

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY 13 DECEMBER 2022

Livestream link: https://youtu.be/MPJigeQo_5U

- Councillors Present:** Cllr Clare Potter in the Chair
Cllr Michael Desmond, Cll Ali Sadek, and Cllr Alastair Binnie-Lubbock
- Apologies:** Cllr Sarah Young, Cllr Lee Laudat-Scott, Cllr Jon Narcross, Cllr Midnight Ross, Cllr Claudia Turbet-Delof, Cllr Jessica Webb, Councillor Clare Joseph, Councillor Steve Race, Councillor Ifraax Samatar
- Councillors joining remotely:** Cllr M Can Ozsen and Cllr Fliss Premru
- Officers in Attendance:** Murray Bridgwater, Senior CIL/S106 Officer
Graham Callam, Growth Team Manager, Planning & Regulatory Services
Katie Glasgow, Strategic Planning Manager
Rabiya Khatun, Governance Officer
Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation
Josephine Sterakides -Senior Lawyer
Stuart Thorn, Head of Human Resources
John Tsang, Development and Enforcement Manager
Keung Tsang, Senior Policy Officer
- Also in Attendance:** Cllr Susan Fajana-Thomas, Cabinet Member for Community Safety and Regulatory Services

1 Apologies for Absence

- 1.1 Apologies for absence were received from Cllrs Joseph, Maxwell, Narcross, Race, Ross, Laudat- Scott, Webb and Young.
- 1.2 Cllrs Ozsen and Premru joined the meeting virtually.

2 Declarations of Interest - Members to Declare As Appropriate

- 2.1 There were no declarations of interest.

3 Consideration of Minutes Of The Previous Meeting

RESOLVED: That the minutes of the previous meeting held on 28 June 2022 were agreed as a correct record of the proceedings.

4 Pay Policy Statement 2023/24

4.1 Stuart Thorn, Head of Human Resources introduced the report outlining the draft 2023/24 Pay Policy Statement detailing the current pay practice and reported that there had been no substantive changes to this policy and no new policy principles. The report outlined the ratio of the pay of top tier officers from chief officer grades CO1-3 including the Chief Executive to that of the median and lowest-paid earner from spinal column point (SCP) 3 and above. The ratio was currently 5.48, slightly higher from the previous year and based on two job evaluation schemes. The returning officer duties pay had been excluded from the Chief Executive's total earnings due to no elections being held in 2021/2022, and TUPE staff had been excluded from the ratio as they did not fall within the Council's normal terms and conditions and salary scales. The 2022/23 Budget Report factored into the budget an assumption of a two per cent pay increase.

4.2 The Head of Human Resources responded to questions from Members as follows:

- The pay award for local government workers was determined nationally by the National Joint Council (NJC) for Local Government Services and the Council was bound by its decision. For the first time, the national employer had awarded a flat rate of 1925 with adjustments for London weighting and advised that next year's pay award would remain a flat rate. This year the pay award had varied from 9.9 at the lowest spinal column point and 1.6% at the highest point;
- The lowest-paid earnings started from SCP3 or scale 2, which excluded contractors transferred under TUPE such as parking contractors brought in-house in April 2022 as they had not been included on the evaluated scales. Those TUPE staff would be included in the ratio for the 2024/5 statement. To prevent the erosion of scales 2 and 3 by 2026, the national employer had based the pay award on a fixed amount instead of a percentage;
- With regard to having a ratio for assessing the equivalent of the LLW wage annual salary, as part of the council's corporate agency contract agency staff were paid the rate that was equivalent to the job paid at the Council. Suppliers were not considered employees of the council;
- As part of the Library restructure it had been agreed that library staff could remain on a casual rota basis without affecting redundancy payments. Staff taking redundancy could not return to local authority for a period of 31 days and in the case of voluntary redundancy it would for a period of 12 months;
- The Head of Human Resources undertook to provide in future reports the figures over a period of years in relation to the ratio of Chief Executive and lowest and mean pay to enable members to identify any trends in pay gaps;
- The Head of Human Resources undertook to add Chief Executive pay with comparable London boroughs in future reports and indicated that following the resignation of the former Chief Executive, Tim Shields, he

Tuesday 13 December 2022

had worked with the Mayor on a project looking at comparable London boroughs and Chief Executives rates of pay. The findings showed that Hackney Council's rate of pay was in the middle with comparable boroughs and he undertook to check if this work could be shared with Members.

ACTION: The Head of Human Resources ascertain if the work undertaken on the Chief Executive rate of pay comparable to London boroughs could be circulated to members.

- 4.3 Concern was expressed that the Council could lag behind in public sector pay growth following the issuing of the Office of National Statistics guide from June to August, which reported that the average pay growth for the private sector was 6.2% compared to 2% in the public sector. The widening pay growth issue had been the result of national government funding.

RESOLVED:

To agree the Pay Policy and recommend Council to approve it.

5 Planning Service Authority Monitoring Report (AMR) (April 2020 - March 2021)

- 5.1 Katie Glasgow, Strategic Planning Manager, introduced the report seeking approval of the Planning Service's Authority Monitoring Report (AMR) 2020/21 covering the period from 1 April 2020 to 31 March 2021. The report provided monitoring information on planning-related activity using the available data, monitoring performance and the effectiveness of planning policy. This year's AMR had been limited in data analysis as a result of missing data following the Council's cyber-attack in October 2020 and the transfer of data to a new IT system. The data relating to planning permissions approved between 25 June 2020 to 31 October 2020 were in the process of being recovered and were expected to be verified in February 2023 and reported in the next AMR report.
- 5.2 The key findings of the AMR included Housing Completions, Local Plan for Small Site, Housing Approvals, Conventional housing delivery by area in 202/21, Housing completions on small sites (less than 10 units) Employment & Town Centres, Affordable workspace secured through s106 agreements, Communities, Culture, Education, Health and Open Space, Design and Heritage, Transport (figures pre-dating the pandemic), Planning Performance exceeding national and local targets for major, minor and other applications in FY 2020/21 and S106 & Community Infrastructure Levy (CIL) contributions.
- 5.3 The Strategic Planning Manager, Growth Team Manager, Development and Enforcement Manager, Senior Policy Officer and Senior CIL/S106 Officer responded to questions from Members relating to the AMR as follows:
- In determining planning applications and pre-applications, material planning considerations were taken into account such as similar planning permissions within the immediate vicinity of the application site however this was one material consideration and all applications were considered on their merits and assessed against relevant policies and guidelines. There were circumstances when a proposal was similar or identical to a neighbouring extension but due to other considerations a different recommendation could result in a different outcome;

Tuesday 13 December 2022

- There were currently no exact numbers recorded of the people using pre-application service but the service area was currently being restructured to improve performance and the monitoring of pre-applications. Applicants were being encouraged to use the pre-application service to ensure greater certainty of a subsequent successful planning application as well as allowing officers to see proposals at an early stage and to make more detailed and quicker decisions once the application was submitted;
- The data relating to s106 and CIL were taken from the Infrastructure Funding Statement that was an annual legislative requirement and detailed the money at present that had been collected, spent and retained. The unspent £7m money had been allocated to a range of projects appended in the funding statement, however, due to the longer term nature of the projects some money had been spent on the capital programme and not all the money was expected to be spent within the reporting year;
- Planning held records of the planning applications determined from June to October 2020 during the cyber-attack as they had been automatically logged on the planning register but the main concerns related to the applications that were still live within the system;
- The variances in both CIL and S106 contributions depended on the developments that had been implemented and some major schemes made more S106/CIL contributions when implemented in a year that could have a significant impact on the reported figure for the year. Major developments during the year could also have an effect on the overall CIL and the increase in S106 income was about the contributions received and not representative of any trend;
- In terms of overshadowing and loss of light, green roofs and solar would be considered a material planning consideration in terms of its impact on the occupier's amenity and other aspects of overshadowing could be considered but the primary concern would be the impact on individuals, families and the occupants;
- It was confirmed that 217 of the 445 (48%) of the affordable housing was social rent housing;
- It was emphasised that the figures in relation to affordable housing within the report were credible and that there was no missing data on major applications and affordable housing deliveries and consent. The Council would be updating the figures in the next AMR report after the retrieval and verification of the missing data. In addition, the council held all the details and applications on major sites. In the previous year, small sites (under 10 units) contributed to overall housing delivery by 13.6% compared to the average of 20% and it was expected that this figure would be revised upwards after the data became available;
- The data relating to the additional 6,385 active enterprises had been acquired from a third source and this showed that the trend in the market for floor space within the borough had been positive between 2016/20. Also, the low vacancy rates in the town centres was a good indicator of the high uptake of floor space in Hackney's town centres;
- Intermediate housing was considered a form of affordable housing and the Council was currently looking at ways of increasing the implementation rate in Hackney to deliver the target of affordable housing units as applicants were not implementing their planning permissions or land banking;

Tuesday 13 December 2022

- The Council assessed and determined whether it was viable to deliver affordable housing. The applications that provided less than 50% of affordable housing on site, in accordance with the Council's tenure mix policy expectations, took a longer period to be determined as a result of the scrutiny involved. During this waiting period, negotiations would be ongoing on the financial viability assessment. In respect of the major schemes, the Greater London Authority (GLA) was consulted on the applications and they had their own in-house surveyors to review the application. Hackney had a track record of increasing the levels of affordable housing and contributions of some schemes during the review process;
- Most future developments on a sales basis had a viability assessment undertaken at the time of the application and in accordance with guidance. The rental development model required a yield based model and was more complicated requiring more work from the Council's development surveyors. The agreed level of affordable housing would be incorporated into the planning permission and must be delivered. If there was an increase in the value of the development, the Council could use a claw back mechanism under section 26 of the Planning and Compensation Act 1991 to ensure that additional mitigation was provided if the final development viability was better than anticipated in the viability assessment. Planning was not obliged to accept any variation application received from a potential developer based on viability;
- in terms of the use of transport in the borough, Planning Services would need to retrieve the data from the London Travel Demand Survey to be able to differentiate between cars and motorcycles and assess the implications for infrastructure planning for powered two wheelers;
- It was noted that paragraph 6.17 should include the words 'total number of' before new businesses launched and would confirm if the figure of 23,270 new businesses was correct;
- Table 5.1 showed the housing delivery over the previous 5 years in Hackney from FY 2016/17 to 2020/21 and that the overall proportion of affordable housing including the social rented element had increased significantly to 128 in 2020 while the intermediate element had decreased to 67 in 2020;
- The Covid pandemic could potentially impact on the housing supply projection both in terms of delivery and number of planning applications coming forward. The Local Plan and planning policy framework were important in setting the growth strategy and identifying key areas for growth and allocating sites for growth delivery going forward. The Hackney Local Plan Local Development Scheme report would be presented at Cabinet and would address how the council would promote and stimulate growth in the borough, and facilitate and deliver housing in future years. The private sector and housing associations were expected to deliver housing but the range of challenges including rising construction costs could affect implementation;
- There was no local data yet on the number of properties being offered as Airbnb accommodation and its impact on local rents, the availability of permanent housing and land for house building. This was an issue London wide and would be monitored in future years;
- The additional rooms were delivered from two new schemes that were part of an extension to an existing hotel. 866 new hotel and hostel rooms

Tuesday 13 December 2022

were completed since December 2015 and 270 completed in 2020/21. The additional rooms had been delivered from two new schemes that were part of an existing hotel extension. The application for the hotel schemes had been granted in 2015 but the development had been completed in 2020;

- Since 2022 hotel and hostel rooms were recorded separately after a 120 room hotel at 130 Kingsland High Street and a scheme comprising a 140 room hotel and hostel for vulnerable people in housing need at 420-424 Seven Sisters Road had been completed. The Council's policy document advocated conventional self-contained housing as a priority however, if the council received an application for a new build hotel it would have to be determined on this basis:
- The question asking about the works necessary to improve the remaining parks to meet the green flag status would be referred to the Park and Green Space team for a response.

5. The Chair noted the increase in affordable housing and floor space within the borough and thanked officers for their work.

RESOLVED:

To approve the Authority Monitoring Report Financial Year 2020/21 (as set out in Appendix 1 of the report).

6 The Regulatory Services Service Plan Update 2021/22

- 6.1 Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation introduced the report, which provided an update on the performance of the 'Environmental Health Service against the Plan for the 2022/23 and to the end of Quarter 2', and the work undertaken to improve the quality of food premises in Hackney to protect the health of the public, to assist businesses to comply with their legal requirements; demonstrated the impact of the Service in managing the services post Covid and the challenges being faced whilst at the same time meeting the needs of the regulators; the greater emphasis placed on driving up compliance through advice, education, inspections of establishments considered to be flouting the law, and the necessary interventions undertaken; and reflected on the service at the end of the 2021/22 financial year.
- 6.2 The report also outlined the work of Hackney Trading Standards for 2022/23 and to the end of Quarter 2 and the Service's achievements and identified areas of interest for the future.
- 6.3 The Head of Community Safety, Enforcement and Business Regulation responded to members' questions as follows:
- Confirmed that they dealt with letting agents in particular the return of people's deposits and legal fees as well the quantity of estate agent boards. If there were any issues with estate agent board members were encouraged to email him;
 - The Council licensed all premises to sell fireworks and all licences were inspected from 15 October to 8 November and Chinese New Year unless there was an all year licence. Testing of the sale of fireworks to minors depended on the availability of cadets and no tests had been undertaken this year as it had coincided with school half term;

Tuesday 13 December 2022

- Most of the work relating to scams and their victims were intelligence led and the council worked in partnership with the police and banks to encourage them to report any potential scams to the police and the Adult Safeguarding team to support the victims as many were older people. Officers attended Annual Winter Warmer events to raise awareness of scams including builder scams but there were areas such as Stoke Newington which were particularly vulnerable. The service also used the Council's Communications Team to publicise and alert people to any increase in scams nationally;
- With regard to encouraging the food hygiene rating of 5, the Hackney Business Network provided support to small businesses and the council had also signed up to the Healthier Catering Commitment for London with a dedicated officer encouraging smaller businesses to offer healthy food. The council was attempting to engage with small businesses in various ways and a further 50 inspections had been undertaken under the waste reduction and food business in London;
- The Hackney Business Network targeted smaller businesses, which sometimes did not prioritise food hygiene and therefore had lower ratings. The service was engaging and encouraging businesses to join the Healthy Food Business Network. Many businesses that wanted to offer deliveries but had a rating lower than 3 had contacted the council to improve their hygiene rating. The borough had very few premises with hygiene ratings of 1 or 2 but to achieve 3 plus ratings those premises were encouraged to improve their Pest Control records, training and food hygiene management system;
- The service worked with the Regeneration team to identify any issues with small businesses and also provided relevant training.

RESOLVED:

This report is for informative purposes and to provide an update to the Corporate Committee. There are no recommendations set out in this report. The Corporate Committee can note the level and

7 Work Programme 2022/23

- 7.1 Members noted the Committee's work programme and possible submission of next Authority Monitoring Report earlier in 2023.

RESOLVED:

The draft work programme for 2022/23 was noted.

8 Any Other Business the Chair Considers to be Urgent

- 8.1 There was no other urgent business.

END OF MEETING

Duration of the meeting: 6.30pm - 8.20pm

Councillor Clare Potter
Chair of the meeting
Contact:
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