets legal requirements;
- protect consumers from unsafe goods and unfair trade practices;
- support businesses through education and advice;
- protect young people from sales of age-restricted products;
- identify and enforce legislation against “rogue traders” in the borough using a range of sanctions including advice, warnings, simple cautions and prosecutions; work in partnership with members of the business community and with external agencies such as the police and HMRC to enforce a fair trading environment;
- process circa 3000 customer complaints and trade enquiries each year (this includes matters which are notification only).
Triage’s circa 600 complaints which are not notifications.
investigate offences and prosecute offenders.
- utilisation of an accredited financial investigator.
- developing strong links with Planning have encouraged the use of the Proceeds of Crime Act 2002 to remove the financial benefit from rogue developers. The service is seeking to train further financial investigators to replace two who left the department last year.
- assessing cases for POCA. Awards are known as confiscation order. When an order is paid, the money is divided in accordance with the Home Office incentivisation scheme, which means that 50% will be apportioned to the Government. The remaining 50% is divided between the prosecuting authority (18.75%), the investigating authority (18.75%) and the HM Court Service (12.5%). Therefore, where we conduct our own investigations and are also the prosecuting Authority, our share under the incentivisation scheme is 37.5%. The Home Office is currently also taking a top slice from the 37.5% ranging from 0% to 3% each quarter to fund their crime initiatives.

1.3 How the Service Links to Corporate Priorities



Mayor's Priority 1:

Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities and excellent schools; where everyone can play a part and where tackling inequality is at the heart of what we do.

Mayor's Priority 2:

Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks and estates.

Mayor's Priority 3:

Making Hackney an economically and environmentally sustainable place, with strong, cohesive and diverse communities.

The **2018-2028 Community Strategy** has five themes:

| | | | | |
|---|---|--|--|--|
| <p>1 A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth. (Business advice and proportionate enforcement by Trading Standards benefits the Hackney community. The Service tackles inequality by protecting vulnerable groups such as the elderly and young by undertaking proactive project work and reacting to complaints as they are received.)</p> | <p>2 A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life. (The work of Trading Standards of ensuring there is a level playing field for all traders helps improve the prosperity of legitimate business. The service deals with complaints and service requests and specialises in Proceeds of Crime work which brings income to the council whilst removing the financial benefits for criminals.)</p> | <p>3 A greener and environmentally sustainable community which is prepared for the future. (Trading Standards alongside their Environmental Health colleagues check the validity of organic certification claims. They are also committed to removing unsafe products from the market such as illegal skin lighteners.)</p> | <p>4 An open, cohesive, safer and supportive community. (There is a clear commitment from trading standards to provide support to business and consumers to facilitate a safer and supportive community by removing rogue traders and unwanted doorstep selling.)</p> | <p>5 A borough with healthy, active and independent residents. (Our aim is to achieve a safe, healthy and fair trading environment for our residents and businesses. This is evidenced with the commitment to combating the sale of age restricted goods such as knives and the work to combat the supply of illicit tobacco and the work to protect vulnerable adults from scams.)</p> |
|---|---|--|--|--|

2.2. PERFORMANCE INDICATORS

2.3. KPIs

| Key Performance Indicators | Frequency of reporting | 2019/20 Target |
|--|------------------------|---|
| High Risk Inspections | Monthly* | 100% by 31 st March 2020 |
| Upper Medium Risk Inspections | Monthly | 100% by 31 st March 2020 |
| Animal Feed inspections (Statutory FSA requirement) | Monthly | 100% by 31 st March 2020 |
| Weights and Measures inspections(Statutory requirement from National Measurement Office) | Monthly | Minimum 72 inspections by 31 st March 2020 |

*see 3.3 below

2.4(i) LPIs

| Local Performance Indicators | Frequency of reporting | 2019/20 Target |
|---|------------------------|----------------|
| Percentage of complaints responded to concerning serious illegal trading practices in relation to - counterfeit goods responded within 5 working days | Monthly | 100% |
| Percentage of complaints responded to concerning serious illegal trading practices in relation to - sales of unsafe goods responded to within 5 working days | Monthly | 100% |
| Percentage of complaints responded to concerning serious illegal trading practices in relation to - sales of restricted goods to children underage responded to within 5 working days | Monthly | 100% |
| Percentage of licensing consultation comments made within targets | Monthly | 100% |
| Number of Notifications | Monthly | Reporting only |
| Total Number of complaints received | Monthly | Reporting only |
| Total Number of referrals received | Monthly | Reporting only |
| Number of Service Requests received | Monthly | Reporting only |
| Number of Licensing service requests received | Monthly | Reporting only |

2.5(ii) New Impacts and Outcomes Framework

The Association of Chief Trading Standards Officers has created a framework entitled *TS Impacts and Outcomes* which helps service managers raise the profile of their service whilst offering the Association the ability to paint a picture of how services are collectively supporting consumers and honest businesses nationally. If challenged in the future, Heads of Service will be able to point to this piece of work as the first step in addressing the issues raised by the National Audit Office, as well as having something to hand to highlight local performance.

The Local Government Association have been supportive of this approach because of the voluntary nature of the proposal and the fact that this means local authorities are trying to help themselves. This allows Hackney to look to our colleagues and neighbouring boroughs in the profession to support Hackney in making the best of the resources that are available.

| Indicator | Frequency of reporting | 2019/20Target |
|-----------|------------------------|---------------|
|-----------|------------------------|---------------|

| | | |
|---|--------|----------------|
| Outcomes of Investigations and Prosecutions | Yearly | Reporting only |
| Enterprise Act Undertakings | Yearly | Reporting only |
| Redress obtained for consumers or victims of crime by service actions | Yearly | Reporting only |
| Number of scam victims supported | Yearly | Reporting only |
| Number of businesses receiving advice | Yearly | Reporting only |
| Number of businesses found non-compliant when visited subsequently brought into compliance during the financial year | Yearly | Reporting only |
| Deal with problematic businesses where an intervention is made | Yearly | Reporting only |
| Support for legitimate businesses by trader approval schemes | Yearly | Reporting only |
| Support for legitimate businesses by removing counterfeit goods from the market | Yearly | Reporting only |
| Unsafe or non-compliant goods prevented from entering or removed from marketplace | Yearly | Reporting only |
| Businesses tested for compliance with the law using underage volunteers OR compliance with mandatory Challenge 21/25 conditions | Yearly | Reporting only |
| Tackling the availability of illicit tobacco | Yearly | Reporting only |
| Tackling the availability of illicit alcohol | Yearly | Reporting only |

2.6 PROGRAMMED INSPECTIONS 2019/20

| Risk Category | Category A – High (to be Inspected 2019/20) (e.g. a premises selling products subject to safety legislation such as knives) | Category B1 – Upper Medium (to be Inspected 2019/20) (E.g. a car dealer or premises selling high value goods. There could be an associated consumer credit agreement) | Category B2 – Low Medium (Inspected every 5 years) (e.g. a trader which is a newsagent which is inspected with respect to pricing compliance) | Total |
|---|--|--|--|----------------------|
| Total number of premises | 149 | 190 | Total 267 (170 visits and 97 by alternative enforcement action) | 606 Annual target |
| Target for percentage of visits to be completed at end March 2019 | 100% | 100%* | N/A | |

* Visits will include targeted project visits as set out 2.0 above.

3. BACKGROUND

3.1 Profile

The borough is an Inner London borough with a population of around 273,526 and covers an area of 19.06sq kilometres.

Health and wellbeing

Life expectancy is increasing for men and women, and is now 78.9 years for men and 82.8 years for women. Life expectancy in Hackney is below the London average, especially for men. There has been an increase in bogus caller crime in Hackney according to crime statistics and Trading Standards are supporting residents to avoid falling prey to those who may trick or con their way into a home at events such as Hackney Council's Winter Warmer event. Conversely Hackney is a relatively young borough with a quarter of its population under 20. The proportion of residents between 20-29 years has grown in the last ten years and now stands at just under a fifth. People aged over 55 make up only 14% of the population.

The Service has thus developed a program of Age Restricted Test Purchase Operations to protect the increasing number of young people.

Economy

The number of firms in Hackney has increased by 61% since 2010. To ensure traders receive good trader advice and to protect Hackney consumers the service intends to visit all High and Upper Medium Risk premises.

Housing

The proportion of households who rent from a private landlord in Hackney has more than doubled in the past 10 years. Nearly a third of all households are now private renters. Trading Standards have thus prioritised visiting letting agents to ensure all agents belong to a redress scheme and are transparent with all fees and charges.

Hackney's people

Hackney is the 6th most diverse borough in London, down from 3rd in 2005, but it has a higher ethnic diversity score¹ than in 2005, which suggests that London as a whole is becoming more ethnically diverse.

Given the diverse nature of businesses in Hackney Trading Standards have needed to conduct Equality Impact Assessments on activities such as Age Restricted Test Purchasing to overcome the fact that a disproportionate number of Turkish off Licences sell age restricted alcohol to minors.

3.2 Scope of the Trading Standards Service

3.3 The main areas of criminal law that we enforce are as follows: -

- safety of consumer goods,
- false or misleading descriptions relating to goods and services,
- product counterfeiting,

- failure to display selling prices of goods and misleading price indications,
- consumer credit malpractice and age restricted sales and
- animal feeding stuffs and feed registrations.

3.4 Demands on the Service

London Priorities

Analysis by questionnaire of the 33 Trading Standards Authorities in London has shown that the top priorities facing trading standards are:

- Doorstep Crime / Cold Calling
- Counterfeiting
- Under Age sales

National Priorities

The National Trading Standards Board (NTSB) has identified the following priority areas:-

- Doorstep crime.
- Mass marketing scams.
- Fair trading issues.
- Product safety.
- Intellectual property.

4.0 SERVICE PRIORITIES AND DELIVERY

Trading Standards Priorities 2019/2020

| Work activity | Desired Outcome | Target | Performance Indicator / Measure | Timescale |
|-----------------|-----------------|--------|---------------------------------|-----------|
| Projects | | | | |

| Work activity | Desired Outcome | Target | Performance Indicator / Measure | Timescale |
|---|---|--|---|-------------------------|
| Tackling Counterfeit Good | <ul style="list-style-type: none"> Reduce the level of non-compliance and raise awareness through appropriate publicity. | <ul style="list-style-type: none"> A minimum of three visits to Hackney markets to carry out market surveillance and robust action to address non-compliance. All cases to be considered for financial investigation. Sampling, testing and enforcement including licence review. Scanning social media to identify local suppliers (desktop). | <ul style="list-style-type: none"> Non-compliance addressed will be addressed in line with the Service's Enforcement Policy. Minimum 4 targeted visits to markets. At least one visit per quarter | Ongoing from April 2019 |
| Operation Liberal (Doorstep/Cold Calling) | <ul style="list-style-type: none"> To disrupt the activities of doorstep criminals operating within the Borough. To gather further intelligence for future investigations. Take enforcement action in line with the Service's Enforcement Policy against persistent offenders. To raise the level of business compliance To raise awareness around the issues of door step crime | <ul style="list-style-type: none"> To gather intelligence and progress any cases. Investigating domestic building sites with a view to disrupt the activities of rogue traders. Identify residential addresses in N16 and E5, concentrating in and around Stoke Newington common, Lower Clapton and Chatsworth which may be subject to possible door step crime/ rogue trader offences To generate intelligence reports for further analysis | <ul style="list-style-type: none"> Minimum 1 targeted operation in 2019/20. Reactive responses will be made in line with the current Complaints Investigation procedure. Summary report to be produced after analysis of intelligence reports and receipt of result of enquiries Minimum 10 properties viewed | By end Q1 2019/20 |
| Tobacco and Alcohol Control Work | <ul style="list-style-type: none"> Reduction in illegal sales of tobacco and alcohol in support of government efforts to encourage smoking cessation and reduce alcohol abuse. | <ul style="list-style-type: none"> Detection and disruption of sales of illegal and counterfeit tobacco. Itinerant sellers of illegal and counterfeit tobacco Q2 and Q4 events. An outreach and education event with the aim | <ul style="list-style-type: none"> To measure the effectiveness of the project at the start and end of Q2 and Q4 to measure improvement. To maintain Service Level Agreement with Public Health. | Start Q2 2019/20 |

| Work activity | Desired Outcome | Target | Performance Indicator / Measure | Timescale |
|----------------------|--|--|---|-------------------|
| | <ul style="list-style-type: none"> • To participate in appropriate/related health initiatives. • Compliance in retail establishments with relevant legislation. • Employment new STSO will:- <ul style="list-style-type: none"> • much needed experience in the field of Illegal Tobacco and Alcohol • deliver enforcement projects around underage sales and niche tobacco • assist Hackney with respect to tackling shisha bars and the sale of shisha in retail premises • Will help educate Hackney traders. • Utilise existing relationships with the Metropolitan Police and HMRC to help enforcement in Hackney. | <ul style="list-style-type: none"> • of generating intelligence regarding the supply of illicit tobacco. • Targeted visits with the sniffer dogs. At least 4 Action Days. • A twitter and social media campaign with the aim of generating intelligence about the retail and wholesale supply of alcohol and tobacco. Councillor engagement and press release. • Participation in regional project work as appropriate. • Outreach event in Narrow Way. | <ul style="list-style-type: none"> • Trailer in Narrow Way. Public event held in partnership with Public Health. Survey to be conducted of public to obtain new intelligence on illegal tobacco. | |
| Under age sales Work | <ul style="list-style-type: none"> • Improved health and wellbeing for young people through reduced access to potentially harmful Products. • Supports businesses in regulatory compliance and reduce risk of reputational harm following media profile of underage sales • Reduction in incidence of under-age young people purchasing | <ul style="list-style-type: none"> • Trading Standards will investigate 100% of all age restricted sales complaints and enquiries they receive. • At least 4 under age sales test purchase operations will take place throughout the year. They will be intelligence-led or provoked by national or regional remit into specific areas. | <ul style="list-style-type: none"> • At least 1 operation per quarter. | Start Q1 2019/20. |

| Work activity | Desired Outcome | Target | Performance Indicator / Measure | Timescale |
|--|--|---|---|-------------------|
| | <p>alcohol, tobacco, fireworks and other goods.</p> <ul style="list-style-type: none"> • Increase in retailers' compliance rates regarding the display of warning notices about tobacco and alcohol sales | <ul style="list-style-type: none"> • Develop and promote under age sales 'alternative resolutions' package', which gives sellers option to attend and complete training provided by Trading Standards and in doing so no legal proceedings will be taken against the trader. | | |
| Product Safety Work | <ul style="list-style-type: none"> • To ensure products sold in Hackney are safe and meet the relevant legislative requirement. | <ul style="list-style-type: none"> • Develop 1 intelligence-led safety project for the area. • Participate in regional and sub-regional safety specific projects that are relevant to the area. • Inspections of premises which sell fireworks to ensure storage safety. | <ul style="list-style-type: none"> • Test purchases carried out based on intelligence report. At least 1 test purchase. • To participate in London Trading Standards joint initiative. The theme is yet to be determined. | By end Q3 2019/20 |
| Community Outreach | <ul style="list-style-type: none"> • To undertake a Winter Warmer Event. • Conduct Chartered Trading Standards Institute 'Do you PASS?' training for traders who infringe legislation as alternative enforcement action. | <ul style="list-style-type: none"> • Trading Standards will provide advice to minimise the risk of our elderly citizens from becoming victims of scams and rogue traders. • Supply training to at least 10 traders | <ul style="list-style-type: none"> • Conduct outreach event at Hackney Town Hall. • Conduct follow up test purchases to be carried out to check compliance levels. | By end Q3 2019/20 |
| Ongoing work streams | | | | |
| Education of identified vulnerable groups in conjunction with partner agencies | <ul style="list-style-type: none"> • Education of residents thereby reducing the impact of scams and doorstep crime. | <ul style="list-style-type: none"> • Q1 Operation Liberal. A week of partnership work with the police • Attendance at events giving an opportunity to carry out consumer education. | <ul style="list-style-type: none"> • Consumer education events attended • Resources directed at most significant identified problems. • Meetings attended | By end Q1 2019/20 |

| Work activity | Desired Outcome | Target | Performance Indicator / Measure | Timescale |
|--|--|---|--|-------------------------|
| | | <ul style="list-style-type: none"> Liaison with partner agencies and implementation of an intelligence-based approach to targeting rogue traders | | |
| Animal Feed (Statutory) | <ul style="list-style-type: none"> Ensure any animal feeding stuff issues are dealt with effectively and efficiently. | <ul style="list-style-type: none"> Register or approve premises as required Visit all registered premises | <ul style="list-style-type: none"> List of registered premises created To visit 30 registered premises by end of Q2. | By end Q2 2019/20 |
| Weights & Measures | <ul style="list-style-type: none"> Conduct weights and measures visits. Respond to weights and measures requests | <ul style="list-style-type: none"> Conduct a minimum of 72 weights and measures visits per year. | <ul style="list-style-type: none"> Visit a minimum of 6 premises per month | Measure from Q1 2019/20 |
| Inspections | <ul style="list-style-type: none"> To inspect a range of premises including High; Upper Medium, Lower Medium and Low risk premises | <ul style="list-style-type: none"> 100% of High risk premises 100% of Upper Medium Alternative Enforcement strategy for low risk premises | <ul style="list-style-type: none"> Measure will be taken each month and quarterly to ensure the targets are achieved. | Measure from Q1 2019/20 |
| Use of communications to raise awareness of the work of the service and provide improved information for residents and businesses. | <ul style="list-style-type: none"> Contribute articles to suitable internal publications. Website information to be maintained and updated as necessary. | <ul style="list-style-type: none"> Publicity to highlight the work undertaken by the team Website reviewed/updated. Participation in ongoing workshops to improve business experience of using Trading Standards webpage. | <ul style="list-style-type: none"> Articles in publication. | By end Q2 2019/20 |
| Partnership working – opportunities to be identified for joint working with external stakeholders. | <ul style="list-style-type: none"> Raise service profile by attending relevant meetings and other stakeholder engagement. | <ul style="list-style-type: none"> 100% attendance at Inner London / London Trading Standards s group meetings. A minimum of 2 regional projects to be carried out. | <ul style="list-style-type: none"> Highlights to be reported through the submission of the monthly reports | Ongoing from Q1 2019/20 |

| Work activity | Desired Outcome | Target | Performance Indicator / Measure | Timescale |
|--|---|---|---|-------------------------|
| Carry out Licensing checks | <ul style="list-style-type: none"> Ensure compliance with licensing principles. | <ul style="list-style-type: none"> All allocated visits completed and requests for information dealt with, within required timescales. | <ul style="list-style-type: none"> Measurement of first response to a request within 10 days. | Ongoing from Q1 2019/20 |
| Service Improvement | <ul style="list-style-type: none"> Improved internal processes | <ul style="list-style-type: none"> Review and update Trading Standards procedures including property control Improve use of intelligence from both internal and external sources to prioritise proactive work of the service. Fully engage with London Trading Standards Regional Intelligence Officer. | <ul style="list-style-type: none"> New Process/Procedure Resources directed at most significant identified problems. Increase in the number intelligence reports submitted to the Memex Intelligence database. Minimum 1 submission per month. | Ongoing from Q1 |
| POCA / Financial investigating and confiscation | <ul style="list-style-type: none"> Completion of financial investigation | <ul style="list-style-type: none"> To have conduct of financial investigations within regulatory services. Support planning confiscations | <ul style="list-style-type: none"> Monthly reporting At least two financial investigations/confiscation. | Ongoing from Q1 2019/20 |
| Reporting | <ul style="list-style-type: none"> Maintain and improve reporting systems. | <ul style="list-style-type: none"> Completion of statutory returns for the service. Section 70 WMA, Feeding Stuffs | <ul style="list-style-type: none"> Reports produced Improved Monthly Dashboard Reports | By end Q3 2019/20 |
| New work Stream | | | | |
| Bid application to be submitted to tasking | <ul style="list-style-type: none"> To obtain funding for piece of work such as Wenlock Road or fraudulent scoring at restaurant. | <ul style="list-style-type: none"> Make at least one bid application to Regional/National Tasking. | <ul style="list-style-type: none"> Bid application drafted and submitted. | By end Q4 2019/20 |
| Training for Traders who sell Age Restricted Goods | <ul style="list-style-type: none"> To help reduce the number of traders supplying age restricted goods to minors | <ul style="list-style-type: none"> To train a minimum of 10 people. | <ul style="list-style-type: none"> At least 10 people trained by end of financial year | By end Q4 2019/20 |

| Work activity | Desired Outcome | Target | Performance Indicator / Measure | Timescale |
|-------------------------------|--|--|---|-------------------------|
| Primary Authority Partnership | <ul style="list-style-type: none"> To provide advice to trader in as per joint agreements | <ul style="list-style-type: none"> To provide legal advice re label or other request within agreed timescales | <ul style="list-style-type: none"> To respond to requests within times agreed. | Ongoing from Q1 2019/20 |

5.0 ENFORCEMENT POLICY

5.1 The Service is committed to the principles of good enforcement and takes account of the principles of the Enforcement Concordat, the Regulator's Code, and London Trading Standards guidance, and has regard to Crown Prosecution Service guidelines and Equality Impact issues. A revised Enforcement Policy was approved by Cabinet on 21st January 2019. The Policy will allow the use of resources more effectively in assessing high risk activities whilst delivering benefits to low risk and compliant businesses.

The Service performs its duties in various ways including: inspection, sampling, test purchasing, testing, investigation and prosecution but also by informing, advising and educating businesses and consumers.

A key element of the activities carried out by the service is to facilitate and encourage economic growth and wherever possible the service will work in partnership with businesses, particularly small traders and the voluntary/community organisations to assist them with meeting their legal obligations without unnecessary expense.

In addition the service provides a Proceeds of Crime service to the Council.

6.0 RESOURCES

The table below is the estimation of a full time equivalent.

| | |
|---|----------------------------|
| 1 year | 52 weeks (260 days) |
| Annual Leave / Bank holidays | 7 weeks (35 days) |
| Training / briefings etc. | 2 weeks (10 days) |
| Sick leave / dependency / special leave etc. | 1 week (5 days) |
| Number of working weeks | 42 |
| Number of working days | 210 days |

6.1 The staffing for Trading Standards function for 2018/19 was as follows:-

0.3 FTE x Regulatory Services Manager

1.0 FTE x Principal Trading Standards Officer & POCA Officer

3.0 FTE x Senior Trading Standards Officers including 2 POCA Officers (2.0 FTE recruited following departure of 2.0 FTE)

1.0 FTE x Business Standards Officer

1.0 FTE x Technical Business Support

Total staffing resources = 6.3 FTE

6.2 The staffing for Trading Standards function for 2019/20 is as follows:-

0.3 FTE x Regulatory Services Manager

1.0 FTE x Principal Trading Standards & POCA Officer

4.0 FTE x Senior Trading Standards Officers

1.0 FTE x Business Support Officer

0.5 FTE x Technical Business Support

Total staffing resources = 6.8 FTE

6.3 Total Resource Required:-

| Activity | Calculation | FTE |
|---------------------------------|---|------------------------|
| Inspections | 696 inspections completed at 3.5 hours including paperwork follow up actions and Civica actions | $2436/1512 = 1.61$ FTE |
| Complaints and Service Requests | 827 assuming average 1 hour | $827/1512 = 0.54$ FTE |
| Financial Investigations | 5184 hours | $5184/1512 = 3.43$ FTE |

| | | |
|-----------------------------------|------------------------|----------------------|
| Projects | 4000 hours | 2952/1512 = 2.64 FTE |
| Simple Cautions | 2 anticipated 72 hours | 72/1512 = 0.05 FTE |
| Prosecutions | 2 anticipated 72 hours | 72/1512 = 0.05 FTE |
| Alternative Enforcement Actions | 100 hours | 100/1512 = 0.07 FTE |
| Technical Business Support | 756 hours | 0.5 FTE |
| Total requirement 8.89 FTE | | |

6.4 ALLOCATION OF RESOURCES TO DELIVER THE PLAN

The resources required to fulfil the plan for 2019/20 is 8.89 FTE, the actual FTE available is 6.8 FTE. This service is under resourced by 2.09 FTE which will provide significant challenges in the delivery of the service plan for 2019/20.

7.0 AUTHORISATION AND COMPETENCIES IN LINE WITH NEW REQUIREMENTS OF CODE OF PRACTICE

7.1 The Chartered Trading Standards Institute (CTSI) is committed to empowering members of the profession, through the Continuous Personal and Professional Development (CPPD) scheme. All Trading Standards Officers are part of the scheme and have a personal responsibility to maintain their competences. TSI has a responsibility to invest resources in assisting staff to meet these development commitments. The scheme is inclusive of all trading standards professionals. In addition a training needs analysis is carried out with all staff to identify individual development needs.

All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework.

7.2 STAFF DEVELOPMENT PLAN NEW REQUIREMENTS OF THE CODE OF PRACTICE

Annual Appraisal and Development scheme will be completed at the start of the year. At the same time personal development plan, comprising the main objective for the year with targets will be developed. Records of all identified training needs are recorded and incorporated into a training plan. In addition, staff also receive regular one-to-ones/supervision/check-in meetings whereby competencies and development needs are discussed and assessed and adjustments are made to training plan where possible and appropriate.

All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

Officers will be assisted in achieving 20 hours' Continual Professional Development (minimum 20 hours).

8. QUALITY ASSESSMENT

8.1 Internal Arrangements

Monitoring arrangements to assess the quality and performance of the Trading Standards work is carried out by team meetings; Annual performance appraisals; Development needs assessments and training plan; and one-to-one check in meetings.

8.2. External Arrangements

The service does not have formal arrangements although the service routinely contributes to benchmarking programmes with other local authorities.

9. HIGHLIGHTS

9.1 Table outlining Trading Standards Highlights

| Activity | Service Aim/Target/Results | Update | | | | | | | | |
|-----------------------------|--|--|---------------|-----------|-------|-------|------|-----|-----|------|
| High Risk Visits | To visit 100% of the high risk inspections by 31st March 2019. Monthly reporting. | The service have visited 100% of High Risk inspections. | | | | | | | | |
| Upper Medium Risk Visits | To visit 100% of the Upper Medium risk premises by 31st march 2019. Monthly reporting. | The service has visited 100% of Upper Medium risk inspections.* It should be noted 2018/2019 will be first time 100% inspections across High, Upper Med, Lower Med premises. | | | | | | | | |
| Processing Complaints | To process complaints | From April 2018 – March 2019 there were a total of 3162 consumer complaints received from members of the public. This is up from 2817 for the same period for the previous year. <table border="1" data-bbox="1442 1217 2029 1289"> <thead> <tr> <th>Notifications</th> <th>Referrals</th> <th>Other</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2414</td> <td>576</td> <td>172</td> <td>3162</td> </tr> </tbody> </table> | Notifications | Referrals | Other | Total | 2414 | 576 | 172 | 3162 |
| Notifications | Referrals | Other | Total | | | | | | | |
| 2414 | 576 | 172 | 3162 | | | | | | | |
| Weights and Measures Visits | 6 visits per month | Weight and Measures inspections | | | | | | | | |

| | | | | | | |
|---|--|--|--|-----|---|------|
| | | <table border="1"> <tr> <td>Total Number of weights and measures inspections</td> <td>190</td> </tr> <tr> <td>Percentage of visits compared to annual target (190 compared to target of 72)</td> <td>263%</td> </tr> </table> | Total Number of weights and measures inspections | 190 | Percentage of visits compared to annual target (190 compared to target of 72) | 263% |
| Total Number of weights and measures inspections | 190 | | | | | |
| Percentage of visits compared to annual target (190 compared to target of 72) | 263% | | | | | |
| Prosecution (Cosmetics retailer) | Process using proportionate Prosecution Policy | <p>Dalston Hair and Cosmetics Ltd trading as Shabba Cosmetics of 36-42 Kingsland High Street London E8 2JP was fined £59,793 at Thames Magistrates Court on Friday 13th April 2018 for supplying dangerous skin lightening products.</p> <p>A formal caution was obtained for Wura Cosmetics 102 Ridley Road London E8 2NR They were found in possession of a range of infringing skin lighteners but were given a caution as they had not been advised about these products in recent years.</p> | | | | |
| Counterfeit Goods | Visits conducted to retail premises | <p>A visit was conducted at Vicky's Afro Food Store 136 Hoxton Street London N1 6SH. Following a test purchase of a Louis Vuitton handbag Officers returned to the premises and seized a range of designer goods. Samples of the goods have been sent for analysis.</p> <p>Visits are regularly conducted to Ridley Road and other Hackney markets.</p> | | | | |
| Licence Review | Process at least 1 review where appropriate | <p>Trading Standards applied for a review of the licence for Kingsland Wine, 77 Kingsland High Street London E8 2PB. on Tuesday 7th August 2018. This review occurred following the supply of illicit tobacco and a proxy sale of</p> | | | | |

| | | |
|--|---|---|
| | | <p>alcohol to a minor. The decision of the committee was to suspend the licence for six weeks. This will allow for works to reorganise the layout of the premises. Representations were made by the Police and Public Health.</p> <p>Subsequent visits conducted by Trading Standards revealed the business was indeed closed for refurbishment as instructed by the licensing committee.</p> |
| Animal Feed | Visit all Premises in Hackney | The Service conducted 29 animal feed visits out of 29 registered premises. This represents 100% of premises. |
| 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. | <p>Trading Standards alongside partners such as Public Health and the Fire Brigade joined forces in the fight against illegal tobacco by holding a roadshow in the Narrowway on Friday 27th July 2018.</p> <p>Trading Standards in partnership with public health have appointed an officer who will be used to combat illegal tobacco and alcohol.</p> |
| Consumer Advice and Education (Outreach Event) | Promote the Service and deliver advice to residents and businesses. | <p>A Winter Warmer event was held for over 55s at Stoke Newington Town Hall on Tuesday 27th November 2018.</p> <p>Trading Standards along with partners from the Intelligence Hub provided advice to minimise the risk of our elderly citizens from becoming victims of scams and rogue traders.</p> |
| Financial investigations | To use financial investigations to remove the financial benefit from crime | The Service has had a reduction from three accredited financial investigators undertaking investigations to one in the period to the end of Q2 2018/19. However the service still |

| | | managed to bring over 40k to Hackney Council. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------------|---|--|------|----------|--------------|------------------------------|--------|---------|-------------------------|--|--------------------|-------------------------|--|---------|-------------------------------------|--|---------------------|----------------------------------|---|---------------------|----------------------------------|---------------------------------------|---------|--------------------------------------|---------------------------------------|---------|-------------------------------|--------------------------------------|---------------------|
| Underage Sales | | <p>There have been 8 Age Restricted goods operations.</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Products</th> <th>Sale/No Sale</th> </tr> </thead> <tbody> <tr> <td>Saturday 26th May 2018</td> <td>Knives</td> <td>No Sale</td> </tr> <tr> <td>25th October 2018</td> <td>Fireworks, Alcohol, Cigarettes and knives</td> <td>1 sale (Knives)</td> </tr> <tr> <td>3rd November 2018</td> <td>Fireworks, Alcohol, Cigarettes and knives</td> <td>No Sale</td> </tr> <tr> <td>1st December 2018</td> <td>Fireworks, Alcohol, Cigarettes and knives</td> <td>1 sale (alcohol)</td> </tr> <tr> <td>13th January 2019</td> <td>Alcohol, Cigarettes knives and Vape shops.</td> <td>1 sale (alcohol)</td> </tr> <tr> <td>3rd February 2019</td> <td>Alcohol, Cigarettes and knives.</td> <td>No Sale</td> </tr> <tr> <td>27th February 2019</td> <td>Alcohol, Cigarettes and knives.</td> <td>No Sale</td> </tr> <tr> <td>3rd March 2019</td> <td>Alcohol, Cigarettes and knives</td> <td>1 sale (alcohol)</td> </tr> </tbody> </table> | Date | Products | Sale/No Sale | Saturday 26th May 2018 | Knives | No Sale | 25th October 2018 | Fireworks, Alcohol, Cigarettes and knives | 1 sale (Knives) | 3rd November 2018 | Fireworks, Alcohol, Cigarettes and knives | No Sale | 1 st December 2018 | Fireworks, Alcohol, Cigarettes and knives | 1 sale (alcohol) | 13 th January 2019 | Alcohol, Cigarettes knives and Vape shops. | 1 sale (alcohol) | 3 rd February 2019 | Alcohol, Cigarettes and knives. | No Sale | 27 th February 2019 | Alcohol, Cigarettes and knives. | No Sale | 3 rd March 2019 | Alcohol, Cigarettes and knives | 1 sale (alcohol) |
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| 3rd November 2018 | Fireworks, Alcohol, Cigarettes and knives | No Sale | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 3 rd March 2019 | Alcohol, Cigarettes and knives | 1 sale (alcohol) | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|-------------------|---|---|--|
| Operation Liberal | <p>This project/ initiative had the following aims: To disrupt the activities of doorstep criminals operating within the Borough. To raise awareness around the issues of door step crime</p> | Morning Activities | Afternoon Activities |
| | | <p>Intelligence was gathered concerning vehicles, traders and individuals operating in the N16 area and the Service will be using the national intelligence database to check for target nominals and vehicles.</p> | <p>Visits to building sites at targeted locations to ensure legal compliance</p> |

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Enforcement Service Delivery Plan 2019/20

**CORPORATE COMMITTEE
MEETING DATES 2019/20**

3rd June 2019

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 & Housing

1. INTRODUCTION AND PURPOSE

- 1.1 The Enforcement Service Delivery Plan sets out the objectives of the Service and demonstrates how they are linked to the Mayor's Priorities and Hackney's Sustainable Community Strategy.
- 1.2 It also sets out the key areas relating to the service of environmental enforcement, addressing anti-social behaviour including the Night Time Economy and statutory nuisance, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.3 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.4 Enforcement in Hackney continues to receive a holistic approach including environmental enforcement which looks at issues such as Highway obstructions including A-Boards, littering and fly tipping together, so that the most appropriate action, in accordance with relevant legislation can be taken based upon the circumstances of the particular case. The service area brings together a wide range of enforcement services providing greater resilience and ability for specialists to collaborate and cases to be prioritised.

2. RECOMMENDATION(S)

- 2.1 **The Corporate Committee is recommended to:**

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

3. REASONS FOR DECISION

- 3.1 It was agreed that the Enforcement Service Delivery Plan is presented to Corporate Committee to ensure local transparency and accountability.
- 3.2 The Plan ensures that there is a programme of enforcement activity undertaken to address issues relating to environmental enforcement, anti-social behaviour (ASB) and statutory nuisance in particular.

4 BACKGROUND

- 4.01 The Enforcement Service was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and the plan details the scope and activities of the service and provides detail on the expected performance of the service for 2019/20.

- 4.02 The Service is split into two Teams North and South each headed by a Team Leader. Each Team comprises of five ward based Principal Officers (non-uniformed), one Principal Waste Enforcement Officer dealing with unregulated and commercial waste, two Technical Support Investigation Officers and fourteen uniformed Enforcement Officers together with two apprentices, one in each Team.
- 4.03 The ward based Principal Officer service deals with a variety of complex cases and casework including eliminating through enforcement activity ingrained ASB, repeated larger scale fly tipping activity and complex domestic noise complaints. Most of this type of complex activity will be delivered in close co-operation with a variety of other services namely the Police, Community Safety, Housing, Environmental Protection Service and Adult and Child Safeguarding. Principal Officers are Ward based and act as single points of contact for their Ward areas.
- 4.04 The uniformed service has no formal limits other than those imposed by legislation and by its own resource. The main objective of the service is to provide a highly visible protective and proactive service that can be deployed easily and quickly according to need. Naturally this is constrained by law on employment and particularly on health and safety. For example it cannot respond directly to those activities concerning crime more usually dealt with by the Police e.g. stabbings, drug dealing etc, although it may have a supportive role.
- 4.05 The Service is also expected support some it's provision through its own enforcement activities in preventing and tackling ASB, Highways obstructions including A-Boards, waste and other nuisance type issues that occur on the Borough's public spaces and streets. This is usually determined as a tool for behaviour change, where they can have considerable impact on the casual disposal of litter on the Boroughs streets.
- 4.06 The Enforcement Officer interactions will usually be for one-off offences and are dealt with at the time of the offence. More complex and ingrained activity is passed to the relevant ward based Principal Officer. The Enforcement Officers are also tasked on a daily and weekly basis to prevent and investigate instances of nuisance and ASB on the Borough's streets and Estates. One of the key indicators on this is the administration of Fixed Penalty Notices and other types of enforcement tools such as formal cautions and prosecutions.
- 4.07 Given the above, both elements of the service work through a close proactive and reactive intelligence based tasking processes, which are continually adjusted to ensure that resources are directed and managed to the best most efficient effect. Consequently they work very closely with the Intelligence Hub and the other statutory services in and throughout the Council.

Enforcement Service scope and activities

| Functions | Activities and Comments |
|---|---|
| Area co-ordination and forward deployment of resources through the co-ordinated management arrangements with Business Regulation. | This is achieved through having a shared common management structure where common objectives and working can ensure co-ordinated responses and planning. |
| Intelligence material sourced from the Community Safety Team's Intelligence Hub used directly to inform tasking and problem solving with partners across the Council and Police. | Regular weekly tasking and action centred management meetings ensure this is maintained and delivered. |
| Fulfilling specific requirements as set out in the Service Level Agreement (SLA) between the service and the Housing Department, primarily focused in dealing with unauthorised waste disposal, ASB, and ingrained noise problems other smaller matters and issues such as the removal of pirate radio aerials and paraphernalia whilst providing a uniformed patrolling deterrent. | The SLA is vital to the functionality of the service and regular contact with Housing ASB team ensure that the work is relevant and is continuity adjusted to need. It works through tasking and other linkages to ensure complete functionality. The Enforcement service leads on the Anti-Social Behaviour Panels which primarily but not exclusively deals with Hackney Housing Tenants. |
| Managing complex and local ward based through enforcement case management (for all areas of non-compliance but especially noise and ASB). | This is ongoing work that concern complaint resident derived cases, for example include noisy cockerels to extreme cases of continual noise pollution in a particular locality from one individual playing amplified music and complex ASB issues such as Gillett Square, Dalston Square and Wilberforce Road. These can become complex matters which although local in nature can cause considerable harm and reputational damage to the council if not dealt with adequately. |
| Joint operations with the Police and Partners; some ad hoc 'on the night' and others with considerable forward planning involving cross border and working through tasking processes. | Joint operations have targeted issues such as kerb crawling operations or weapon sweeps planned through tasking or help in eliminating noise nuisance through entry and the |

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| <p>This can include planned activity in controlling the noise and ASB issues in localised cultural events.</p> | <p>seizure of noise emitting equipment.</p> |
| <p>The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise nuisance issues.</p> | <p>This is regular reactive activity mainly late at night to deter and deal with noise nuisance by dealing with issues on the out of hours noise service and other ASB problems experienced in the evening particularly in the Dalston and Shoreditch areas.</p> |
| <p>Dealing with and preventing environmental ASB and waste including fly tipping, highway obstructions, street urination and littering through intelligence based tasking and formalised patrolling.</p> | <p>This is a regular service activity and results in increased levels of on the spot enforcement activity. It is an essential tool in achieving compliance in ensuring a visible deterrent especially in the fly tipping of waste by business outside authorised times and limits.</p> |
| <p>Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and Licensing.</p> | <p>Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age controlled products (e.g. alcohol, knives ,tobacco) to minors.</p> |
| <p>Highways Licensing Enforcement including skips and scaffolding through patrols and intelligence feeds from Street Scene.</p> | <p>The Uniformed Service will generally patrol areas of the Borough where there are suspected highway obstructions such as unlicensed skips. Street Scene will also provide intelligence relating to highway obstructions.</p> |
| <p>Uniformed service dealing with non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards.</p> | <p>These non-compliance issues are usually generated by businesses. The services are reactive in nature although focused operations are planned when resources allow. Officers are proactive in dealing with A Boards.</p> |
| <p>Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated</p> | <p>Two Officers who are embedded with the Waste teams located at Millfields Depot although managed by the service investigate these matters.</p> |

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| traveller camps. | Proactively and reactively they are working solely on these issues |
| Dealing with and preventing sources atmospheric pollution and other detriments to air quality. | This is a developing area of work and there will be a focus on the reactive and proactive work on problems such as the enforcement of clean air legislation. |
| Special activity or projects focused on particular local areas of concern for example the prevention of noise and air pollution in London Fields over the summer. | A specific team has been set up to be set up and tasked with this on weekends and Bank Holidays over 21 weeks in Summer 2019. This is funded from budgets within Public Realm |
| Leading and Coordinating Antisocial Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB officers. | This is regular specialised cross departmental activity led by Enforcement Team Leaders to ensure individual cases are dealt with. |
| Public Reassurance achieved through regular visible patrolling through town centres and estates. | This is self-descriptive and is an important element of the service. For example there may be issues with ASB outside a school and therefore distinctively uniformed officers can be tasked to be in the vicinity to provide public reassurance at school leaving time. |
| Dealing with and providing customer responses to enquiries and complaints (including freedom of information matters and members enquiries). | The section receives a large quantity of incoming complaints and enquiries which need to be researched and responded to this is done in the main by Team Leaders and Principal Officers. |

4.1 Policy Context

4.1.1 The Plan is prepared in accordance with Council guidelines and it sets out how the Council is going to discharge its responsibilities in relation to Enforcement.

4.1.2 The performance of the Service is measured against its fulfilment of the Plan.

4.2 Equality Impact Assessment

N/A

4.3 Sustainability

N/A

4.4 Consultations

N/A

4.5 Risk Assessment

4.5.1 The Enforcement Service Delivery Plan sets out how the Enforcement Service will take actions that contribute to achieving corporate priorities and desired outcomes. Without these being agreed, (that being clearly stated priorities and this plan), the service will be at risk of not effectively focussing its work and efficiently directing limited resources.

4.5.2 **Rate of growth** – Business and household growth in the borough has been significant and will continue. Keeping up with this rate of growth is a particular challenge for the service within its current resource provision especially relating to waste management and sustaining local environmental quality. This includes controlling the environmental impacts from businesses such as litter and waste throughout their operating hours and managing appropriate commercial and household waste enforcement.

4.5.3 Officers and Partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, undertaking proactive patrols in relation to the Night Time Economy, highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.

4.5.4 **Administering the enforcement process** – Mobile ICT working solutions and business intelligence software are currently being managed through Public Realm ICT delivery programmes. These provide Council services with new technology that assists in ensuring efficiency and effectiveness of delivery. Enforcement is part of this programme particularly in relation to the service of Fixed Penalty Notices.

4.5.5 **Resource deployment**-Pressure to provide a visible presence on street impacts upon the resources available for high priority case progression/investigation, sustainable problem solving and behaviour change initiatives. Getting the balance right between these is critical for the Council

moving forward and the joint working approach currently being developed supports this. Communications both Borough-wide and locally needs to be further utilised alongside physical resources so that together they are directed in a way that maximises the feel of “Presence” whilst ensuring a keen focus on cost and effectiveness. Enforcement currently benefits from good corporate communications support.

- 4.5.6 The cross cutting enforcement programme picked up on measures to ensure coordinated and accountable processes for cross departmental problem solving. This in turn supports a cross departmental approach to managing problems in localities and neighbourhoods to bring about solutions that are not within the gift of a sole service to resolve. This approach helps address problems associated with the Night Time Economy and Environmental Crime. Partnership Tasking delivers this in part in relation to the crime and anti-social behaviour agenda; however it is not designed to take a holistic approach to problem solving relating to all the matters highlighted.
- 4.5.7 Public space ASB such as drug use in Parks and other open spaces, begging, drunkenness, urination in public etc is a priority for the service and has placed increased demand on the service particularly at a time when there is considerable pressure on partner agencies the service works with in dealing with these issues such as the Metropolitan Police Service.
- 4.5.8 Other priorities for the service include issues associated the Night Time Economy which is the biggest market economy in the borough with a high impact on crime particularly violence, theft, hate crime, sexual offences, drug use/supply which has also increased demand on the service.
- 4.5.9 Nuisance neighbours and domestic noise are still the greatest source of ASB reported to the service with demand increasing as in the period January-December 2017, 2181 domestic noise service requests were received while for the same period in 2018,3825 requests were received which is an increase of 75%. Staffing the out of hours’ service requires 3.19 FTE Enforcement Officers and 1 FTE Technical Support Officer and impacts the capability of the service early in the week as these staff will be on rest days following their weekend duties.
- 4.5.10 In May 2018 changes were implemented that allowed a simpler and more streamlined approach for residents to complain of noise nuisance issues. Using the online noise reporting service residents can complain instantly at any time detailing their concerns. This is one of the reasons for the increase in service requests received and there are now two teams of Officers on duty when the out of hours’ service is staffed to provide a better response to calls received. The service is currently trialling an alternative method of receiving calls when the out of hours’ service is operating and also at other times to meet the Manifesto commitment of making it easier to report ASB 24/7 though

a response will not be provided at other times and residents will only be able to report ASB.

- 4.5.11 The noise nuisance webpage has been reviewed and the updated webpage is now live. Multiple noise webpages have been streamlined to a single webpage which provides clear and concise information that can be navigated with ease. The online noise nuisance reporting form has been redesigned to allow complainants to complete a more detailed, yet non-taxing self-triage which will allow Officers to receive relevant information, better understand issues and plan an appropriate course of action.
- 4.5.12 Complainants now receive a same-day acknowledgement accompanied by newly developed 'Noise Action Guidance' which will detail next steps and assist with managing expectations. The link to the form is www.hackney.gov.uk/noise.
- 4.5.13 Environmental enforcement continues to be a priority for the service and significant number of formal notices being served in relation to this area of work being Fixed Penalty Notices (FPNs) with 1650 being issued in 2018/19 compared to 1137 in 2017/18 due increased productivity and the introduction mobile technology. While this is less than the number issued in 2016/17 Officers are undertaking a broader range of duties ranging from environmental enforcement to out of hours noise, NTE visits, tasking duties and reassurance patrols compared to 2016/17 when Officers were only undertaking environmental enforcement duties. The approval by Cabinet in January 2019 has also assisted in the decision making process in relation to the enforcement action taken regarding a particular issue.

Table 1 FPNs comparisons

| Env Enf FPNs | 2016/17 issued | 2017/18 issued | 2018/19 issued |
|---|---------------------------|---------------------------|---------------------------|
| Total Mobile and Paper | 1781 | 1137 | 1650 |
| Mobile | | 417 | 831 |
| - | | | 6 |
| 47ZA for Section 47 Notice | | | 17 |
| Highway Obstruction | | | 46 |
| Section 33za (SRU) | | 1 | 57 |
| Section 38 Illegal Street Trading | | | 17 |
| Section 67 Dog Control | | | 3 |
| Section 88 Litter | | 191 | 458 |
| Section 88 Urinating | | 225 | 225 |
| (blank) | | | 2 |
| Paper | 1781 | 720 | 819 |
| 34(6) | 53 | 28 | 33 |
| 47ZA for Section 47 Notice | 18 | 6 | 32 |
| ASB CPN | | | 8 |
| Community Protection Penalty Notice | 8 | | 4 |
| Contraventions Of Street Trading Conditions | 2 | | 1 |
| Dog Off Lead in General Public Area | 2 | 1 | |
| Fly Posting | 4 | 3 | 5 |
| Fly Posting (without advisory) | 10 | 2 | 12 |
| Highway Obstruction | 140 | 261 | 552 |
| Illegal Shop Front Trading | | 3 | |
| N2U Community Protection | 2 | 1 | |
| N2U Community Protection Notice | 1 | 3 | |
| Section 33za (N2U) | 11 | 52 | 47 |
| Section 33za (SRU) | 1 | 12 | 27 |
| Section 38 Illegal Street Trading | 15 | 13 | 4 |
| Section 59 Dog Fouling | 18 | 8 | |
| Section 88 Litter | 285 | 54 | 84 |
| Section 88 Urinating | 1195 | 268 | 3 |
| Unauthorised Marks on the Highway | 15 | 4 | 3 |
| Vehicles for Sale on Highway | 1 | | |
| Vehicles Repairs on Highway | | 1 | 3 |

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

5.1 This report notes the level and scope of work being carried out to meet the requirements of Enforcement Service Delivery Plan 2019/20.

5.2 This report is for noting and has no immediate financial implications. The aims and objectives described in the plan for 2019/20 will be delivered within the constraints of the existing Enforcement service budgets.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

6.1 The Enforcement Service Delivery Plan sets out the organisational structure of the Enforcement services, the aims and objectives and its scope. It also sets out the Service delivery and provides examples of the work that the Service has been involved with in 2018/2019.

6.2 The Enforcement Service Delivery Plan makes reference to the Council's Enforcement Policy which was approved on the 21st January 2019.

6.3 When considering any enforcement action in line with the Enforcement Service Delivery Plan, the Enforcement Service should ensure that it acts in accordance with the Council's Enforcement Policy, together with any other relevant legislation and the Regulators Code, Crown Prosecution Service Guideline and Equality Act 2010.

6.4 There are no legal implications arising from this report.

APPENDICES

Appendix 1-Enforcement Service Delivery Plan

BACKGROUND PAPERS

None

| | |
|--|--|
| Report Author | Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation 020 8356 7087 gerry.mccarthy@hackney.gov.uk |
| Comments of the Group Director of Finance and Corporate Resources | Philip Walcott, Group Accountant 020 8356 2396 philip.walcott@hackney.gov.uk |
| Comments of the Director of Legal and Governance Services | Jo Sterakides, Senior Lawyer josephine.sterakides@hackney.gov.uk 020 8356 2775 |

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Enforcement Service Delivery Plan 2019/20

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INTRODUCTION

1. ENFORCEMENT SERVICE AIMS AND OBJECTIVES

INTRODUCTION

This plan identifies the objectives, priorities, actions and measures for the Enforcement Service.

2. ENFORCEMENT SERVICE AIMS AND OBJECTIVES

2.1. Aims and Objectives

- An integrated area based enforcement service with Officers empowered to enforce a range of legislation, including street scene enforcement, anti-social behaviour (ASB), noise nuisance and to integrate with and enhance the activities of staff within the other specialised legislative areas enforced; licensing, trading standards and environmental health.
- To provide a casework system that ensures relevant complaints from residents are taken through from inception to completion including enforcement action.
- To work closely through a targeted and request process with other Officers from other sections of the Council particularly Housing, Waste, Highways and Street Scene.
- To work closely through targeted setting and prearranged operations with the Police and other emergency services where appropriate.
- To task the out of hour's enforcement service to deal with inter alia; reported offences and complaints concerning anti-social street based behaviour (ASB) , residential noise, street urination, littering and routine licensing matters.
- To provide a highly visible street enforcement service to provide and support public reassurance especially in the night time economy and to work with Police units paid for through the Late Night Levy.
- Create single points of contact for customers and partners for ward based issues.
- To provide through a detailed Service Level Agreement to deal with all aspects of ASB in LBH estates. This is directed through an intelligence-based approach via weekly tasking meetings and will include activities ranging from public reassurance patrols through to closing entire housing units or blocks due to ingrained drug consumption and ASB in the communal areas.

- To contribute to and provide support to street user panels and meetings (SUOM) and for the service to provide as agreed and directed backstop enforcement activities once all attempts to resolve issues with particular street users have been exhausted. To work therefore closely with services and providers directed at dealing with the issues of homelessness
- To lead and organise 4 area defined Anti-Social Behaviour Panels meeting monthly across the borough to determine solutions with partners particularly in social housing and Police to ingrained issues of ASB on an individual level.
- To provide reactive and regular proactive enforcement activities and projects connected to the disposal of unregulated commercial waste on public land. This will include the issuing of Fixed Penalty Notices on individuals and businesses and will include prosecutions on repeat offenders and or larger scale fly dumping. Regular street-based patrols will control and sanction members of the public who carelessly drop litter or who urinate on public land. Also, there will be regular enforcement activities in focused commercial areas which will include onsite inspections and request to inspect waste trade agreements to ensure that these are in place.

2.2. Links to Corporate Objectives and Plans



Community Strategy 2018-28

1. A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth.
2. A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life.
3. A greener and environmentally sustainable community which is prepared for the future.
4. An open, cohesive, safer and supportive community.
5. A borough with healthy, active and independent residents.

Mayor's Priorities

- 1. Fairer**
Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities, and excellent schools; where everyone can play a part, and where tackling inequality is at the heart of what we do.
- 2. Safer**
Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks, and estates.
- 3. More sustainable**
Making Hackney an economically, and environmentally sustainable place, with strong, cohesive, and diverse communities.

3. BACKGROUND

3.1. Organisational Structure

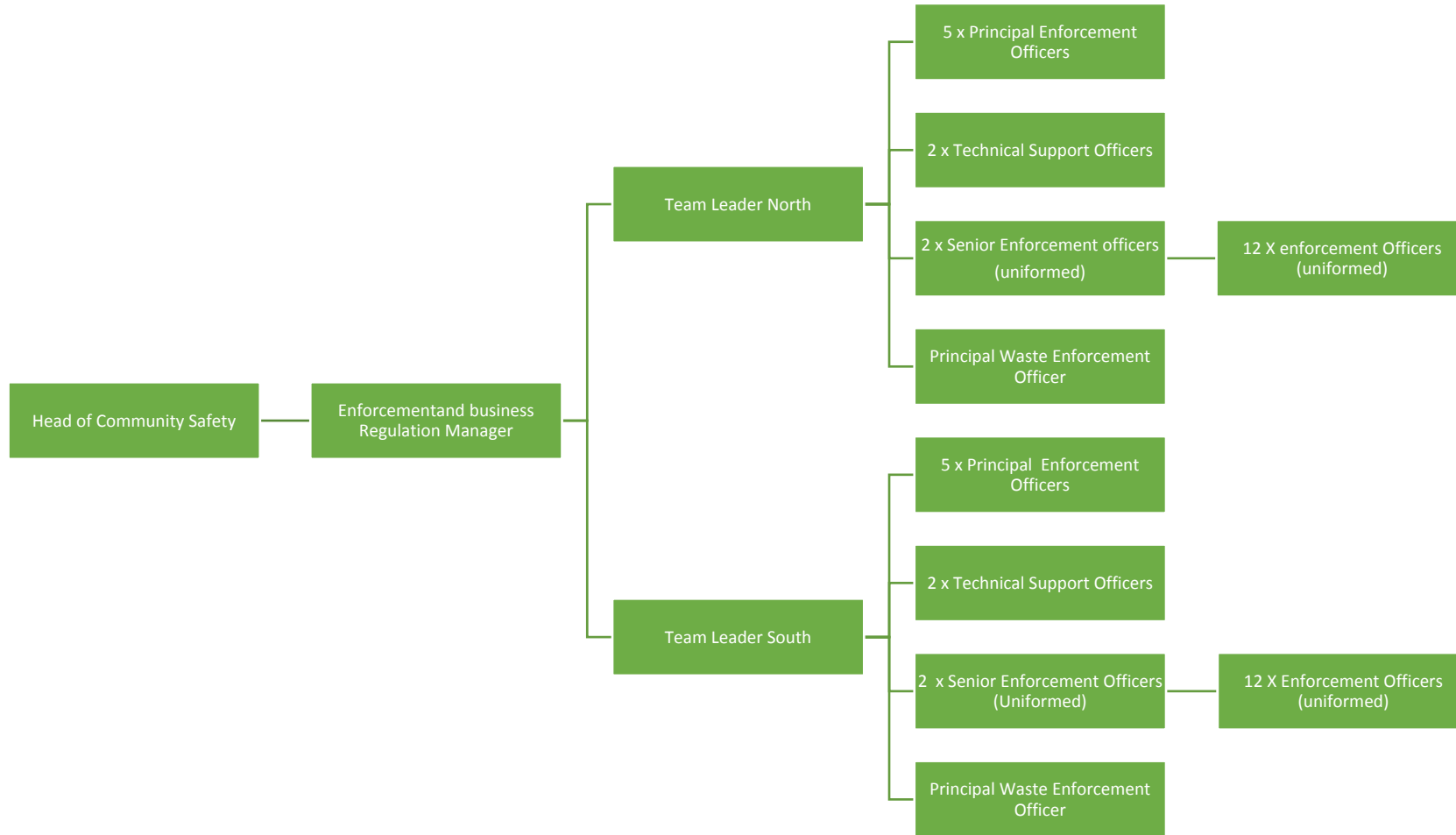
The Enforcement Service is nominally divided into North and South divisions and each Team is headed by a Team Leader. The service is then managed alongside two further Business Regulation divisions which are concerned with Food Law Enforcement, Pollution Control, Trading Standards, Technical Business Support and Licensing. The overall manager is the Enforcement and Business Regulation Manager who in turn is managed by the Head of Community Safety, Enforcement and Business Regulation.

The two Teams each comprise of five ward based Principal Enforcement Officers, one Principal Waste officer, two Technical Support Investigation Officers and a uniformed Enforcement Service which consists of twenty three Enforcement Officers, two Apprentices and four Senior Enforcement Officers.

All staff with the exception of the Team Leaders work on a rota basis which includes night time and weekend working.

The service hours are 08:00 to 18.00 Monday to Wednesday, 08:00 to 02:00 Thursday, 08:00 to 05:00am Friday, 16:00 to 05:00 am, Saturday 16.00 to 02.00 on Sunday.

Service Structure below:



3.2. Accessing the Enforcement Service

The Service is accessed by the public, residents and businesses in a number of ways principally via the council service number during normal office hours and a dedicated line after these hours on those days that the reactive service operates. The service can be contacted at all times via email and via the Councils website.

3.3. Scope of the Enforcement Service

The Principal Officer ward based service deals with a variety of complex cases and casework such as eliminating through enforcement activity ingrained ASB activity to include closing property and areas and repeated larger scale fly tipping activity. Most of this type of complex activity will be delivered in close co-operation with a number of other services mainly the Police, Community Safety, Housing, Environmental Protection Service, Housing and Adult and Child Safeguarding.

Principal Officers operate on a ward based distribution where they act as single points of contact for their ward areas. They have responsibility of dealing with ASB and unauthorised waste complaints within their nominated wards. They will intimately know their wards and will be aware if all issues including begging and homelessness. They attend relevant Panel meetings in their wards where they will meet and get to understand the concerns of local residents alongside the Police and other relevant staff in housing parks and other services. They will also know and communicate regularly with their Police SNT Officers and Sergeants in their ward clusters. In association with Police services and other sections they will carry out routine enforcement action which can include obtaining entry warrants and applying for Closure Orders at the Magistrates' Court.

The Principals also work out of regular service hours on a rota basis covering Borough wide issues concerning either reactive or proactive issues as above but also including unlicensed street trading operations and the like through concerted action with other agencies and parts of the council.

The Uniformed Service has no formal limits other than those imposed by legislation and by its own resource. The main stay of the service is to provide a highly visible protective and proactive service that can be deployed easily and quickly within the envelope its core hours according to need. Naturally this is constrained through law on employment and particularly on health and safety. For example it cannot respond directly to those activities concerning crime more properly dealt with by the police e.g. stabbings and drug supply.

The Service is also expected to support some of its financial requirement through its own enforcement activities such as administrating Fixed Penalty Notices in preventing and tackling ASB, waste and other nuisance type violations that occur on the Borough's public spaces and

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

Given the above, both elements of the service work through a proactive and reactive intelligence based tasking process which is continually adjusting to ensure that resources are directed and managed to the best most efficient effect.

Proactive and Reactive Service Elements

| Functions | Activities & Comments |
|---|---|
| The regular patrolling for and response to reports of unregulated commercial waste This includes proactive activity such as dealing with waste generated through cultural celebrations | This specialised work is led by two dedicated Principal Waste Officers but supported by uniformed staff and other Principal Officers. |
| Proactive area co-ordination and forward deployment of resources through the co-ordinated management arrangements with Business Regulation. | This is achieved through having a shared common management structure where common objectives and working can ensure co-ordinated responses and planning. |
| Intelligence material sourced from the Community Safety Team's Intelligence Hub used directly to inform tasking and problem solving with partners across the Council and Police. | Regular weekly tasking and action centred management meetings ensure this is maintained and delivered. |
| Fulfilling specific requirements as set out in the Service Level Agreement (SLA) between the service and the Housing Department, primarily focused in dealing with unauthorised waste disposal, ASB, and ingrained noise problems other smaller matters and issues such as the removal of pirate radio aerials and paraphernalia whilst providing a uniformed patrolling deterrent. | The SLA is vital to the functionality of the service and regular contact with Housing ASB team ensure that the work is relevant and is continuity adjusted to need. It works through tasking and other linkages to ensure complete functionality. The Enforcement service leads on the Anti-Social Behaviour Panels which primarily but not exclusively deals with Hackney Housing Tenants. |
| Preventing and managing complex and local cases through enforcement case management (for all areas of non-compliance but especially noise and ASB). | This is ongoing work that concern complaint resident derived cases, for example include dog barking to extreme cases of continual noise pollution from one individual playing amplified music at all times. These can become complex matters which although local in nature can cause considerable harm and reputational damage to the council if not dealt with adequately. |

| | |
|---|---|
| Preventative joint operations with the Police and Partners; some ad hoc 'on the night' and others with considerable forward planning involving cross border and working through tasking processes. This can include planned activity in controlling the noise and ASB issues in localised cultural events or on street dealing of nitrogen dioxide. | Joint operations have targeted issues such as kerb crawling or weapon sweeps planned through tasking or eliminating noise pollution through entry and seizure of noise emitting equipment arranged on the night. |
| The deployment of uniformed generic based enforcement and patrols to deal with and prevent low level ASB casework and noise abatement issues. | This is regular proactive activity mainly at late night to deter and deal with noise pollution and other ASB problems especially at night in the Dalston and Shoreditch areas. |
| Dealing with and preventing environmental ASB and waste including fly tipping, street urination and littering through intelligence based tasking and formalised patrolling. This will include issuing FPN's and prosecution offenders and publishing this. | This is a regular service activity and results in increased levels of on the spot enforcement activity. It is an essential tool in achieving compliance in ensuring a visible deterrent especially in the fly tipping of waste by business outside authorised times and limits. |
| Night and weekend enforcement including basic Premises Licensing enforcement in conjunction with police, Trading Standards and Licensing. | Joint tasked activity arising from intelligence of business noncompliance such as trading beyond authorised hours and selling age controlled products (e.g. Alcohol) to juveniles. |
| Highways Licensing Enforcement including unlicensed skips and scaffolding undertaking patrols and intelligence received from Street Scene. | The Uniformed Service will patrol areas of the Borough where there are suspected Highway obstructions such as unlicensed skips. Street Scene will also provide intelligence relating to Highway obstructions. |
| Uniformed patrolling service dealing with other non-compliant issues such as unauthorised street trading, unlicensed external tables and chairs and A boards. | These non-compliances usually generated by businesses and are proactive in nature, operations can be set up relatively quickly. |
| Large scale unauthorised waste dumping through fly tipping and other waste related issues and problems e.g. accumulated waste from vacated traveller camps. | Two Officers are embedded with the Waste teams located at Millfields Depot although managed by the service investigate these matters. Proactively and reactively working solely on these issues |
| Dealing with and preventing sources atmospheric pollution and other detriments to air quality. | This is a developing area of work and there will be a focus on the reactive and proactive work on problems such as the use of authorised fuels and enforcement of clean air legislation. |
| Special activity or projects focused on particular local areas of concern for example the prevention of noise and air pollution in the Borough Parks over the summer | A team has been set up and tasked with this on weekend afternoons and evenings over the Summer in 2019 and funded from budgets within Public Realm. |
| Leading and Co-ordinating Anti-Social Behaviour Action Panels; dealing with localised individual ASB problems especially in association with Housing ASB Officers. | This is regular specialised cross departmental activity led by Enforcement Team Leaders to ensure individual cases are dealt with. |
| Public reassurance achieved through regular visible proactive | This is self-descriptive and is an important element of the service for |

| | |
|---|--|
| patrolling through town centres and estates. | example there may be issues with ASB outside a school and therefore distinctively uniformed Officers can be tasked to be in the vicinity to provide public reassurance at school leaving time. |
| Dealing with and providing customer responses to enquiries and complaints (including freedom of information matters and members enquiries). | The section receives a large quantity of incoming complaints and enquiries which need to be researched and responded to this is actioned in the main by Team Leaders and Principal Officers. |

3.4. Highlights from 2018/19

Below is a detailed list of highlighted activities which occurred throughout the financial year and represent a sample of the work the service is involved with and help illustrate breadth of responsibilities that the service deals with.

ILLEGAL ENCAMPMENT, 139-141 MARE STREET, HACKNEY

Principal Enforcement Officers, Enforcement Officers with Community Support Officers and colleagues in Waste Operations removed an encampment that had been set up on the Highway outside 139-141 Mare Street, Hackney for a number of months.

The persons camped out were in fact residents of Tower Hamlets who had moved across the boundary into Hackney and they refused all offers of assistance. During Enforcement Officer patrols the teams identified the encampment on the Highway and that it was attracting anti-social behaviour and potentially causing a significant risk to members of the public using the footpath. Officers engaged with the subjects living there and worked with support services from Hackney and Tower Hamlets to try and resolve their housing needs. However on this occasion the offers of support were refused. Officers have having no further option served notices for the encampment to be removed.

Dalston, Days of Action 21st & 22nd February 2019

On Thursday 21st February Officers from Met Police including undercover Officers from Neighbourhood Task Force Team and local Safer Neighbourhood Officers, Trading Standards, Principal and Enforcement Officers, Licensing, Markets Inspectors Team joined this operation. This operation was led by the Principal Enforcement Officer for the Dalston Ward.

Outcomes from action day:

- Licensing and Police came across a trader illegally selling alcohol without a licence in Ridley Road. Licensing will invite him in for a PACE interview.

- A female street beggar who said she was pregnant and taking class A drugs asked EOs for support and intervention she was referred to the Pause project for them to make contact with her and offer intervention.
- Officers spoke to a local business on Bradbury Street regarding Highway obstructions and were advised that Enforcement EOs would be issuing a 7 day notices if the bikes were not removed. This was followed up on 22nd February when the notice was issued.
- Officers spoke to the security at Harmar Market who have experienced confrontation from members of the public displaying anti-social behaviour and praised them for their efforts and reassured them that we will support their efforts. EOs and Police Officers carried out a walk-through with the security team in the problem areas of Harmar Market and spoke to traders inside. This approach showed a public display of solidarity with Harmar security and other Enforcement Officers in tackling ASB.
- The traders expressed their reassurance that Officers out in force walking through Ridley Market and there were positive interactions between traders and Officers.
- One problem the market had identified concerned people riding through on their bikes without consideration for others despite signage being displayed to dismount, but it was noted riders came off their bikes when they saw the Officers so their visible presence acted as a deterrent.
- Trading Standards engaged with 10 market traders. All had major pricing issues and seven day notices served and advice on the sale counterfeit goods, although no infringing goods were discovered on the road market.
- Officers were also deployed on the evening of 22nd February. They engaged with the street population in Gillett Square and advised them about concerns in respect of environmental problems and littering. This gained some compliance as bottles and cans of alcohol were cleared. They had a two aggressive incidents and those individuals were given the appropriate Community Protection warnings or notices. Enforcement Officers issued a bike with a seven day notice Highway Obstruction Notice on Bradbury Street.

RIDLEY ROAD MARKET

Since January 2018 an Enforcement Officers has been based full time at Ridley Road Market his placement paid for by the Markets section. His responsibilities include the control of waste and other enforcement issues at the Market. He has supported traders and business owners in sign-posting them to the correct departments to ensure that their licences or commercial agreements are in order and a deadline in which to resolve, before he would take enforcement action.

He has arranged meetings with Waste and other services and is sharing intelligence with the wider department. Within a few weeks he had made an impact serving notices to four business and verbally warning five others on non-compliance with waste issues following a couple of controlled late night operations. The visible presence of an enforcement officer has significantly improved the overall look, standard and compliance in the market. Traders have been communicated regarding housekeeping expectations for the footpaths at the front of the market and compliance to waste management agreements. The officer has ensured follow ups to all trading licensees and conducted this with Market Officers to ensure a unified approach.

The Officer leads on all enforcement aspects at the weekly Markets meeting where he updates the wider team in the activities and issues he is dealing with. This has been very useful in ensuring a more prominent focus on the enforcement of terms and conditions with the Inspectors, which has in turn had a positive impact on the wider team benefitting our other markets. Importantly the feedback from The Ridley Road Traders association (RRMTA) continues to be positive in both the Officer's approach and execution of his role within the market.

CLOSURE ORDER- CYCLE PIT STOP, 241 WELL STREET, E9 6RG (continued)

The area Principal Enforcement Officer in conjunction with the Police applied to Thames Magistrates' Court for a Closure Order under s80 of the Anti-Social Behaviour Act 2014 due to a re-emergence of serious ASB issues ongoing at the premises together with alleged drug dealing. On 23rd February 2018 the Thames Magistrates' Court issued a Closure Order in relation to the address above on the grounds that the Court was satisfied that it is necessary for the Order to be issued to prevent the occurrence, recurrence or continuation of:

Disorderly, offensive or criminal behaviour on the premise or,

Serious nuisance to members of the public resulting from the use of the premise, or

Disorder near the premise associated with the use of those premises.

On 21st May 2018 the Principal Enforcement Officer applied to have the order extended for a further three months under the provisions of S.82 of Anti- Social Behaviour, Crime and Policing Act 2014 which was granted by the Court. While placing Orders on the premises the officer inspected the back of the shop and spoke to neighbours who had removed a ladder that was there, and had also felt necessary to apply anti-climb paint to the wall to prevent intruders from trying to gain access to their own adjacent properties. It was suspected that potentially illegal sexual activity and drug taking were being permitted or encouraged on the property but this could not be proved to a criminal threshold. The landlord was informed of the closure and of further civil action the Council intended to prevent the person who ran the shop from returning to the premises. An Injunction was later placed on the tenant to prevent him operating a business from that property.

PARTIAL PREMISES CLOSURE ORDER SHOREDITCH HOUSE

On 21st November 2018 The Principal Enforcement Officer for Hoxton West successfully obtained a Partial Premises Closure Order at Thames Magistrates' Court for the external and internal areas of Shoreditch House banning any unauthorised persons from getting access to the block. Hoxton West Safer Neighbourhood Team was also able to obtain a Full Closure Order for one of the flats in Shoreditch House and both Orders were served on the same day at 4pm. The Orders were granted for a period of three months initially.

The Court was satisfied that the Closure Order was necessary for the following reasons:

a) that a person has engaged or is likely to engage in disorderly, offensive or criminal behaviour on the premises, and

b) that the use of the premises has resulted, or is likely to result in serious nuisance to members of the public, and

c) that there had been or is likely to be disorder near the premise associated with the use of those premises.

The Court was satisfied that the Order was necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

The Order was made under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 for a period of three months initially and prohibits access by all persons to Shoreditch House subject to certain exemptions including residents, their friends, visitors and associates, emergency services and employees of Hackney Council.

On 11th January three persons were reported as being in the Stairwell at Shoreditch House at approximately 16.30 and Police Officers attended and they were arrested for the Breach of the Closure Order. They appeared in Court on 16th January and were all given a two year community service order at Court not to attend Charles Square for 2 years. Officers attended Court on 19th February and successfully applied for the extension of the Closure Order for a period of three months.

This was an excellent piece of partnership working with Hackney Housing and the Police.

WEAPON SWEEPS

Enforcement Officers throughout the year conduct weapon sweeps with Police Teams in areas where intelligence leads the service to believe that gang members (not exclusively) are storing and hiding weapons, such as knives in the locality for potential altercations. These are highly visible operations and serve as a preventive and disruptive tactic to potential lethal encounters. Examples would include the following:

On 1st June 2018 the Brownswood SNT and Enforcement Officers carried out a weapons and drugs sweep in the Wilberforce Road and Finsbury Park road area. The previous day the local Police found a packet of MDMA with the street value of £350 behind the telephone exchange box so it was suspected that people continue to stash drugs. Although nothing substantial was found a Senior EO found a travel visa card in the same green box. Also, a member of the public approached Officers and thanked them for the work they do so it was good to show a visible presence. The Community Safety and Principal Enforcement Officer for the Ward was also able to deal with a dumped fridge on the pavement and rubbish in a front garden and the landlord agreed to remove these items.

Enforcement Officers together with Dalston and Shacklewell Safer Neighbourhood Team undertook a weapons Sweep on 24th October in Gillett Square and Bradbury Street and found four knives and one razor blade in Gillett Square. One lock knife found behind electricity box at entrance to Gillett Square from Bradbury St., three older knives were found by bin area near urinals and a razor blade was found in flower bed next to Dalston Jazz B.

PIRATE RADIO STATIONS

Not only do pirate stations interfere with vital radio communications used by the emergency services, aircraft systems, they can have an impact on the lives of our residents effecting their television or radio signals. The pirates frequently cause damage to property when siting equipment which can have an impact on residents. On many occasions as they are unregulated they can found to be broadcasting homophobic or other hate speech material.

On 2nd August 2018 Officers were able to disrupt individuals illegally transmitting over the airways.

The following locations were visited:

67-132 Lincoln Court

All aerials, wood, metal works and cabling were removed. The covering of the roof vent was removed where the transmitter was located. Officers were unable to take the transmitter out of the air vent as it has been wedged in. Officers have to regularly attend the location which is notorious for illegal pirate radio.

Avenue House

This location was passed to Officers by Housing. The lock to the roof area was insufficient and housing were advised it needs to be changed. At the top of the ladder there is no hatch. Officers removed the cabling and the aerials, however we could not reach the chimney breast where the transmitter maybe housed.

Trelawney Estate - middle block

The block was secure and the location was not transmitting, but the wiring and aerials were still in situ and Officers were unable to locate a transmitter.

This was a good piece of partnership work between CSEBR, Housing and OFCOM.

ILLEGAL STREET TRADING & NITROUS OXIDE SELLERS

On 24th August 2018 an Illegal street trader at Farleigh Road at junction of Amhurst Road selling food from a large van was issued with an FPN for trading without a licence.

There have been many complaints from NTE venue owners concerning the overt sake of Nitrous Oxide street selling in Dalston and Shoreditch. The Seller operates with look outs and can start to 'take over' the public space outside late night establishments causing problems with dispersal as customers leave causing disturbance and other issues with intoxicated people. An operation to combat Nitrous Oxide sellers with

uniformed Enforcement Officer working with plain clothes Police Officers and Principal Community Safety Officers in the Shoreditch night time economy area resulted in the seizure of two large bags of Nitrous Oxide with dispensers from sellers and two £150 FPNS were issued.

WASTE PROSECUTIONS

Abdul Wahid, T/A Best American Pizza, 61A Pitfield Street, N1

On 1st June 2018 the Defendant attended Court and entered a guilty plea to fly tipping under s33 of the Environmental Protection Act 1990. The Bench heard the Defendant's mitigating circumstances. The Defendant held that the waste was placed at the back of the business premises door and left in the car park along with the residents' waste in similar black refuse sacks. He alleged that his waste may have been mistakenly taken by the person in charge of clearing up the residents' waste and put it in the skip.

The Bench decided on a conditional discharge with costs of £250 awarded to the Council and a victim surcharge of £20 imposed which is a total of £270 to pay within 28 days. The bench also attached a collection order should the costs not be paid within the 28 days period and the Court's bailiffs will attend the registered address.

Satmar Meats, 8-10 Stamford Hill N16

The business was prosecuted for fly tipping offences under s33 of the Environmental Protection Act 1990 and also in respect of duty of care offences under s34 of the Act (in not providing details of waste carrier) and pleaded guilty and was fined £800.00 with costs of £622.50 awarded to the Council together with an £80.00 Victim Surcharge giving a total of £1,502.50 with 28 days for the defendant to pay. The bench also attached a collection order should the costs not be paid within the 28 days period and the Court's bailiffs will attend the registered address.

UNREGULATED WASTE

On 29th November 2018 Enforcement Officers and Officers from Waste Services undertook a joint operation which focused on the whole of Stoke Newington High Street. Most of the road was clear but towards Stamford Hill the problems were more evident. Seventeen businesses were engaged with three s33 EPA 1990 FPNs issued for fly tipping, three s88 EPA 1990 FPNs issued for littering , five s47 EPA 1990 notices issued, five s34(5) EPA 1990 notices served and one s34(6) EPA 1990 notice served. This is a continuing good example of joint working with the PEO's, EO's and Waste and the programme is continuing.

These operations are now a programmed feature and Officers have conducted them and will continue conducting the operations every second Thursday from now on. Additionally, there will be regular daytime patrols on the busiest thoroughfares where Officers will be visiting every trading premises to examine trade waste documentation to ensure compliance particularly the existence of agreements and any overproduction of waste. As to be expected there will be a strict adherence to the Enforcement Policy in respect of any sanctions as a result on non-compliance.

PUBLIC ORDER INCIDENT

In the early morning of July 28th 2018 Enforcement Officers were the first at the scene of large mob chasing a vehicle at Hackney Road near Browns. The Senior EO parked the van in the middle of the road to block traffic and put the vehicle emergency lights on as over 30 persons tried to smash into a nearby white vehicle and extract the driver. Shouting that 'he has run over five people' were heard as the windows of the car were put in. Security staff from Browns and other venues defended the driver and prevented potentially serious injury at the hands of the mob. Multiple armed units attended as the incident was treated as a potential terrorist incident and CCTV was updated.

On the following evening another Senior EO spoke to doormen and managers of several venues on Rivington Street and was able to examine one of the venues' CCTV recording. It appeared that an Uber driver started panicking after he found himself trapped between crowds of people on Rivington Street. He tried to reverse and hit one pedestrian. He then panicked again and drove forward, hitting at least another three people. It could have resulted in serious injuries of one or even several people.

The feedback from all involved (including the inspector who came to Shoreditch following the incident) praised the good team work between door staff, Enforcement Officers and Police.

PUBLIC ASSISTANCE

On Thursday 13th September about 1.00 pm, returning from lunch Enforcement Officers were approached by a member of public who informed them that he had found a man slumped on the pavement outside of Domino pizza on Darnley Road but had not been able to help the man.

The Officers made their way to the location and found a man leaning against a wall trying to stand. They explained who they were and the man advised them that he was diabetic. The man was having difficulty communicating to the Officers and his speech was in very slow and the Officers could see he was struggling to form words and sentences. The Officers believed that he was going into shock and a collapse was imminent. One of the Officers went into a shop and purchased some chocolate and Lucozade whilst the other remained with the man to reassure him. Once the man had replaced his sugars the Officers waited with him for about 30 minutes until he was able to walk and escorted him to the bus stop outside of the town hall.

3.5. Enforcement Policy

An Enforcement Policy has been implemented for the Service and was approved by Cabinet in on 21st January 2019.

Officers recognise that whilst businesses look to maintain their reputation they also seek in most instances to be on the right side of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will

assist businesses to meet their legal obligations whilst taking firm action that may include prosecution or other formal action, where appropriate, against those who disregard the law or act irresponsibly.

All authorised Officers will take a graduated approach when making enforcement decisions. Any enforcement undertaken takes account of the principles of the Enforcement Concordat, Regulators Code and has regard to Crown Prosecution Service guidelines and Equality Impact issues.

4. SERVICE DELIVERY

4.1. Operational Context

The model adopted for the service includes an Intelligence Hub and an evidence based tasking process. This has brought together partnership support and intelligence capabilities for the service, creating a joined up approach to its delivery. The hub co-ordinates and enables effective joint tasking based on current intelligence. The hub also enables proper data management processes and ensures that all functions benefit from analytical expertise.

This service has brought together the previously disparate frontline enforcement response services and has increased capacity to address volume offences such as street urination, dog fouling, domestic noise nuisance, fly tipping etc. whilst also increasing visibility and public reassurance. This has enabled a better platform to achieve required behaviour change and a reduction in volume Anti-Social Behaviour (ASB) crime. The creation of the unit has simplified the triage of more serious offences and problems to allow higher level case management for resolution. This unit has also provided greater capacity to address out of hours demand.

The management of out of hours service has been overhauled ,as prior to the implementation of the new structure, the out of hour's service provision was insufficient and struggled to meet the needs of residents especially with regard to managing noise complaints and the demands associated with the night time economy. The current structure aligns more resource to out of hours service provision through a mixture of shift based working (primarily the Enforcement Team) and an on call resilience to provide additional specialist resource as it is required or in the event of emergency management.

4.2. Service Requests

These are received through normal Council routes and after triage are distributed on type and ward area for further investigation. Complex matters will be dealt with by Principal Officers whilst other perhaps more basic issues requiring one off intervention are tasked to the Enforcement Teams.

4.3. Advice to Businesses

The service is not formally established to provide legal or technical advice to business although in the normal course of service it is expected that Enforcement staff will always be ready to give general advice or signpost business (and residents) to sources of specialist advice offered by the Council.

4.4. Additional Priorities and Partnership Working

The weekly tasking of Enforcement Officers is now fully operational and is a vital component in ensuring that the service is on top of the problems and concerns that residents and other departments (especially Housing) are experiencing. These Tasking meetings determine the following:

Co-ordination and deployment of staff using an evidence based approach to provide targeted action and patrols based on weekly / ongoing analysis of intelligence and data (service wide). This will include planning for upcoming events, and seasonal peaks of activity that require action on a cyclic basis (e.g. Summer peaks, Christmas, pre-planned events in parks etc.)

- Highlight emerging patterns and trends and plan targeted early intervention and activities.
- Provide staff briefing: to include issues of concern that they need to be aware of (officer safety, missing persons, suspect premises, suspect vehicles, suspect people etc.), and to request additional information and data to fill information gaps.
- Enable a joined up and efficient use of Service provision in Hackney (From Enforcement Officer patrols to licensed premise and business regulation enquiries and checks, plus other enforcement functions), and task Officers dependent upon need and demand.
- Provide a transparent and auditable decision making process that will stand up to scrutiny and justify how and why decisions have been reached. Particularly relevant in this respect is where action is not possible or evidence is insufficient, and that alternative solutions or referrals have been considered.

- Provide a full list of all action/tasking's completed and action taken to resolve issues.

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

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

1) Tasking is focused on a discussion around crime trends and hotspots that identify problem locations, and associated issues. Where relevant and appropriate, partners are asked to undertake specific actions to help resolve current problems. Enforcement Officer are frequently tasked to undertake patrols and enforce Fixed Penalty Notices at specifically defined hours and locations. The actions are relevant to the identified problem, and allotted to the relevant partner(s) only. A lead member is identified to co-ordinate and collate the response in a given time period; this usually consists of an initial response after two weeks, but some of the more complex or ongoing issues will require a longer period of resolution.

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

4.5 Waste

During 2018/19 it was recognised that the service needed to enhance its enforcement activities in regards of a more proactive approach to the enforcement of unregulated waste. Toward this end a programmed approach was implemented which includes checking trade waste agreements with businesses as well as concentrated and visible enforcement activities in a focused way. These programmed activities now occur on a weekly basis either on a Thursday or Friday afternoon/evening and are worked with uniformed and Principal Officers alongside staff from Waste Operations. Enforcement processes are in line with the enforcement policy but it is recognised that a lower tolerance particularly on fly tipping is required. Waste enforcement operations are now on an expanded and more proactive footing. A number of KPI's were developed and will be reported on a regular basis

Additionally there was a programme to ensure that the areas where time banding applies were refreshed with new signage on the waste collection time. Hoxton Square was added to this in March for time banded collections following a consultation with residents and businesses. This was seen as a responsibility for the service and so was done at full cost to the service.

It was recognised that enhanced operations would need to be implemented for Cultural and or Religious events that traditionally produce large amounts of waste. This requires Officers to work with Waste Operations in a strategic way as in the case of Passover there will need to be advance notice provided to the community that waste collection arrangements will be altered and enforcement undertaken.

4.6 Late Night Levy

The Enforcement Service has always been involved with 'Policing' the night time economy. Since the introduction of the levy their patrolling activity has been increased to include all parts of the Borough and has been programmed through an increased level of staffing using overtime. Activities are mostly focused on NTE areas. Officers deal with issues some of which are tasked such as checking Temporary Events and focusing on areas known for ASB resulting from intoxication whilst providing a visible uniformed presence in these areas.

The Police have now commenced Patrolling the NTE on a focused overtime basis funded by the LNL and the enforcement service will co-ordinate and work closely with these teams across the year. There will need to be a special focus on the night time street sale of NO2 gas.

4.7 Housing

A new Service Level Agreement has been agreed with Housing with the individual responsibilities and expectations have been better set out although essentially the level of service will remain at existing levels. Housing requested information on the resources devoted by the Enforcement Service to work on Hackney Housing estates and property and this was supplied and which demonstrated clear value for money. A set of Monthly KPI's have been established to assist in Housings need to report to their own management.

4.8 Proactive Work Developments

The current projects are under development;

- A Public Space Protection Order (PSPO) with regard to ASB being undertaken at Wick Woodland was approved by Cabinet on 29th April and will come into effect six weeks from that date unless there is a legal challenge.
- A potential PSPO is to be scoped in conjunction with Islington and Haringey. This would be in Brownswood Ward and would represent a first combined effort for the three boroughs concerned to reduce high levels of ASB and drugs in these areas.
- There will be focus, given new resources from the Late Night Levy to reduce the incidence of on street drug sales in the NTE. This will focus on the pervasive availability of this product and the ASB it causes.
- There will continue to be an increased focus on waste and more enforcement activity on reducing the incidence of unregulated commercial waste through highly visible planned street operations.

- Due to a recent decision by the Council to ban all barbeques in the parks and open public spaces in the Borough there will be a dedicated team of Officers working throughout the summer on the weekends and Bank Holidays in 2019 to ensure that no barbeques are used in the key location of London Fields. This is additional currently unbudgeted work but seen as vital in ensuring that atmospheric pollution is kept to a minimum and that there are minimal levels of ASB. Officers will work with the Parks Service to ensure smooth running and it is anticipated that the clear message will be easier to explain and enforce than in previous years.
- The service will continue to strive for more efficiencies in delivery which will not impact on overall responsiveness. These will include a review of current levels and distribution of staffing particularly in technical services and in seeking cost improvements and efficiencies in IT capabilities delivered through the Public realm ICT Board or in conjunction with ICT.

5. RESOURCES

5.1. Financial Allocation

The total budget for the service is £2,392,124

5.2. Staffing Allocation

The Staffing Allocation for the service are as follows:

0.33 FTE x Head of Community Safety, Enforcement and Business Regulation

0.5 FTE x Enforcement and Business Regulation Manager

2 FTE X Enforcement Team Leaders

10 FTE X Principal Enforcement Officers

2 FTE X Principal Enforcement Officers (Waste)

4 FTE X Technical Services Officers

4 FTE X Senior Enforcement Officers

23 FTE X Enforcement Officers

2 FTE X Apprentices

5.3. Staff Development Plan

A comprehensive training programme is provided for all staff working in the service on a continual programme basis according to need and as the service requires ranging from dealing with Aggressive Situations, Noise Nuisance and all aspects of ASB law.

All Officers have been through a series of training opportunities to bring them up to speed with the range of legislation and tasks that the service covers. This is a very broad and diverse range but allows Officers to deal with a wide range of enforcement duties. As there is a relatively high turnover of staff within the uniformed element of the service the training programme will need to continue as new members join the teams.

5.4 Resource Allocation

The table below is the estimation of a full time equivalent.

| | |
|---|------------------------------|
| 1 year | 52 weeks (260 days) |
| Annual Leave / Bank holidays | 6 weeks (35 days) |
| Training / briefings etc | 2 weeks (10 days) |
| Sick leave / dependency / special leave etc. | 1 week (5 days) |
| Number of working weeks | 42 |
| Number of working days | 210 days |
| 1 FTE | 210 days (1512 hours) |

Principal Enforcement Officers (PEOs) excluding Principal Waste Enforcement Officers

Noise and Nuisance complaints

This is undertaken by the PEOs and it is not possible to accurately calculate how much time is spent on each nuisance complaint as it depends on the complexity of the case. For example some may only require a phone call and a letter sent out whilst others may require multiple visits to the complainant and to the perpetrating premises. Some domestic noise complaints can take a significant time to resolve particularly if the perpetrator has mental health issues. Therefore, a total of 19.5 hours is allocated to each service request to counter the different hours/time spent on each case. This breaks down further into the following, 2 hours initial call and letter preparation to complainant, 2 hours for obtaining details of perpetrator and dealing with Hackney housing/RSL etc, 9 hours for the

installation of and analysis of recording of noise monitoring equipment, 1 hour for preparation and service of a notice, 4 hours for attending Court to obtain a warrant and 1.5hours to prepare prosecution papers. This is based on 282 live cases throughout the year

Noise and Nuisance investigation time = 5499 (3.6 FTE)

High Risk ASB Cases

These cases are triaged and have score of 26 or more on the matrix. Officers need to undertake case research which takes 0.5 hours, visit to the person suffering ASB taking 1 hour, interviewing the alleged perpetrator taking one hour ,administration associated with both the complainant and perpetrator with taking 2 hours. Liaising with Police, Hackney Housing, RSL, attendance at ASBAP taking 4 hours and preparation of legal notice and prosecution if required 2.5 hours giving at total of 14 hours per case with approximately 312 cases per year.

High Risk ASB = 4386 hours (2.9 FTE)

Low Risk ASB

As for high risk cases but allowing for 780 cases per annum taking 13 hours of Officer time per case

Low Risk ASB = 10140 hours (6.7 FTE)

Licensing visits

PEOs undertaking out of hours proactive visits to assess compliance with Licensing conditions at weekends based on 624 visits each taking one hour.

Licensing Visits = 624 hours (0.41FTE)

Reactive pre-planned work

This includes applications for Closure Orders based on 10 applications per year each taking 14 hours, applications for Injunctions based on 5 applications each taking 24 hours, planning for the introduction of a PSPO 150 hours and undertaking investigations in relation to pirate radio stations based on 27 cases at 2 hours each.

Reactive Planned Work = 454 hours (0.3FTE)

Enforcement

This includes dealing with fly tipping based 625 cases taking 8 hours each, Graffiti based on 48 cases taking 1.25 hours each and Organised Street Trading based on 3 cases each taking 30 hours each, Fly Posting based on 14 cases each taking 1.25 hours.

Enforcement = 5168 hours (3.4 FTE)

Members, Mayoral Enquiries, Freedom of Information Requests and Corporate Complaints

A total of 4 hours is allocated to each type of request or enquiry. However, it must be noted that some take significantly longer, but to balance the numbers an average of 10 per week with 4 hours allocated to each = 2000 hours

Members, Mayoral enquiries, Freedom of Information requests and Corporate Complaints time = 2400 hours (0.22 FTE)

Enforcement Officers**Out of hours Noise**

EOs are on duty Thursday, Friday, Saturday and Sunday specifically dealing responding to noise complaints received with a total of 6084 hours per year allocated to this task.

Out of hours noise =4836 hours (3.19 FTE)

Enforcement

This includes dealing with littering based on 1,062 cases taking 1.25 hours each, fly-tipping based on 625 cases taking 4 hours each, Highway obstructions based 1,010 cases taking 2.5 hours each, Graffiti based on 48 cases taking 1.25 hours each, Illegal Street Trading based on 28 cases each taking 2 hours each, Fly Posting based on 14 cases taking 1.25 hours each, dog control based on 38 cases taking 2 hours each and nuisance vehicles based on 22 cases taking 2.5 hours each.

Enforcement = 6778 hours (4.5FTE)

Total = 11614 hours (7.68 FTE)

Proactive

Tasking Duties

Undertaking patrols in response to requests received at the weekly tasking meeting including on Housing Estates, ASB, drug related test purchases and is based on each EO undertaking one hour of tasking duties per week. There are an average of 25 tasking requests each week giving a total of 18,200 hours.

Tasking Duties= 18,200 hours (12FTE)

Enforcement Patrols

A number of proactive patrols are undertaken and is based on 300 patrols being undertaken each taking two hours giving a total of 1200 hours.

Enforcement Patrols = 1200 hours (0.8 FTE)

Night Time Economy

Patrolling out of hours at weekend in NTE are particularly Dalson and Shoreditch based on six Officers being on duty for six hours a night every weekend giving a total of 4992 hours.

NTE= 5616 hours (3.7FTE)

LALO Duties

This is difficult to quantify as depends on the number of Emergency Incidents Officers need to attend and based on 20 incidents with a requirement to be on site for 7 hours giving a total of 105 hours.

LALO=140 hours (0.09 FTE)

Waste Operations

Undertaking proactive visits with Waste Operations fortnightly with four Eos on duty for four hours

Waste = 384 hours (0.25FTE)

London Fields

Enforcement of Barbeque area at London Fields on Saturdays, Sundays and Bank holidays from April to September based on 4 Officers being present from 11.00am -11.30 pm on Saturday, Sunday and Bank Holiday giving a total of 2,352 hours.

London Fields= 2352 hours (1.55FTE)

Proactive= 27892 hours (18.4 FTE)

Total estimated hours required for carrying out Enforcement Function 2019/20 is 39506 hours (26.12 FTE).

6. KEY PERFORMANCE INDICATORS

| Indicator | Reporting Interval | Department | Section | 2018/19 | 2019/20 |
|--|--------------------|--------------------------|-------------|---------|---------|
| No. of Fixed Penalty Notices issued | Monthly | Neighbourhoods & Housing | Enforcement | 1650 | 1800 |
| No of Community Protection Notices issued under Anti-Social Behaviour , Crime and Policing Act 2014 | Quarterly | Neighbourhoods & Housing | Enforcement | 17 | 20 |
| No of Prosecutions instituted and Formal Cautions issued | Quarterly | Neighbourhoods & Housing | Enforcement | 21 | 25 |
| No of injunctions applied for in respect of ASB | Quarterly | Neighbourhoods & Housing | Enforcement | 1 | 5 |
| Number of noise abatement notices served under s80 EPA 1990 in respect of domestic noise | Quarterly | Neighbourhoods & Housing | Enforcement | 5 | 5 |
| No of Closure Orders applied for | Quarterly | Neighbourhoods & Housing | Enforcement | 6 | 6 |
| ASB warnings | Quarterly | Neighbourhoods & Housing | Enforcement | 392 | 300 |
| Community Protection Warning Notices issued under Anti-Social Behaviour, Crime and Policing Act 2014 | Quarterly | Neighbourhoods & Housing | Enforcement | 234 | 200 |
| % of Environmental Enforcement service requests responded to within three working days | Monthly | Neighbourhoods & Housing | Enforcement | 69.2% | 80% |
| % of domestic noise service requests responded to within three working days | Monthly | Neighbourhoods & Housing | Enforcement | 99.5% | 99% |
| No of s34(5) EPA 1990 notices | Monthly | Neighbourhoods & | Enforcement | 154 | 150 |

| | | | | | |
|---|---------|--------------------------|-------------|-----|-----|
| | | Housing | | | |
| No of s34(6) EPA 1990 FPNs issued for failing to provide waste transfer information | Monthly | Neighbourhoods & Housing | Enforcement | 35 | 30 |
| No of s47 EPA 1990 Notices regarding waste receptacles | Monthly | Neighbourhoods & Housing | Enforcement | 151 | 150 |
| No of s47 EPA 1990 FPNs issued | Monthly | Neighbourhoods & Housing | Enforcement | 49 | 50 |
| No of s33 EPA 1990 FPNs issued for fly tipping | Monthly | Neighbourhoods & Housing | Enforcement | 131 | 130 |

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Agenda Item 9

DRAFT Work Programme for the Corporate Committee 2019/20

| June 2019 | | | | |
|-----------|---|-----------------------------|------------|-----------------------------|
| | TITLE | DESCRIPTION | DECISION | GROUP DIRECTOR |
| 1 | HR Policy Review: | | To Approve | Tim Shields (Dan Paul) |
| 2 | Business Regulation Service Delivery Plans 2019/20 | Draft Service Delivery Plan | To note | Kim Wright (Gerry McCarthy) |
| 3 | Enforcement Service Delivery Plan 2019/20 | Draft Service Delivery Plan | To note | Kim Wright (Gerry McCarthy) |
| 4 | Shop Front trading Licence (Tables and Chair) | | To note | Kevin Keady |

| September 2019 | | | | |
|----------------|--|--|-----------------------------|-----------------------------|
| 1 | HR Policy Review (if required) | | To Approve | Tim Shields (Dan Paul) |
| 2 | Bereavement Leave Policy Update | Update on the Bereavement Leave Policy since July 2018 | To note | Tim Shields (Dan Paul) |
| 3 | Highway Obstruction and Enforcement of street furniture | Annual report on the enforcement action in relation to tables and chairs on the public highway | For Information And Comment | Kim Wright (Gerry McCarthy) |
| 4 | Environmental Enforcement - Annual Assessment Of The Local Environmental Quality Enforcement Strategy And Annual Performance Report 2018/19 | The report sets out the annual performance report across the environmental enforcement remit for the 2018/19 financial year. | For Information And Comment | Kim Wright (Gerry McCarthy) |

| December 2019 | | | | |
|---------------|--|---|-----------------------------|-----------------------------|
| 1 | Pay Policy Statement 2020/21 | The Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay. | To Approve | Tim Shields (Dan Paul) |
| 2 | Statutory Review of Polling Districts and Polling Places. | This report is reviewing Polling Districts and Polling Places. | To Approve | Tim Shields (Dan Paul) |
| 3 | Regulatory Services Service Plan Update | This report provides an update on the performance of the Food Safety (The Food Law Enforcement Service Plan is a statutory plan) and Trading Standards Services against the Plan. | For Information And Comment | Kim Wright (Gerry McCarthy) |

| | | | | |
|---|---|---|------------|--|
| 4 | Planning - Authority Monitoring Report 2018/19 | The AMR provides monitoring information on spatial planning-related activity for the financial year 2018/19 to inform and monitor policy development and performance. | To Approve | Kim Wright (Ian Rae/ Natalie Broughton) |
|---|---|---|------------|--|

| March 2020 | | | | |
|-------------------|---|---|-----------------------------|--------------------------------|
| 1 | HR Policy Review (if required) | | To Approve | Tim Shields (Dan Paul) |
| 2 | Annual Performance Report Of The Noise Service 2019/20 | The annual report sets out the development of the Council's response to noise nuisance. | For Information And Comment | Kim Wright (Gerry McCarthy) |
| 3 | Annual Report of the Public Spaces Protection Order (PSPO) 2019/20 | Annual report on the Public Spaces Protection Order. | For Information And Comment | Kim Wright (Gerry McCarthy) |