



CORPORATE COMMITTEE

Wednesday, 11th September, 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 Michael Levy, Cllr Steve Race
Cllr Carole Williams

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

Wednesday, 11th September, 2019

ORDER OF BUSINESS

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Access and Information

Location

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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

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

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

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- MPs, MEPs and GLA
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- Executive Meetings and Key Decisions Notice
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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

MONDAY, 3RD JUNE, 2019

Councillors Present: Councillor Jessica Webb in the Chair
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Katie Hanson, Cllr Vincent Stops,
Cllr M Can Ozsen, Cllr Brian Bell,
Cllr Ajay Chauhan, Cllr Clare Joseph,
Cllr Anthony McMahon, Cllr Carole Williams and
Cllr Peter Snell

Apologies:

Officers in Attendance: Gerry McCarthy, Daniel O'Sullivan

Also in Attendance: Cllr Caroline Selman
Tess Merrett, Governance Manager

1 Chair and Vice-Chair for the Municipal Year 2019/20

The Governance Manager opened the meeting in order for the Committee to propose and second the nomination of Cllr Jessica Webb as Chair of the Corporate Committee. Cllr Webb had been nominated as the proposed Chair by Full Council at its AGM on 22 May 2019. Cllr Fajana-Thomas proposed the nomination and Cllr Stops seconded it. Cllr Webb then took the Chair and asked for a proposer for the nomination of Cllr Fajana Thomas as Vice Chair as made by Full Council at its meeting on 22 May 2019. Cllr Stops proposed and Cllr Webb Seconded.

RESOLVED to approve the nomination of Cllr Jessica Webb as Chair of the Corporate Committee and the nomination of Cllr Susan Fajana-Thomas as Vice-Chair of the Committee.

2 Apologies for Absence

Apologies had been received from Cllrs Hercock, Coban and Race.

3 Declarations of Interest - Members to Declare As Appropriate

There were no declarations of interest.

4 Consideration of Minutes Of The Previous Meeting

RESOLVED that the minutes of the meeting held on 9 April 2019 be agreed as a true record.

5 Establishment and Composition of the Planning Sub Committee 2019/20

Monday, 3rd June, 2019

There were two amendments to the appendix to the report. Cllr McMahon was withdrawing from membership of the Planning Sub-Committee and Cllr Benzion Papier was to be added as a substitute.

Cllr Stops highlighted the need for all members, including substitutes to receive training on planning before they could sit on the sub-committee.

Cllr Snell asked if more use could be made of the substitutes for the sub-committee in the same way they were for Licensing Sub-Committees. Cllr Stops said that if the members attending for a particular meeting fell below six, then officers would seek to find a substitute. This was not a regular occurrence.

RESOLVED to

- Establish a Planning Sub-Committee
- Approve the membership of the Planning Sub-Committee as follows
 - Cllr Vincent Stops
 - Cllr Katie Hanson
 - Cllr Brian Bell
 - Cllr Susan Fajana-Thomas
 - Cllr Ned Hercock
 - Cllr Clare Joseph
 - Cllr Steve Race
 - Cllr Peter Snell
 - Cllr Michael Levy
- Approve the substitute members of the Planning-Sub Committee as follows
 - Cllr Soraya Adejare
 - Cllr Sophie Conway
 - Cllr M Can Ozsen
 - Cllr Clare Potter
 - Cllr Tom Rahilly
 - Cllr Benzion Papier
- Nominate Cllr Vincent Stops as Chair of the Planning Sub-Committee and Cllr Katie Hanson as the Vice-Chair of the Planning Sub-Committee for the Planning Sub-Committee to ratify at its first meeting.

6 Annual Performance Report Of Shop Fronts Licensing And Enforcement

Daniel O'Sullivan introduced the report and highlighted the key issues.

Cllr Hanson welcomed the introduction of business premises being required to display their licences and noted that other boroughs had this requirement. It was noted that some businesses owned the strip of land in front of the premises and she asked if there was any way of identifying those businesses. Daniel O'Sullivan said he would explore this issue.

Cllr Snell asked where the figures in the report came from. He also asked what consideration had been given to disability access and adequate pavement space.

Daniel O'Sullivan said that a request for a licence triggered an officer visit to assess

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the available space and whether the licence applied for was appropriate. If there was inadequate space, the licence would be denied.

Daniel O'Sullivan said that the figures were built on like for like from previous years so that the combination of temporary licences and permanent licences granted in any year or rescinded indicated the % increase in occupancy.

Cllr Fajana Thomas thanked officers for the report. She asked at what point did the Council become concerned about balancing the desire to have tables and chairs on the pavement and access.

Daniel O'Sullivan said that officers looked at over saturation in any area. There was particular concern from members regarding the use of planters to extend the licensed area.

Daniel O'Sullivan said that when planters were identified, officers measured the distance and ensured that they were brought back inside the licensed boundary. The Market and Street Trading team was working on policies around all of these issues ready for consultation. Officers were building strong links within the communities to ascertain what was wanted and what could be accommodated.

Cllr Stops expressed his satisfaction that the issue of tables and chairs on pavements was being taken seriously. Pavements in Hackney had limited space and needed to be managed properly. Some businesses owned the basements of the premises but not the public highway. The Committee had previously approved a 1.2m minimum space standard although it would have preferred 2m. In some areas there was no room to accommodate tables and chairs on the pavements.

Cllrs Bell, Snell, Ozsen left the meeting to attend the Licensing Committee.

It was noted that many businesses were not in fact displaying their licences in the window and asked if the successful prosecutions could be publicised. Daniel O'Sullivan extended an invitation to all committee members to accompany officers on an inspection. It was also noted that extra resource was now in place which meant that enforcement of licence conditions could take place 7 days a week and beyond 6pm. This had not been possible previously.

Cllr Ozsen asked via the Chair if clear information leaflets could be produced for businesses which set out the terms and conditions of licences. Daniel O'Sullivan said that such a leaflet had been produced for market traders and was on the website and officers were working on something similar for shop front licences.

RESOLVED to note the content of the annual report and the level and scope of work being carried out in relation to Shop Fronts Licensing and Enforcement.

7 Business Regulation Service Delivery Plans 2019/20

Gerry McCarthy highlighted the key issues in the report, what was being done and the achievements.

Cllr Fajana Thomas asked if anything further had been done regarding awareness and education in Ridley Road.

Gerry McCarthy explained that the initial ports of entry such as Heathrow and Felixstowe only checked on imports from high risk countries. However, imports could be diverted via low risk countries so escape border controls. It was difficult to enforce but a day of action had been held in Ridley Road in December and further events were planned. Officers had arranged for Port Health colleagues from Heathrow to visit Hackney to show them the extent of the problem and the need to be vigilant when checking imported food from all non EU countries. Officers take 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.

Cllr Joseph asked if fines issued to small business which may have difficulty in paying were demanded up front. Gerry McCarthy said that there was a discount for early payment and in extremis, payment could be made in instalments.

Cllr Chauhan, in respect of fair trading, asked what safeguarding procedures were in place. Gerry McCarthy said that door – stepping fraud was an issue in Stoke Newington and Stamford Hill. Advice was given to elderly vulnerable residents at events such as the Winter Warmer.

Cllr Chauhan asked if there was any opportunity to increase revenue in respect of food inspections. Gerry McCarthy said that the only opportunity was through running courses on food safety, e.g. around allergens and undertaking re-inspections of premises that had received a low rating on their initial inspection. Take up was low and it was mainly from chains as opposed to small businesses. Most of the businesses in Hackney are SMEs and the Council is trying to encourage these to continue operating and our policy is to provide advice and education as opposed to penalising businesses. Enforcement action was taken where businesses were not broadly compliant, i.e. had a food hygiene rating of less than 3.

Cllr Stops asked if something further could be done regarding rogue estate agents and their boards. Cllr Hanson suggested an email to estate agents about the regulations.

RESOLVED

- **To approve the Food Law Enforcement Service Plan for 2019/2020**
- **To 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.**

8 Enforcement Services Delivery Plan 2019/20

Gerry McCarthy took the Committee through the report.

The Committee asked if a key could be provided for the Fixed Penalty Notice table. Gerry McCarthy said this would be provided in the next report submitted to the Committee.

The Committee also asked if people could be encouraged to report ASB and maybe something could be included in Hackney Today to advertise this.

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Cllr Joseph asked if people reporting noise nuisance received any follow up as to resolution. Gerry McCarthy said that someone reporting domestic noise on a weekend would receive a call back on the same night.

Cllr McMahon asked if there was a principal enforcement officer (PEO) in every ward and if so was this officer the primary point of contact. Gerry McCarthy confirmed this was the case but the PEOs covered two wards.

Cllr Joseph said that not all residents were comfortable reporting noise nuisance online. Gerry McCarthy said that residents could still telephone the contact centre during the day Monday to Friday or could call the published out of hours number to report nuisance. He added that recording equipment was available for on-going domestic noise nuisance but this was only for internal recording within properties and not for external use.

RESOLVED

- To note the level and scope of work being carried out to meet the requirements of the plan.

9 Draft Work Programme 2019/20

Cllr Stops asked that for the September meeting, the current item 3 on the draft work programme, Highway Obstruction and Enforcement of Street Furniture, could be replaced with an update on the work being done on policies for consultation on tables and chairs and the terms and conditions for licences as Highway Obstruction had been discussed at this meeting.

With this amendment, the Committee noted the draft work programme.

10 Any Other Business Which in The Opinion Of The Chair is Urgent

There was no other urgent business.

Duration of the meeting: 6.30pm

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ENVIRONMENTAL ENFORCEMENT – ANNUAL PERFORMANCE REPORT 2018/19

**CORPORATE COMMITTEE
MEETING DATES 2019/20**

11th September 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, Neighbourhood and Housing

1. INTRODUCTION AND PURPOSE

- 1.1 This report sets out the annual performance report across the environmental enforcement remit for the 2018/19 financial year.
- 1.2 Corporate Committee have requested annual reports on the development of the Council's response to environmental enforcement.
- 1.3 The report sets out the key areas relating to environmental enforcement, the management arrangements and resources that have been allocated for this work by the local authority together with the key targets.
- 1.4 In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.5 The enforcement service in Hackney continues to take a holistic approach to environmental enforcement that looks at issues such as littering and fly tipping together, so that the most appropriate action under relevant legislation can be taken based upon the circumstances of the particular case. The service has brought 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 annual performance report for the service.

3. REASONS FOR DECISION

- 3.1 This report which is for noting, adheres to the requirement previously agreed by Regulatory Committee to report annually on Environmental Enforcement.

4. BACKGROUND

- 4.01 Environmental enforcement is undertaken by the Enforcement Service which was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service.
- 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 fourteen uniformed Enforcement Officers and two apprentices.
- 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 resources. 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 partially supports itself 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 and in particular Environmental Services.
- 4.08 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 Enforcement 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.

4.1 Policy Context

4.1.1 Any enforcement action that is undertaken by Enforcement Officers is in accordance with the Enforcement Service Delivery Plan and the Plan for 2018/19 was approved by Corporate Committee on 10th July 2019.

4.1.2 Officers also need to ensure that service should ensure that it acts in accordance with the Council's revised Enforcement Policy which was approved by Cabinet on 21st January 2019, together with any other relevant legislation and the Regulators Code, Crown Prosecution Service Guidelines and Equality Act 2010.

4.2 Service Highlights

The following sections provides detail on work undertaken against our wider outcomes.

A-Boards

4.2.1 The A-board policy which was implemented in 2013/14 is continuously being enforced by Enforcement Officers. There are high levels of compliance with the policy once businesses become aware of the Councils approach to dealing with A-boards. There still remains a challenge with new businesses often displaying A-boards but once notified they fall into compliance. Officers are still proactive in identifying A-boards and taking relevant action. We also received referrals from members of the public where they have also seen A-boards as they are aware of this offence due to the publicity and information being published about A-boards.

4.2.2 Transport for London (TFL) is responsible for the red route areas throughout Hackney and have uniformed officers who visit periodically and take action where required in line with their policy which mirrors the process we currently have in place in Hackney. We generally have a good working relationship with TFL where cases referred or identified by Hackney are actioned and feedback is provided. However we are aware that some further work is required regarding timely action being taken by TFL when requested by the Council, so that actions and enforcement work across the borough are consistent.

Unregulated Waste

4.2.3 The main objective of the unregulated waste programme is to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with waste management processes. This principle was embedded in each operational objective delivered within the programme in relation to environmental enforcement to identify non-compliant residents and businesses, take appropriate action and change behaviours.

4.2.4 Specific streams of the project targeted the main roads which had amongst the highest volume of unregulated waste, namely the A10 (Kingsland Road

through to Stamford Hill), Shoreditch, Stoke Newington High Street, Broadway Market and Chatsworth Road. The programme has produced a reduction in unregulated waste through direct enforcement; changes to contracts (both private and Hackney), new contracts where none were in place previously, positive behaviour change around placing out of waste in the right locations and during the correct time for collection (time bands in place). Positive changes have also been progressed through wider findings and changes to operational resources i.e. dedicated Waste Enforcement Officers with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

4.2.5 Enforcement Officers in the service are continuing to address the issue of unregulated waste by undertaking targeted patrols with staff from waste operations and will engage with businesses by speaking to the owner/manager of the business in the first instance and providing them with an advisory leaflet. If the business fails to comply with this informal approach then a second visit will be undertaken to ensure compliance when a warning letter is issued. Failure to comply with this request will result in formal action being undertaken.

4.2.6 Officers are undertaking visits with staff from Waste Operations during the day, evenings and at night in an effort to reduce the impact of unregulated waste. Two waste Enforcement Officers are embedded within the Waste Operations service at Millfields Depot.

Seamless Public Realm:

4.2.7 A number of enforcement actions have been carried out on Estates across Hackney. The Enforcement activities included a number of advisory notices under the Environmental Protection Act 1990 issued against offenders. Enforcement Officers will continue to work with the Housing to maintain and improve even further the general environmental quality of the estates across the borough.

4.2.8 Partnership working is effected via good working relationships with cross Council services. Enforcement service managers utilise partnership tasking to share intelligence to inform other services regarding protocols and best practice. This has included risk raising and best practice planning concerning effective relationships with the Police, particularly concerning resources and support in our Night Time Economy (NTE) areas. A continued relationship of strength and effectiveness with the Waste Operations Service has supported on going communications regarding waste issues and compliance across the borough.

4.3 Legislative Considerations:

4.3.1 The Regulators Code aims to improve the way regulation is delivered at the front line. It sets out a clear framework for transparent and accountable regulatory delivery and establishes clear principles for how local authorities should interact with those they are regulating. The Code is underpinned by the statutory principles of good regulation, which provide that regulatory

activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

4.3.2 The service is transparent in relation to issuing Fixed Penalty Notices (FPNs), and the proportionality of use in relation to allowing representations to be made, describing how they can be made and in terms of spelling out the resolution process and the FPN process itself. The service further allows representations to be made where an FPN has been issued.

4.3.3 Where necessary, the service has reviewed operations and formal processes taking account of the Anti-Social Behaviour, Crime and Policing Act 2014. Litter Control Notices (section 92 and 93 of the Environmental Protection Act 1990) have been replaced with Community Protection Orders/Notices. Under this legislation the Councils existing Dog Control Orders (DCOs) transitioned into a Public Space Protection Orders (PSPO) on 20th October 2017. A new FPN became effective in May 2016 under section 33 of the Environmental Protection Act 1990 to enable more effective progression of fly-tipping offences with the fine set at £400 as opposed to £80 for littering under section 87/88 of the Act, with 12 FPNs issued in 2016/17, 29 in 2017/18 and 131 in 2018/19.

4.4 SERVICE PERFORMANCE

4.4.1 When the Team receives a request, Officers contact the person highlighting the issue (where possible) and advise them of the action that the Officer proposes to take. This invariably involves a visit to the site, an assessment of the issue and determination of the action to be taken. Subsequent to this the person may be contacted again for further information and/or updated on the action taken by the Officer.

4.4.2 This breakdown below represents all external service requests for initial contact with the customer/complainant and Highway obstructions account for 45% of service requests received followed by fly tipping 27.9% with littering accounting for 6.29% of requests received.

FY2018/19					
Public Service Requests	Q1	Q2	Q3	Q4	Total
Highway Obstruction - Enforcement	226	364	246	248	1084
Fly Tipping - Public Land - Enforcement	126	147	102	58	433
Fly Tipping - Private Land - Enforcement	106	59	34	37	236
Litter on Public Land - Enforcement	21	46	42	42	151
Graffiti - Enforcement	24	11	15	26	76
Litter on Private Land - Enforcement	13	16	13	16	58
Others	4	2	25	19	50
Animal Fouling - Enforcement	8	12	8	18	46
Neighbour Disputes	0	8	15	6	29
Illegal drugs - Presence of dealers	0	3	17	7	27
Street Trading - Enforcement	9	8	5	3	25

Illegal drugs - Presence of users	0	6	6	7	19
Groups of individuals congregating	0	5	7	6	18
Residential Duty of Care - Enforcement	5	1	3	7	16
Vehicle Over Highway - Enforcement	1	7	4	2	14
Rough Sleeping	0	0	5	6	11
Alcohol Related Disorder	0	2	6	3	11
Fly Posting - Enforcement	2	5	2	1	10
Overgrown Hedge - Enforcement	1	2	2	5	10
Other criminal behaviour not listed	0	0	7	3	10
Hate Crime	0	0	2	4	6
Vehicles for Repairs on Highway - Enforcement	1	3	0	1	5
Dog Control Orders (except fouling) - Enforcement	1	0	0	3	4
Trespass (inc camping) on public land	0	4	0	0	4
Vehicle related nuisance and inappropriate	0	0	0	3	3
Passive Begging	0	1	2	0	3
Uncontrolled or dangerous dogs	0	1	2	0	3
Intrusive Begging	0	1	1	1	3
Inappropriate use of fireworks	0	1	2	0	3
Urinating in public	0	0	2	0	2
Drunken behaviour	0	0	0	2	2
High Risk ASBAP	0	0	0	2	2
MISSING	0	0	0	2	2
Fly Tipping - Waste Operations	1	0	0	1	2
Damage to property or vehicles	0	0	1	1	2
Discarded needles /drug paraphernalia	0	0	2	0	2
Crack House	0	0	1	1	2
Throwing missiles	0	0	0	1	1
Outdoor Event	1	0	0	0	1
Trespass on private land	0	0	0	1	1
Littering - Waste Operations	1	0	0	0	1
Missed Commercial Collection	0	0	0	1	1
Cockroaches	0	0	1	0	1
Impeding access to communal areas	0	0	1	0	1
Arson	0	0	1	0	1
Verbal abuse	0	0	0	1	1
Soliciting	0	0	0	1	1
Aggressive Begging	0	0	1	0	1
Blocked Drain	1	0	0	0	1
Tasking	0	1	0	0	1
Hooliganism / loutish behaviour	0	0	1	0	1
Enforcement Projects	0	1	0	0	1
Indecent exposure	0	0	0	1	1
Grand Total	552	717	584	547	2400

4.4.5A comparison between external and internal service requests which were received in 2018/19 is detailed below:

FY2018/19 Service requests	Internal Total	Public Total	Borough total
Highway Obstruction	446	1084	1530
Fly Tipping - Public Land	132	433	565
Fly Tipping - Private Land	19	236	255
Litter on Public Land	79	151	230
Litter on Private Land	27	58	85
Graffiti	9	76	85
Animal Fouling	17	46	63
Others	7	50	57
Street Trading	8	25	33
Illegal drugs - Presence of dealers	4	27	31
Neighbour Disputes	1	29	30
Fly Posting	18	10	28
Residential Duty of Care	8	16	24
Groups of individuals congregating	5	18	23
Illegal drugs - Presence of users	2	19	21
Vehicle Over Highway	4	14	18
Rough Sleeping	2	11	13
Alcohol Related Disorder	1	11	12
Overgrown Hedge	2	10	12
Other criminal behaviour not listed	1	10	11
Crack House	5	2	7
Enforcement Projects	5	1	6
Dog Control Orders (except fouling)	2	4	6
Passive Begging	3	3	6
Hate Crime		6	6
Vehicle related nuisance	3	3	6
Vehicles for Repairs on Highway	1	5	6
Urinating in public	3	2	5
Drunken behaviour	2	2	4
Trespass (inc camping) on public land		4	4
Littering - Waste Operations	3	1	4
Uncontrolled or dangerous dogs		3	3
Intrusive Begging		3	3
Fly Tipping - Waste Operations	1	2	3
Inappropriate use of fireworks		3	3
MISSING	1	2	3
Discarded needles /drug paraphernalia		2	2
High Risk ASBAP		2	2
Outdoor Event	1	1	2

Hooliganism / loutish behaviour	1	1	2
Unauthorised BBQ	2		2
Damage to property or vehicles		2	2
Impeding access to communal areas	1	1	2
Aggressive Begging	1	1	2
Missed Commercial Collection		1	1
Groups or individuals making threats	1		1
Blocked Drain		1	1
Arson		1	1
Property Protection	1		1
Sexual acts in public places	1		1
Trespass on private land		1	1
Soliciting		1	1
Cockroaches		1	1
General Enquiry - Domestic Waste	1		1
Harassment	1		1
Tasking		1	1
acts of a sexual nature /sex trade	1		1
Throwing missiles		1	1
Verbal abuse		1	1
Indecent exposure		1	1
Grand Total	833	2400	3233

4.4.6 In relation to of how all services are received, a breakdown of how these are received is detailed below. The majority of requests are being received by e-mail and a total of 1739 and work is ongoing to automate the process for dealing with the highest volume of requests received (which is highway obstructions).

4.4.7 A service improvement which has been implemented, is the ability for any person issued with an FPN to pay it for it to be paid online, which has completely changed how this process is undertaken.

Service Requests 2018/19	Q1	Q2	Q3	Q4	Total
Internal	268	139	175	251	833
-		1	3		4
Enforcement Internal Referral	107	15	72	203	397
Enforcement Patrol	45	26	27	5	103
Enforcement Pro-active	59	70	38	26	193
Enforcement Reactive	4	8	13	1	26
Enforcement Waste Ops Notification	36	2	1		39
Event		1			1
External Intelligence		2			2
Letter	2	1	2	2	7
MISSING	2				2

Other	1	1			2
Parks Head Gardener		1			1
Service First E-Mail	1	2	11	7	21
Visit	2	2		3	7
Waste Ops Customer Request	1		1	1	3
Waste Ops Enforcement Notification	4	1	1		6
Waste Ops Officer Inspection	1			1	2
Waste Ops Pro-active	2		2		4
Website	1	6	4	2	13
Public	552	717	584	547	2400
E-mail	321	556	470	392	1739
Inspection				1	1
Love Clean Streets / Mobile	84	17	3	41	145
Service First Telephone	114	90	64	64	332
Service First Website	31	41	29	39	140
Telephone	2	13	18	10	43
Grand Total	820	856	759	798	3233

4.8 FORMAL NOTICES

4.8.1 Enforcement is undertaken in line with the nationally accepted Enforcement Concordat and the Regulators Code. This requires a balanced graduated approach through education and advice to more formal legal action including prosecution. Generally such an approach is effective in tackling enviro-crime however the service is careful to ensure that the type of enforcement action is proportionate to the seriousness of the offence.

4.8.2 The number of “formal notices” (part of the formal enforcement process) including advisory notices issued does not include the range of other actions undertaken to ensure compliance or if intended outcomes are achieved, such as education, verbal warnings, advisory letters, etc. Effective enforcement relies upon sound selection of an appropriate level of enforcement proportionate to the offence and circumstances, with the aim of achieving compliance and resolution of problems.

4.8.3 The number of formal notices served in 2018/19 represents an increase of 744 compared to 2017/18. This is due to a combination of productivity and the introduction of mobile technology.

4.8.4 A large proportion (31.6%) of enforcement actions have concerned volume crime issues regarding littering and urination and this is primarily related to work progressed in our two biggest commercial and NTE neighbourhoods of Shoreditch and Dalston. Highways enforcement such as skips, A-boards, graffiti and flyposting is the second most active area for formal action taking up 31% of our outturn. These actions are reflective of the services priority work and achievements throughout 2018/19 concerning unregulated waste, Highways Act enforcement and volume crimes

4.8.5 6% of actions taken are aligned to Waste Enforcement which includes commercial and residential waste enforcement and the tackling of unregulated waste and fly-tipping.

4.8.6 For the financial year 2018/19 the payment receipts for FPN's totalled £100,000 which is an increase of £41,000 in comparison to 2017/18.

4.8.7 For the financial year 2018/19 the payment receipts for FPN's was £100,000 which is an increase of £41,000 in comparison to 2017/18.

Formal Notices issued FY 2018/19	Hackney Borough					
	Q1	Q2	Q3	Q4	Mobile	FYT
Highway Obstruction FPN	169	164	139	99	46	617
34(5) Notice Duty of Care	44	40	19	51		154
LBH Waste Contract Details / Section 47						
Notice -Provision of receptacles	39	28	18	20	17	122
Highway Obstruction Advisory	25	26	19	21		91
Section 88 Litter FPN	24	30	21	15	458	548
Intention To Prosecute Letter	13	22	31	11		77
Community Protection Warning	16	24	13	15		68
Invite To Interview (General)	9	20	13	13		55
Section 33za FPN (N2U)	12	9	19	10		50
NON-LBH Waste Contract Details / Section 47						
Notice	16	12	8	10		46
Enforcement Patrol Report	13	8	4	15		40
34(6) FPN- Failure to provide Waste Transfer						
Notes	10	15	3	7		35
Section 33za FPN (SRU) Fly tipping	12	7	5	8	57	89
47ZA FPN for Section 47 Notice	8	10	5	9		32
Highway Obstruction 7 Day Removal Notice	5	6	7	6		24
N2U Community Protection Warning	10	0	1	1		12
ASB CPN Written Warning	0	3	3	3		9
s143 Structure Removal Notice	3	5	0	1		9
ASB CPN FPN	0	5	3	0		8
Prosecution Documents	2	1	4	0		7
Closure Notice	3	2	1	1		7
Fly Posting FPN (without advisory)	1	3	2	0		6
Community Protection Notice	4	2	0	0		6
Closure Order	3	2	1	0		6
Fly Posting FPN	2	3	0	0		5
Section 38 Illegal Street Trading FPN	1	2	0	1	17	21
Unauthorised Marks on the Highway FPN	2	0	0	1		3
Section 88 Urinating FPN	0	0	1	2	233	236
Section 67 Dog Control	0	0	0	0	3	3
Section 108 Notice	2	0	1	0		3
Closure Order Extension	1	1	0	1		3
Vehicles Repairs on Highway FPN	0	1	2	0		3
Community Protection Penalty Notice	0	1	2	0		3
Contraventions Of Street Trading Conditions						
FPN	0	0	0	1		1
ASB CPN Intention to Prosecute	0	0	1	0		1
ASB Warning Notice	0	1	0	0		1
Grand Total	449	453	346	322	831	2401

Formal Notices issued FY 2018/19	Number	% of Total
Highway Obstruction FPN	617	25.7%
Section 88 Litter FPN	548	22.8%
Section 88 Urinating FPN	236	9.8%
34(5) Notice Duty of Care	154	6.4%
LBH Waste Contract Details / Section 47 Notice - Provision of receptacles	122	5.1%
Highway Obstruction Advisory	91	3.8%
Section 33za FPN (SRU) Fly tipping	89	3.7%
Intention To Prosecute Letter	77	3.2%
Community Protection Warning	68	2.8%
Invite To Interview (General)	55	2.3%
Section 33za FPN (N2U)	50	2.1%
NON-LBH Waste Contract Details / Section 47 Notice	46	1.9%
Enforcement Patrol Report	40	1.7%
34(6) FPN- Failure to provide Waste Transfer Notes	35	1.5%
47ZA FPN for Section 47 Notice	32	1.3%
Highway Obstruction 7 Day Removal Notice	24	1.0%
Section 38 Illegal Street Trading FPN	21	0.9%
N2U Community Protection Warning	12	0.5%
ASB CPN Written Warning	9	0.4%
s143 Structure Removal Notice	9	0.4%
ASB CPN FPN	8	0.3%
Prosecution Documents	7	0.3%
Closure Notice	7	0.3%
Fly Posting FPN (without advisory)	6	0.2%
Community Protection Notice	6	0.2%
Closure Order	6	0.2%
Fly Posting FPN	5	0.2%
Unauthorised Marks on the Highway FPN	3	0.1%
Section 67 Dog Control	3	0.1%
Section 108 Notice	3	0.1%
Closure Order Extension	3	0.1%
Vehicles Repairs on Highway FPN	3	0.1%
Community Protection Penalty Notice	3	0.1%
Contraventions Of Street Trading Conditions FPN	1	0.0%
ASB CPN Intention to Prosecute	1	0.0%
ASB Warning Notice	1	0.0%

4.9 Tonnage of Unregulated Waste

4.9.1 This indicator is reported on an annual basis and captures the estimated amount of unregulated waste within the borough. The tonnage of unregulated waste decreased from 4564 tonnes in 2017/18 to 4279 tonnes in 2018/19, which is a decrease of 285 tonnes. As the economy of the Borough grows, particularly the night time economy, regulated (contracted) commercial waste tonnage also increases along with unregulated waste and therefore is a good reflection on the service. The responsibility for reporting this Environmental Services but the work undertaken in relation to environmental enforcement contribute to this by having dedicated Waste Enforcement Officers with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

4.9.10 The percentage of unregulated waste in 2018/19 was 22.7% as opposed to 23.8% in 2017/18 and 29% in 2016/17. This reflects the work being undertaken by Enforcement Officers in relation to targeting unregulated waste, commercial waste contracts and underlying economic factors.

4.10 Equality Impact Assessment

An Equality Impact Assessment was undertaken for any new policy changes arising from the Enforcement review and the commencement of the Community Safety, Enforcement and Business Regulation Service and the revised Enforcement Policy.

4.11 Sustainability

N/A

4.12 Consultations

N/A

4.13 Risk Assessment

4.13.1 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 staining throughout their operating hours and managing appropriate commercial and household waste enforcement. Officers and partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, minimising highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.

4.13.2 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. Environmental Enforcement is part of this programme particularly in relation to the service of Fixed Penalty Notices and reporting routes.

4.13.3 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.

4.13.4 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.

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

5.1 This report seeks the Corporate Committee to note the annual performance across the environmental enforcement remit for the 2018/19 financial year.

5.2 The report is retrospective and has no immediate financial implications. The cost of environmental enforcement services is met from the revenue budgets in Community Safety, Enforcement and Business Regulation.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

6.1 The legislation quoted within the body of this report is correct. There are no immediate legal implications arising from this report

APPENDICES

None

BACKGROUND PAPERS

None

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



BEREAVEMENT LEAVE UPDATE	
CORPORATE COMMITTEE MEETING DATE 2019/20 11 September 2019	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR Tim Shields, Chief Executive	

1. INTRODUCTION

Bereavement is a fact of life. It is a stressful experience and the Council has a policy in place to provide additional paid leave to employees who have experienced a bereavement and/or have responsibility for making funeral arrangements and dealing with the estate of the deceased.

It is important that the organisation acknowledges the bereavement and approaches all conversations regarding the situation with compassion and sensitivity.

In July 2018, Corporate Committee agreed the following changes to the bereavement leave policy:

- i) Number of days leave for the death of a close relative increases from up to 3 days to up to 10 days
- ii) Number of days leave for the death of a person who is not a close relative increases from 1 day to up to 3 days
- iii) Number of days leave for the death of a person who is not a close relative where the employee has responsibility for arranging the funeral and dealing with the estate increases from up to 3 days to up to 5 days

At the meeting, the Committee requested an update in 2019/20 as to the number of days taken under this new policy as compared to the old policy.

2. RECOMMENDATION(S)

2.1 To note the report.

3. UPDATE

Following the implementation of the Council's increased bereavement leave policies in July 2018, a review has been undertaken as requested by the Committee of the number of days taken.

In 2017/18, a total of 900 days of bereavement leave were reported as taken by employees. In the 12 months since the changes have been made, a total of 950 days were reported as being taken.

In implementing more generous arrangements, it was expected that the number of days taken would increase. It should be noted however that this type of leave is subject to natural variation in any case.

Officers consider the increase to be reasonable bearing in mind the policy changes.

4. OTHER ISSUES

4.1 Policy Context

Bereavement leave is a common policy offered by many organisations.

4.2 Equality Impact Assessment

No adverse impact on protected groups.

4.3 Sustainability

Not applicable

4.4 Consultations

This is an update and therefore no consultations have been undertaken.

4.5 Risk Assessment

There is no appreciable risk to the recommendations in this report.

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

The additional costs of this policy change are insignificant.

6. COMMENTS OF THE DIRECTOR, LEGAL AND GOVERNANCE

In accordance with the Councils constitution, full Council established the Corporate Committee to help it perform its functions. The Corporate Committee is responsible for maintaining an oversight of Human Resources functions which include Bereavement leave policies and procedures.

APPENDICES

None

BACKGROUND PAPERS

Report to Corporate Committee 10 July 2018 – Bereavement Leave Policy

Report Author	Dan Paul 0208 356 3110 Dan.paul@hackney.gov.uk
Comments of the Group Director of Finance and Corporate Resources	Dawn Seers Dawn.Seers@hackney.gov.uk
Comments of the Director, Legal and Governance	Juliet Babb Juliet.Babb@hackney.gov.uk

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Agenda Item 6

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 (Deferred to June 2020)	Annual report on the enforcement action in relation to tables and chairs on the public highway	For Information And Comment	Kim Wright (Daniel O'Sullivan)
4	Environmental Enforcement - 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	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	To Approve	Kim Wright (Ian Rae/ Natalie Broughton)

		performance.		
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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)
4	Update on the work being done on policies for consultation on tables and chairs and the terms and conditions for licence		For Information And Comment	Kim Wright (Daniel O'Sullivan)