



C O R P O R A T E C O M M I T T E E

**Monday, 20 May 2024 at 6.30pm
Committee Rooms, Hackney Town Hall**

Live stream link: <https://youtube.com/live/1ZoNLVuwzIM>
Back up link: <https://youtube.com/live/FVrPhrTA6kA>

**Corporate Committee membership subject
to confirmation at the Hackney Council
Annual Meeting on 15 May 2024**

**Dawn Carter-McDonald
Interim Chief Executive
Published on: Friday 10 May 2024
www.hackney.gov.uk**

Contact: Gareth Sykes
Governance Officer
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Corporate Committee

Monday, 20 May 2024

Order of Business

1 Appointment of Chair and Vice-Chair of the Corporate Committee for the municipal year 2024/25

Members are required to note the confirmed appointments of Chair and Vice Chair of the Corporate Committee, as agreed by Full Council at its Annual Meeting on 15 May 2024.

2 The Terms of Reference of the Corporate Committee for the Municipal Year 2024/25 (Pages 9 - 14)

The Committee is required to note the terms of reference as set out in Part 3, paragraph 3.3.5 of the Council's Constitution. The Committee is also to note that the Constitution, including the terms of reference for Committees is being reviewed by the Constitution Committee. Any changes to the terms of reference will be reported to a future Corporate Committee.

3 Establishment and Composition of the Planning Sub-Committee for the Municipal Year 2024/25

The Corporate Committee is to approve the establishment and membership of the Planning Sub-Committee and to note that any further changes to the Membership of the Planning Sub-Committee during the Municipal Year 2024/25 will be reported to the Corporate Committee for consideration.

4 Apologies for Absence

5 Declarations of Interest - Members to Declare As Appropriate

6 Consideration of Minutes Of The Previous Meeting and Actions from the previous meeting (Pages 15 - 39)

The Corporate Committee are to consider and approve the minutes of their previous meeting held on 13 March 2024.

The Corporate Committee are to also consider and note the actions from their 13 March 2024 meeting. Councillors and Officers to provide updates on actions where appropriate.

7 Questions to the committee

Councillors as well as members of the public who live, work, or study in the Borough can ask a question of the Committee relating to an item on the agenda.

Questions should be submitted to governance@hackney.gov.uk by **12:00pm on Tuesday 14 May 2024** which is the next working day after the agenda and meeting papers publication.

At the discretion of the Chair, a question may be asked at the Committee without having given notice; where it is not possible to give a full answer at the meeting, a written response will be provided.

- 8 HR Policy Review**
- 9 Enforcement Service Annual Performance Report 2023/24 (Pages 41 - 63)**
- 10 Annual Report of the Public Spaces Protection Order (PSPO) 2023 (Pages 65 - 84)**
- 11 Strategic Plan update**
- 12 Business Regulation Service Delivery Plans 2024/25**
- 13 Corporate Peer Challenge**
- 14 Corporate Committee Work Programme for 2024/2025 (Pages 85 - 90)**
- 15 Any Other Business the Chair Considers to be Urgent**

Proposed future Corporate Committee meeting dates:

- 10 September 2024
- 13 November 2024
- 12 March 2025

Public Attendance

The Town Hall is open. Information on forthcoming Council meetings can be obtained from the Town Hall Reception.

Members of the public and representatives of the press are entitled to attend Council meetings and remain and hear discussions on matters within the public part of the meeting. They are not, however, entitled to participate in any discussions. Council meetings can also be observed via the live-stream facility, the link for which appears on the agenda front sheet of each committee meeting.

On occasions part of the meeting may be held in private and will not be open to the public. This is if an item being considered is likely to lead to the disclosure of exempt or confidential information in accordance with Schedule 12A of the Local Government Act 1972 (as amended). Reasons for exemption will be specified for each respective agenda item.

For further information, including public participation, please visit our website <https://hackney.gov.uk/menu#get-involved-council-decisions> or contact: governance@hackney.gov.uk

Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;
- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on 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 to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;

- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. **You may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.

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Title of Report	Corporate Committee Terms of Reference
For Consideration By	Corporate Committee
Meeting Date	20 May 2024
Classification	Open
Ward(s) Affected	N/A
Group Director	Jackie Moylan, Group Director Finance

1. Introduction

1.1. The terms of reference of the Corporate Committee are attached.

2. Recommendation

2.1. To note the Corporate Committee's terms of reference at Appendix 3 of the Hackney Council Constitution, which was adopted on 24 July 2023 and came into force on 4 September 2023.

3. Comments of the Group Director of Finance and Corporate Resources.

3.1 There are no legal implications.

4. Comments of the Director of Legal, Democratic and Electoral Services

4.1. There are no legal implications.

Appendices

Appendix 1 - Corporate Committee Terms of Reference

Report Author	Gareth Sykes Governance Officer London Borough of Hackney 1 Reading Lane, London E8 1GQ Tel: 0204 536 5739 Email: gareth.sykes@hackney.gov.uk
Comments for the Group Director of Finance and Corporate Resources prepared by	Jackie Moylan Group Director Finance London Borough of Hackney Finance and Corporate Resources 2 nd Floor Hackney Town Hall

	E8 1EA Tel: 020 8356 1284 Email: jackie.moylan@hackney.gov.uk
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Louise Humphreys Director of Legal, Democratic and Electoral Services, Legal and Governance Senior Management Team Monitoring Officer London Borough of Hackney 1 Reading Lane, London E8 1GQ Tel: 0208 356 4817 Email: louise.humphreys@hackney.gov.uk

Appendix 1 - Corporate Committee Terms of Reference

Appendix 3 - Terms of Reference of Council Committees etc Corporate Committee

Functions

The Corporate Committee is responsible for maintaining oversight of the Council's regulatory functions, planning, elections and human resources. The Committee is also responsible for any other Council function that has not been specifically allocated to Full Council or any other committee.

The Corporate Committee is responsible for the functions set out below:

Regulatory Framework

1. To discharge all non-executive functions not allocated to the Council or another Committee.
2. To appoint a Planning Sub-Committee and approve its terms of reference, procedures and protocols including the adoption of a Planning Code of Practice.
3. To appoint any Sub-Committees within its remit deemed necessary to perform its functions and approve their terms of reference, procedures and protocols.
4. To develop, review, monitor and maintain a strategic overview of the Council's regulatory function.
5. To consider the functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
6. To consider Polling District and Place Reviews undertaken in accordance with the Representation of People Act 1983.
7. To develop, monitor, review and make recommendations to the Full Council on the adoption of byelaws.
8. To consider recommendations to other bodies of the Council on policy development and responses to Government consultations within the remit of the Committee or its Sub-Committees.

9. To approve any Member training deemed necessary for the Committee or its Sub-Committees.

Human Resources

1. To maintain a strategic overview of Human Resources matters, including adopting any proposed changes to current policies which may affect the terms and conditions of staff employed by the Council.

Type of Committee

Corporate Committee is a non-executive committee established by Full Council to discharge regulatory functions.

Membership

Membership of this Committee is appointed in accordance with political balance at Full Council.

Chairing arrangements

The Chair and Vice Chair of this committee is appointed at Full Council. In the absence of the Chair or Vice Chair, and subject to being quorate, the Committee members can agree who may preside over the meeting based on the number of those present in person.

Quorum and Voting Arrangements

The Quorum for the Corporate Committee shall be four elected Councillors.

Substitute

Substitutes to the Committee will be appointed by Full Council for the purposes of establishing a quorum and will have the same voting rights as regular committee members.

Order of Business

- (a) Receive apologies;
- (b) Receive any declarations of interest from Councillors;
- (c) Approve the minutes of the previous meeting
- (d) Receive questions from, and provide answers to, members of the public on matters covered on the agenda;
- (e) Consider reports as set out in the agenda.

- (f) Consider any items of urgent business.

Who may attend?

Meetings of the Committee will normally be open to the public, unless confidential or exempt information is to be discussed.

Location

This Committee meets at the Council's main offices or any other suitable location.

You can also view meetings online in accordance with the Access to Information Procedure Rules in Part 6, Section C of the Council's Constitution with the Protocol on Recording and Live Streaming Council Meetings set out in Part 6, Section F of the Constitution.

Questions to the Committee

A member of the public who lives, works, or studies in the Borough can ask a question of the Committee with one supplementary question relating to an item on the agenda.

A Councillor may ask a question of the Committee with one supplementary question relating to an item on the agenda.

The total amount of time for questions with notice at the Committee will be no more than 15 minutes.

If the Chair agrees, a member of the public can ask a question at the Committee without having given notice. If a question without notice is asked, the Chair will explain that it might not be possible to give a full answer at the meeting and that a written response will be provided.

Frequency of meetings

The Committee meets on dates set out in the Council's meetings calendar.

Papers and Notice

The agenda and any papers for the Committee will be issued at least 5 working days in advance of the meeting, except in the case of matters of urgency.

Review

The terms of reference will be reviewed on an annual basis, or as necessary, to support the functions and objectives of this Committee. Updates to the terms of reference will be agreed annually at the Committee's first meeting of the municipal year.

Last reviewed: Date xxx

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

WEDNESDAY 13 MARCH 2024

Councillors Present:	Cllr Penny Wrout in the Chair
	Cllr Michael Desmond, Cllr Clare Potter, Cllr Sheila Suso-Runge, Cllr Ali Sadek, Cllr Jessica Webb and Cllr Sarah Young (Vice-Chair).
Apologies for absence:	Councillor Jon Narcross
Absent:	Cllr Michael Levy, Cllr Eluzer Goldberg, Cllr Fliss Premru and Cllr Steve Race
Officers in Attendance:	Sandra Farquharson, Director of Human Resources and Organisational Development (joined remotely) James Gleave, Strategic Planning Manager Mario Kahrman, ICT support (joined remotely) Tyler Linton, Head of Streetscene Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation Tessa Mitchell, Team Leader, Governance Services (joined remotely) Tobias Newland, Senior Transport Planner (joined remotely) Jospehine Sterakides, Legal Officer (joined remotely) Keung Tsang, Policy and Infrastructure Team Leader John Tsang, Development and Enforcement Manager (joined remotely) Gareth Sykes, Governance Officer
Joined virtually:	Cllr Susan Etti Cllr Clare Joseph
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 Cllr Jon Narcross.
- 1.2 Cllr Michael Levy, Cllr Eluzer Goldberg, Cllr Fliss Premru and Cllr Steve Race were recorded as absent.
- 1.3 Apologies for lateness were received from Cllr Clare Potter.
- 1.4 Cllr Cllr Sade Etti and Cllr Clare Joseph joined the meeting virtually.
- 1.5 Following recent changes in political proportionality, as agreed at the 28 February 2024 Council meeting, , Cllr Alastair Binnie-Lubbock was no longer a

member of the Corporate Committee meeting. The Committee thanked the Councillor for this membership and work..

- 1.6 Currently there was one Conservative vacancy on the Committee.
- 1.7 Councillors noted that the meeting was the last Corporate Committee meeting of the current municipal year. The Chair thanked the Governance Officer for their help and support over the last few months.

2 Declarations of Interest - Members to Declare As Appropriate

- 2.1 None.

3 Consideration of Minutes Of The Previous Meeting and Actions list

- 3.1 The minutes of the previous Corporate Committee meeting, held on 12 December 2023, were, subject to one minor amendment, were approved as an accurate record of those meetings' proceedings.

RESOLVED:

The minutes of the previous Corporate Committee meeting, held on 12 December 2023, be approved, subject to one minor amendment, as an accurate record of those meetings' proceedings.

Matters arising

The Impact of school provisions on polling stations

- 3.2 The Committee Chair reported that they had further discussions with the Council's Assistant Director, Business Intelligence, Elections and Member Services. They confirmed that Baden Powell School, which was set to close, was used as a polling station. It was understood that this would not impact on the 2 May 2024 local elections. It was hoped before the General Election, whenever that may occur, that there would be a review of polling stations. The Committee noted that Hackney Council's preference was not to use schools as polling stations.

Action status: resolved

Dockless bicycles

- 3.3 An update on dockless bicycles had been circulated to the Committee on 5 March 2024.

Action status: resolved

- 3.4 Responding to a question about whether oversight of dockless bicycles fell under the remit of the Committee, the Head of Streetscene explained that the contract with Lime, the electric vehicle company, was discussed and agreed at the Council's Cabinet Procurement and Insourcing Committee (CPIC).

Strategic Plan update

- 3.5 Work on strategic partnerships and transformation was ongoing and that sign off from Council was pending. The Chair of the Committee understood that the Strategic Plan was due to go to Full Council in July 2024. There was an expectation that there would be an update on the Strategic Plan at the May Corporate Committee meeting.

Action status: ongoing

Peer review

- 3.6 The Committee noted that the Council's Director of Transformation was responsible for the Peer Review work and he was currently liaising with the Local Government Association (LGA) about the issue. An update would be provided next municipal year.

Action status: ongoing

Gender and Equalities Pay Gap report

- 3.7 The municipal year the report would come to the Corporate Committee for comments prior to going to Council.

Action status: resolved

Edmonton Incinerator

- 3.8 The Council's Overview and Scrutiny Officer had reported on 17 January 2024 that the issue of the Edmonton incinerator would be put forward as a suggestion for the Hackney Council's Living in Hackney Scrutiny Commission to look at the next municipal year.

Action status: resolved

Council Buildings Tour

- 3.9 The Chair of the Committee explained that there were several strands to this piece of work beyond the Hackney Service Centre (HSC). The Council's Strategic Director Customer and Workplace had made a presentation to the Corporate Committee in June 2023 looking at workplaces and future ways of working. At that time, it was mentioned that there were four sites outside of the HSC that the Committee may wish to visit in the future. The Chair of the Committee would liaise with the Governance Officer to identify those four sites.
- 3.10 The Committee noted that at the 18 March 2024 Skills, Economy and Growth Scrutiny Commission meeting they would be looking at the Strategic Property Services - Corporate Assets.
- 3.11 A preliminary meeting would be taking place on the 20 March 2024 between the Chair of the Corporate Committee, the Council's Strategic Director Customer and Workplace, Customer and Workplace and the Director HR and

Organisational Development looking at post-pandemic ways of working and its impact on the moral and wellbeing and performance of Council staff.

- 3.12 The Vice Chair recommended that the Committee should discuss with the Skills, Economy and Growth Scrutiny Commission the issue of the moral, wellbeing and performance of Council staff post-pandemic to see if they were undertaking any similar work in that area.

Action:

The Governance Officer to determine if the Skills, Economy and Growth Scrutiny Commission were undertaking any work into the issue of the moral, wellbeing and performance of Council staff post-pandemic.

Action:

The Chair of the Committee to update members at the next meeting following discussions with the Council's strategic Director Customer and Workplace Customer and Workplace and the Director Of Human Resources and Organisational Development on Council buildings tour.

- 3.13 Councillor Turbet-Delof reported that at the time of the June 2023 HSC visit they received some informal feedback, similarly at the IT building, that the air and light quality might not be the best. Cllr Turbet-Delof reported that she had received some informal feedback about the air and light quality in the HSC not being the best.

Action:

The Chair of the Committee would contact the Council's Strategic Director Customer and Workplace Customer for an update on the air and light quality in the HSC building.

Income received from Fixed Penalty Notice enforcement for the 2019/20 and 2021/22 periods

- 3.14 The Head of Community Safety, Enforcement and Business Regulation reported that he would provide figures for the 2019/20 period. Figures for the 2019/20 period were included in the report submitted to the June 2023 Corporate Committee meeting. The Committee would be provided with the figures for the expenditure for Fixed Penalty Notice enforcement for the 2021 to 2022 period.

Action:

The Head of Community Safety, Enforcement and Business Regulation would provide the Committee with figures for the expenditure for Fixed Penalty Notice enforcement for the 2021 to 2022 period.

4 Questions to the Committee

- 4.1 None.

5 HR Policy Review - Standing agenda item

- 5.1 The Council's Director Human Resources (HR) and Organisational Development (OD) explained that the work looking at the timeline and

sequence for the HR Policy review was still under way. That work would need to be considered by the Corporate Leadership Team and agreed and signed off by them. Work was currently under way to prioritise policies such as workplace working. It was noted that some policies had not been reviewed for some time and work on the schedule for the prioritisation of policies was currently underway. Discussions would also have to take place with the trade unions about the sequencing.

- 5.2 The Committee noted that the library review had concluded and the new positions had been filled. Any vacancies that arose were part of natural turnover.

6 Planning Service Authority Monitoring Report (AMR) (April 2021 - March 2023)

6.1 The Council's Strategic Planning Manager and Policy and Infrastructure Team Leader introduced the report. The Planning Service's Authority Monitoring Report (AMR) covered the two financial years 2021 and 2022 (FY2021/22 and FY2022/23) covering the period between 1 April 2021 to 31 March 2023. The AMR provides monitoring information on planning-related activity and helps to monitor performance and the effectiveness of planning policy. It highlights the extent to which the policies set out in adopted planning policy documents have achieved their objectives, using quantitative indicators. Two years was being reported on to bring the AMR up to date.

6.2 During a discussion on the report a number of points were raised including the following:

- The Community Infrastructure Levy (CIL) Section 106 Board met quarterly and would oversee how funds were spent for the capital works programme. The Board was made up of officers;
- The Chair of the Committee suggested whether the work of the CIL Section 106 Board should come back to the Committee on a biannual basis for scrutiny? The Council's Strategic Planning Manager indicated that the Infrastructure Funding Statement (IFS) report was a separate report. The annual AMR did to an extent already cover parts of the IFS.;
- On the matter of notifying local residents of the expansion of Conservation areas, the Council's Planning Service always carried out a public consultation for all conservation area designations, reviews or extensions. A letter would also go to the households in the extended or newly designated area. The letter would outline the proposals and would include a link to the conservation area appraisal. The Planning Service also held drop in sessions and advertisements were also placed in the local press;
- On post-Conservation Area designation, those households within the area were also written to by the Planning Service;
- On the growth in new businesses within the borough, the figure of 24,935 enterprises (as included in the report) in Hackney was taken from a statistic from the Office for National Statistics. The Council did do some comparative work against neighbouring boroughs. Work was currently underway to finalise the details of a study [Employment Land Study] to look at the amount of

employment land that was needed in Hackney up to 2040 which would inform the next stage of the Local Plan. This study would also look at the type of space. Shoredich would be a particular focus of that study;

- Issues relating to internal housing, affordable housing, right to buy and housing rent were not within the remit of the Corporate Committee;
- The S106 or unitary undertaking totalling around £11.88M, would be spent on Social Housing. The previously mentioned IFS report from the Planning Service would look at this area in more detail;
- On the issue of those large building projects that did not make a contribution to the CIL citing viability reasons, the Planning Service did have built into the agreement mechanisms the ability for both early and late stage review. So if viability does change then additional contributions could be provided;
- It was understood that because of the events of the Grenfell fire, along with the Council's prioritisation of climate change, an amount of funding could be used on existing housing stock and retrofitting those houses. It was accepted that there were a number of factors, outside the Council's control, that would impact on the number of Council housing stock and delivery;
- On the issue of affordability, the Planning Service did review the viability assessment that was provided which the Planning Service did not necessarily always agree with and pushed for additional contributions over and above what the applicant had set out. Affordability was a policy requirement for developers and also a policy requirement for the local plan. If there was departure from policy, there would need to be a robust case put forward. The policy threshold that was set was viability-tested;
- The tenure split in the local plan was based on housing need;
- The Corporate Committee wanted to see about how it would go about obtaining data relating to the demographic of new businesses specifically e.g. their ethnic and gender background;
- The Council was concerned, as highlighted at paragraph 4.3 of the report, the significant mode declines in bus and train use, however it was also noted the 12.9 percentage surge in walking. Both the declines in public transport use and increases in walking may be related to changes in working patterns post pandemic. Car use in the borough had decreased whilst cycle use had seen a slight increase;
- One of the concerns that the Council had during the pandemic was that with reduced demand there would be a decrease in Council services. The Council had undertaken some lobbying to ensure that bus services had remained at a level that was appropriate so that services would be there for the public to use post-pandemic. There was work for the Council to lobby Transport for London (TfL) to ensure that those transport services continue to be available despite decreasing demand;
- TfL owned the data relating to use of public transport, the Council was reliant on an enormous suite of information from them. The Council had a ten-year policy, the Hackney Transport Policy Strategy, which was currently being reviewed and

rewritten. The strategy would come to an end in 2025. Streetscene and the Council's Transport team were examining that data and there was an opportunity for those Council teams to analyse the various long term trends;

- On the breakdown of statistics between cycling and walking and their relationship in shared areas, there was a strong historic policy to allow cycling in parks. Streetscene were responsible for the public highway and their historic position was that they wanted to create a public highway that created good conditions for both walking and cycling. Streetscene recognised that there was a high rate of cycling and walking in the borough because of strong Council policies to promote those two modes. Streetscene had a shared responsibility to promote use of the paths in the parks. The Chair of the Committee suggested that as cycling and walking was increasing in the borough that some work would need to be undertaken into instances of pedestrian/cycle conflict. It was about ensuring that going forward both cycling and walking were safe and comfortable;
- The Committee recognised that further discussions were required about the relationship between cycling and walking in the borough;
- On the number of people walking some of the Committee members felt it would be useful to have some further data;
- The 8.5 percentage cycling trips figure, at paragraph 4.29 of the report, was part of the statistics from the latest London Travel Demand Survey. It was based on the percentage of trips that were started in the borough;
- The Hackney Transport Strategy had a hierarchy of modes of transport with pedestrians and walking first, followed by cycling and then public transport, goods vehicles and then private cars. The Council's approach to Electric Vehicles (EVs) was specifically designed within the aforementioned hierarchy. The EV charging point network was set up in a manner that anticipated a reduction in motor vehicles by 2041. The network had been set up in such a way that did not allow for second car ownership or where demand was highest in the borough. It was evenly distributed across the borough. Installing EV charging points on estates in the borough now, when economically it was currently out of reach of many residents, was about future proofing for when the majority of the cars in the borough would be electric and that residents could charge their cars near to their homes at a good rate;
- The reclassification of certain areas to planning use class E (commercial, business or service) and Article 4 Directions, on the former, Council Officers explained that was seen as a 'super class' but what could not happen, for example, was that a former high street bank could not be converted into a café or a restaurant as they were a different class. The Committee noted from Council Officers that it was now the case in planning that uses for premises could change e.g. a bank to a shop or a shop to a café. There was little the Council could do about changes between uses falling within class E. The Article four directions meant that a use in class E that the owners want to change to

residential would require full planning permission, and would not be able to use the 'prior notification' process. This was to ensure that town centres remained vibrant. However, it was noted in March that the Central Government had changed the amount of square metres limit. Council surveys were undertaken to monitor the state of the town centre as well as managing Article four directions. Further controls would be part of the Council's Local Plan.

Action:

The Corporate Committee recommended ongoing liaison between Street Scene and the Parks Team, to ensure measures to minimise the potential for conflict between cyclists and pedestrians in park areas. The team drawing up the Hackney Transport Policy Strategy to be informed of this as something to keep in mind, since both walking and cycling have increased in the borough.

Action:

Corporate Committee to inquire about how to obtain data on new businesses and specifically details of their demographic e.g. their ethnic and gender background.

RESOLVED:

The Corporate Committee approved the Authority Monitoring Report FY2021 and FY2022 (FY2021/22 and FY2022/23) covering the period between 1 April 2021 to 31 March 2023 (as set out in Appendix 1).

7 Annual Performance Report Of The Noise Service 2023/22024

7.1 The Council's Head of Community Safety, Enforcement and Business Regulation introduced the report for noting which set out the noise nuisance for the period 1st January-31st December 2023. Noise nuisance in Hackney continues to receive an approach that looks at statutory noise nuisance and noise arising from anti-social behaviour together, so that the most appropriate action can be taken based upon the individual circumstances of the case. The service area brings together a range of enforcement services, providing the opportunity to apply greater resources to a particular problem area and a better ability for specialists to collaborate and cases to be prioritised. The report before the Committee provides an update on the volume of noise reports, a breakdown of the individual types of noise within the services workload, including Temporary Event Notices (TENs), which continue to place significant demand on existing Council resources.

7.2 During a discussion on the report a number of points were raised including the following:

- The Council was not aware of any grants that could assist local residents to insulate their homes from intrusive noise from their next door neighbours. Moreover, a lack of insulation would not classed a statutory nuisance;
- Compared to previous years the Council was receiving lots of reports particularly from residents in relation to commercial properties. The service was being proactive in attempting to prevent such instances taking place;

- On the issue of Alternative Dispute Resolution (ADR) in housing, the Council's Head of Community Safety, Enforcement and Business Regulation would contact the Council's Housing team for figures on ADR. Currently the letting system did not take into account who your neighbour was when someone was taking on a property;
- Some of the Committee members understood that grants maybe available for carpets;
- In individual cases of Anti-Social Behaviour (ASB), specifically ones involving children, the noise team would work with the relevant Housing Officer and other relevant departments of the Council such as Children Services to assess the situation;
- On the issue of noise generated from unlicensed musical events there was in place a London-wide policy. Where possible names and addresses would be obtained and the Council would issue an ASB warning or a Community Protection warning for example. A further step for the Council may be to issue a court injunction. Hackney Marshes and London Fields were cited as an example of these types of occurrences. It was understood that Public Spaces Protection Orders (PSPOs) had also been issued. The Committee noted that the PSPOs had been revised with extensions into other areas such as Millfields Park and a plot of Transport for London (TfL) land;
- On the issue of noise emanating from over the boundary, from Finsbury Park for example, the noise team had an officer who would sit on the advisory committee with the organisers of the music festivals for example. The organisers of the Wireless Festival would produce for example a Noise Management Plan which had to be approved and Council Officers would also be on duty on the weekend of the festival. However, the guidance available dated back to 1985 which did not take into effect the impact of low frequency noise and advances in music amplification equipment since 1985. It was suggested that the current code of practice needed to be changed to allow the Council noise team to undertake additional measures;
- Some of the Committee members recalled their experience with the impact of last years' Wireless festival and in particular the vibrations from the music on nearby local residential properties. They spoke of their first-hand experience of the vibration effects and it was felt unacceptable. It was felt that more direct pressure was required from Council Officers on the festival organisers. It was suggested that some kind of vibration limit be put in place and should be part of the licence. The formal process to do this would have to be through a review of the licence;
- The Chair of the committee suggested whether the committee could receive a report from Council Officers, both in Hackney and those neighbouring boroughs also affected by the festival. The Council's Head of Community Safety, Enforcement and Business Regulation explained that up to the festival being held in July Council Officers would attend various advisory committee meetings in preparation for the festival. A brief report on the work undertaken so far, in preparation for the 2024 Wireless Festival would be submitted to the next Committee meeting;

- The Chair of the committee voiced her concerns about resources and whether in the busier periods, specifically in the summer, whether extra staff could be employed. It was understood that a lot would be dependent on the funding available and like many other departments currently savings had to be made;
- The Chair of the Committee explained that she always encouraged local residents to report incidents online rather than by phone because contrary to popular assumption, online reporting can be more efficient with enforcement officers readily able to access the information while out and about. The Chair encouraged committee members when discussing issues of noise complaints with their constituents to encourage them to use the Council's online reporting tools.

Action:

The Council's Head of Community Safety, Enforcement and Business Regulation would contact the Council's Housing team for figures on Alternative Dispute Resolution.

Action:

The Council's Head of Community Safety, Enforcement and Business Regulation would submit to the next Corporate Committee meeting a brief report on the work undertaken so far in preparation for the Wireless Festival on 12 - 14 July 2024 in Finsbury Park.

RESOLVED:

There were no official recommendations arising from this report. The Corporate Committee noted the annual performance report for the service.

8 Report of the Public Realm including policies for tables and chairs on pavements

8.1 The Head of Streetscene introduced a Keep Hackney's Pavements clear and accessible report which was a response to a keen interest from the Corporate Committee into the impact that temporary obstructions have on the pedestrian environment and how these are managed by the Council. This report explained to members what enforcement activities were undertaken within the directorate, and the areas in which the enforcement responsibility can be located.

8.2 During a discussion on the report a number of points were raised including the following:

- On the number of Fixed Penalty Notices (FPNs) that had been issued and the amount of revenue the Council had received as a result, the Head of Community Safety, Enforcement and Business Regulation explained that he would provide that data for the next Committee meeting. The Chair of the committee felt it would be useful to see the data in order to ascertain how much transgression there was in relation to the obstruction of the pavements;
- The Council's highways team did not issue many FPNs, the service would seek compliance, the issuing of a FPN would be a

third step of the process. For example only two for overhanging vegetation were issued in a year. It was found that persons were more responsive to other forms of communication;

- On the pricing of FPNs and whether it was a sufficient enough deterrent it was noted that the amount of the fine was set in statute. It was felt that it was better to use Council time to encourage persons to use the Council's Licensing regime. It brought income into the Council and there was a degree of control. Enforcement was often seen as a last resort;
- The Committee noted that the London Councils did produce a document on the penalties set for London-wide in relation to highway obstructions etc;
- In relation to Penalty Charge Notices (PCNs) for traffic infractions made by motor vehicles would be issued by the Council's Parking team. The budget for the PCNs would be included as part of the Council's overall budget;
- Streetscene did have the power to issue fines for other types of infractions such as leaving a skip on the public highway for example, however the service would prefer to issue a permit rather than a fine in the first instance;
- Some of the Committee members suggested that a campaign could be started to encourage people to remove their bins from the public highway to prevent causing an obstruction. It was understood that Streetscene did not have the power to enforce against bins as an obstruction. It was understood that the Council's Environmental Services did have powers to investigate the matter. It was understood that there had been a piece of work in Stamford Hill with the Council's waste team. Some of the Committee members inquired about whether there was currently any funding available. The Chair of the Committee suggested whether the Council's Communication team could be contacted about raising awareness of the need to remove bins from the pavement where possible, while notifying residents of the forthcoming changes in the collection of bins. The Committee's legal officer highlighted that there were time bands in the borough where persons were time-banded for putting out their rubbish which was for commercial properties. Some other Committee members stressed the need for discussions to take place with the Council's Waste Management Team as some elderly residents were concerned that their rubbish would not be collected;
- Some of the Committee members emphasised the need to prioritise cycling on the pavement as it appears to be increasing. Committee members were reminded that issue would fall under the remit of the Police;
- The Chair of the Committee would write to the Council's Waste Services and the Cabinet Member for Cabinet Member for Climate Change, Environment and Transport about the issues raised at the Corporate Committee meeting and communicating to local residents about taking their bins in;
- On the issues of tree roots creating uneven pavements, the head of Streetscene clarified that the issue would fall under the remit of highway maintenance. Highway Inspectors would go around

the borough using a criteria based on the type of road involved with certain types of road being inspected more frequently than others e.g. roads used for emergency services and principal bus routes. Residential roads would be further down the list of prioritisation. It was understood that the least frequent inspection was every three months. Every road would be inspected four times a year and the pavement would be included as part of the highways inspection. Any repairs that would be undertaken would be through the industry standard way without damaging the tree;

- There were five Highways Inspectors employed by the Council who would work within an intervention threshold based on insurance claims.

Action:

The Head of Community Safety, Enforcement and Business Regulation to provide details on the number of Fixed Penalty Notices issued by, and the amount of revenue received for the Council, as a result, at the next Committee meeting.

Action:

The Chair of the Committee would write to the Council's Waste Services and the Cabinet Member for Climate Change, Environment and Transport about the issues raised at the Corporate Committee meeting (e.g. bins obstructing the public highway) and communicating to local residents about taking their bins in.

RESOLVED:

The 'Keep Hackney's Pavements clear and accessible' report is for information only and there are no recommendations. The exercise to clarify and collate all the enforcement areas and clarify what is enforceable/not enforceable, and by whom is an ongoing duty, and is reviewed annually. The Corporate Committee noted the report.

9 Draft work Corporate Committee work programme 2023/24

- 9.1 The Committee briefly discussed the latest version of their work programme. It was recognised by members that as of the 13 March 2024 meeting, the last Corporate Committee meeting of the current municipal year, that certain items on the programme would carry over to the 2024-2025 municipal year.
- 9.2 One of the Committee members raised an issue about FPNs for parking offences and whether the Committee could include the issue on their work programme for 2024-25. The Legal Officer responded that decisions relating to parking and parking strategy would fall under the remit of Cabinet.

RESOLVED:

The Corporate Committee noted the latest draft of their work programme for 2023/2024.

10 Any Other Business the Chair Considers to be Urgent

10.1 The Committee noted that the next meeting was proposed for 20 May 2024.

Duration of the meeting: 6.30pm - 9.18pm

CLOSE OF MEETING

Chair of the Corporate Committee meeting - Cllr Penny Wrout

Contact:

Gareth Sykes

Governance Officer

Email: governance@hackney.gov.uk

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Corporate Committee meeting actions list

Agenda Number	Title	Action	Status
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Actions from the 13 March 2024 meeting

3	Consideration of Minutes Of The Previous Meeting and matters arising	The Governance Officer to determine if the Skills, Economy and Growth Scrutiny Commission were undertaking any work into the issue of the moral, wellbeing and performance of Council staff post-pandemic.	<p><u>Update 2 April 2024:</u></p> <p>The issue of the moral, wellbeing and performance of Council staff post-pandemic fell within the remit of the Scrutiny Panel.</p> <p>The Head of Scrutiny and Ward Forums confirmed that the issue would be added to the programme discussion list. The Scrutiny Panel would discuss the issue in the new municipal year at their first meeting in July 2024.</p>
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3	Consideration of Minutes Of The Previous Meeting and matters arising	The Chair of the Committee to update members at the next meeting following discussions with the Council's strategic Director Customer and Workplace Customer & Workplace and the Director Of Human Resources and Organisational Development on Council buildings tour.	
3	Consideration of Minutes Of The Previous Meeting and matters arising	The Chair of the Committee would contact the Council's Strategic Director Customer and Workplace Customer for an update on the air and light quality in the HSC building.	
3	Consideration of Minutes Of The Previous Meeting and matters arising	The Head of Community Safety, Enforcement & Business Regulation would provide the Committee with figures for the expenditure for Fixed Penalty Notice enforcement for the 2021 to 2022 period.	
6	Planning Service Authority Monitoring Report (AMR) (April 2021 - March 2023)	The Corporate Committee recommended ongoing liaison between Street Scene and the Parks Team, to ensure measures to minimise the potential for conflict between cyclists and pedestrians in park areas. The team drawing up the Hackney Transport Policy Strategy to be informed of this as something to keep in mind, since both walking and cycling have increased in the borough.	
6	Planning Service Authority Monitoring Report (AMR) (April 2021 - March 2023)	Corporate Committee to inquire about how to obtain data on new businesses and specifically details of their demographic breakdown e.g. their ethnicity and gender background.	
7	Annual Performance Report Of The Noise Service 2023/22024	The Council's Head of Community Safety, Enforcement and Business Regulation would contact the Council's Housing team for figures on Alternative Dispute Resolution.	

7	Annual Performance Report Of The Noise Service 2023/22024	The Council's Head of Community Safety, Enforcement and Business Regulation would submit to the next Corporate Committee meeting a brief report on the work undertaken so far in preparation for the Wireless Festival on 12 - 14 July 2024 in Finsbury Park.	
8	Report of the Public Realm including policies for tables and chairs on pavements	The Head of Community Safety, Enforcement & Business Regulation to provide details on the number of Fixed Penalty Notices issued by, and the amount of revenue received for the Council, as a result, at the next Committee meeting.	
8	Report of the Public Realm including policies for tables and chairs on pavements	The Chair of the Committee would write to the Council's Waste Services and the Cabinet Member for Climate Change, Environment and Transport about the issues raised at the Corporate Committee meeting (e.g. bins obstructing the public highway) and communicating to local residents about taking their bins in.	

Actions from the 12 December 2023 meeting

3	Consideration of Minutes Of The Previous Meeting and matters arising	The Chair would check with the Council's Assistant Director, Business Intelligence, Elections & Member Services specifically in relation to the changes in the school provision, specifically in relation to those schools scheduled to close, and any impact that may have as a result on the availability of polling stations.	Ongoing
3	Consideration of Minutes Of The Previous Meeting and matters arising	The Governance Officer would contact the Head of Streetscene to provide the following: Following the identification of the 'hack' method promoted online for accessing dockless bicycles had, through the monitoring of figures, there been seen a decline in reported complaints about	RESOLVED: Update circulated to committee on 5

		<p>the poor parking compliance of the dockless bicycles: Further information on the recyclable technology of dockless bicycles and what was the bicycles average lifecycle; What was the Council doing to provide more space on the carriageway for the parking of dockless bicycles</p>	March 2024.
3	Consideration of Minutes Of The Previous Meeting and matters arising	The Governance Officer would contact the Council's Enforcement Team to seek figures on the Council's spend on Fixed Penalty Notice enforcement for the 2019 to 2020 period.	<p>RESOLVED</p> <p>Figures for the 2019/20 period were included in the June 2023 report.</p>
8	Strategic Plan update	The Governance Officer would publish, as a supplementary paper to the 12 December 2023 Corporate Committee meeting papers, the Strategic Plan update presentation entitled 'Developing & Embedding the Strategic Plan'.	<p>RESOLVED:</p> <p>The presentation slides were added to the 12.12.23 meeting papers as a supplementary paper on 19.12.23.</p>
9	Strategic Plan update	The Council's Assistant Director, Policy and Strategic Delivery would provide the Corporate Committee with an update on Strategic Partnerships.	

9	Strategic Plan update	The Council's Assistant Director, Policy and Strategic Delivery would provide the Corporate Committee with an update on the timelines for the Strategic Plan.	RESOLVED: An update was circulated to the Committee on 2 April 2024
10	Draft Corporate Committee work programme 2023/24	The Governance Officer would check the minutes and recording for the December 2022 Corporate Committee to determine the history of why the Gender and Equalities Pay Gap report was added to the Committee's draft work programme for 2023-2024.	RESOLVED: No reference was made to the Gender and Equalities Pay Gap report at the December 2022 meeting.
10	Any Other Business the Chair Considers to be Urgent	The Governance Officer would check with his equivalents for the Council's Scrutiny Commissions to determine which Scrutiny Commissions' remit would cover any work relating to the Edmonton Incinerator.	RESOLVED: An update was circulated to Committee Members on 19 January 2024.
10	Any Other Business the Chair Considers to be Urgent	The Governance Officer would: 1) Contact the Council's Strategic Director Customer and Workplace, Customer and Workplace requesting further data regarding occupancy and usage levels for Council buildings; 2) Contact the Council's Strategic Director Customer and Workplace, Customer and Workplace to clarify:	Ongoing

		<p>a) what the terms of reference were for the original Committee Members' May 2023 visit to the Hackney Service Centre (HSC) and;</p> <p>b) Post-pandemic period had there been any concern raised about some of the Council buildings having lower than expected occupancy levels;</p> <p>3) Pending further information received from for 2) and 3), put on hold any arrangements for Committee members' visit to the Council's off campus buildings.</p>	
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Actions from the 12 September 2023 meeting

4	Consideration of Minutes Of The Previous Meeting and the Actions list	Governance Officer to follow up those outstanding actions from the 7 June 2023 Corporate Committee meeting for updates.	RESOLVED
4	Consideration of Minutes Of The Previous Meeting and the Actions list	<p>The Governance Officer to check with the Council's Strategic Director Customer and Workplace whether there was available for circulation to the committee empirical statistics on the following for Council buildings:</p> <p>1.Occupancy levels 2.Usage levels; and 3.Details on who the freeholder or leaseholder was for each Council building.</p>	<p>RESOLVED 1. and 2.</p> <p>3. Ongoing</p> <p>Update on occupancy and usage levels circulated to the Committee</p>

			on 7 November 2023.
6	Paid Domestic Leave report	The Director of Human Resources and Organisational Development would: I. Clarify, in relation to contracting and procurement, that all the Council's external contractors had in place a domestic abuse policy; II. If they did not to ensure that they did so going forward; III. Report back to the Committee on their findings in relation to i) and ii).	RESOLVED Further update provided at the 12 December 2023 meeting.
6	Paid Domestic Leave report	The Cabinet Member for Employment, Human Resources and Equalities to report back, via the Council's Director of Human Resources and Organisational Development, the outcome of their discussions at the HR forum of the London Councils, on benchmarking on the level of leave granted in relation to domestic abuse throughout London's local authorities.	RESOLVED Update circulated to the Committee on 9 November 2023.
8	Draft Corporate Committee Work Programme 2023/24	The Governance Officer would contact the relevant officers as to the current status of the following work streams on the Committee's Work Programme 2023/24: i. The Public Realm and policies for tables and chairs on pavements: ii. The Regulatory Services Service Plan Update 2022/23	i) Ongoing ii) RESOLVED
8	Draft Corporate Committee Work Programme 2023/24	The Chair would check with the Council's Assistant Director, Business Intelligence, Elections & Member Services as to the status of the Council's work on Polling District and Place Reviews.	RESOLVED

8	Draft Corporate Committee Work Programme 2023/24	The legal officer to check with the Council's Head of Community Safety, Enforcement and Business Regulation, and report back to the committee, through the Governance Officer, on what PSPO was to be covered as part of the the Public Spaces Protection Order (PSPO) 2023/24 item, as listed on the Committee's Work Programme for 13 March 2024.	RESOLVED Update circulated to the Committee on 26 September 2023.
8	Draft Corporate Committee Work Programme 2023/24	The Governance Officer would: i. check with the relevant officers on the timetable for each of the items on the Committee's Work Programme for 2023/2024; ii. Add an additional column to the Work Programme outlining the deadlines for each item.	RESOLVED See item 9 Work programme for further details.

Actions from the 7 June 2023 meeting

6	Consideration of Minutes Of The Previous Meeting	The Governance Officer to: I. Seek updates from the relevant Council Officers on the Green Flag work, Chief Executive and SMT pay arrangements, Equalities Demographic data and hire bikes on pavements since the last Committee meeting; and II. Update the Committee members on the latest developments in those areas.	RESOLVED Updates on Green Flag circulated previously.
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			Updates on other parts of action included as part of 12 December 2023 meeting papers.
6	Consideration of Minutes Of The Previous Meeting	The Council's Head of Community Safety, Enforcement and Business Regulation would contact the Council's Street Population Coordinator for an update on data on those people referred to Turning Point UK, the City of London and Hackney Substance Misuse Service.	RESOLVED
7	Future Working and ways of Workplace Update	The Governance Officer to arrange a tour for the Committee members of the Council's buildings off campus.	On hold pending outcome of action at 12 December 2023 meeting.
7	Future Working and ways of Workplace Update	The Council's Strategic Director Customer and Workplace would provide an update on Carbon Monitoring to the Committee before the next meeting.	RESOLVED Update on action circulated on 7 August 2023

8	Business Regulation Service Delivery Plans 2023/24	<p>The Head of Community Safety, Enforcement and Business Regulation to provide to the committee figures on:</p> <ul style="list-style-type: none"> I. The number of service requests received in relation to food poisoning by members of the public; II. How many infectious disease notifications the service had dealt with in the borough. 	<p>RESOLVED</p> <p>Update on action included as part of 12 December 2023 meeting papers.</p>
8	Business Regulation Service Delivery Plans 2023/24	<p>The Council's Head of Community Safety, Enforcement and Business Regulation would monitor responses to the FSA consultation and liaise with the relevant Cabinet Member to ensure the Government was aware of Hackney's perspective on the proposed changes.</p>	<p>RESOLVED</p> <p>Update on action included as part of 12 December 2023 meeting papers.</p>
9	Environmental Enforcement Annual Performance Report 2022/23	<p>The Council's Head of Community Safety, Enforcement and Business Regulation would provide the Committee with an organogram of the Council's Environmental Enforcement Service.</p>	<p>RESOLVED</p> <p>Update on action included as part of 12 December 2023 meeting papers.</p>

9	Environmental Enforcement Annual Performance Report 2022/23	The Council's Head of Community Safety, Enforcement and Business Regulation would provide enforcement spend figures for 2019-20.	Ongoing
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Title of Report	Enforcement Service-Annual Performance Report 2023/24
For Consideration By	Corporate Committee
Meeting Date	20th May 2024
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Group Director</u>	Rickardo Hyatt

1. **Introduction**

- 1.1. This report sets out the annual performance report across the enforcement remit for the 2023/24 financial year.
- 1.2. Corporate Committee has requested annual reports on the development of the Council's response to enforcement.
- 1.3. The report sets out the key areas relating to enforcement, the management arrangements and resources that have been allocated for this work by the local authority and the key targets.
- 1.4. In fulfilling its duties, the service provides support to individuals, communities and businesses in the borough.
- 1.5. Enforcement in Hackney continues to incorporate an integrated approach, including environmental enforcement, which looks at issues including Highway obstructions, littering and fly tipping, so that the most appropriate action (in accordance with relevant legislation) can be taken based upon the circumstances of the particular case.
- 1.6. Officers also undertake a wide range of enforcement investigations relating to anti-social behaviour (ASB) with partners including Hackney Housing, Police and Housing Associations. This provides greater resilience and ability for specialists to collaborate and for cases to be prioritised using all of the powers available in the Anti-Social Behaviour, Crime and Policing Act 2014. This includes Closure Notices and Orders, Community Protection Warnings and Notices and Injunctions where necessary.

1.7 The service is also responsible for the investigation of residential noise service requests and providing the out of hours noise service. This is not included in this report as it was reported to the Corporate Committee in March 2024.

2. **Recommendations**

2.1 There are no recommendations set out in this report, it is for informative purposes only. The Corporate Committee can note the annual performance report for the service.

3. **Reason(s) for decision**

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

4. **Background**

Policy Context

4.1. The Enforcement Service was established in May 2017 as part of the Community Safety, Enforcement and Business Regulation Service and this report details the scope and activities of the service and provides detail on the performance of the service for 2023/24.

4.2. The Service is split into two Teams, North and South each headed by an Enforcement Manager. Each Team comprises six ward based Principal Officers (non- uniformed), two Technical Support Investigation Officers and twelve uniformed Enforcement Officers together with two apprentices, one in each Team. The uniformed Enforcement Team is split into four units, each headed by an Enforcement Team Leader.

4.3. The ward based Principal Officers act as single points of contact for their ward areas and deal 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, Hackney Housing, Housing Associations, Environmental Protection and Adult and Child Safeguarding. Principal Officers are Ward based and act as single points of contact for their Ward areas.

4.4. The Officers also work out of regular service hours on a rota basis covering Licensing and borough wide matters concerning either reactive or proactive issues as above, but also including unlicensed street trading operations through concerted action with other agencies and parts of the Council.

4.5. The uniformed service focuses on a risk based approach to that 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 use/dealing etc, although it may have a supportive role.

4.6 The uniformed Enforcement Officers are tasked on a weekly basis and are a vital component in ensuring that the service is addressing problems and concerns that residents and other departments (such as Housing) are experiencing. These Tasking meetings determine the following:

- Coordination 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 includes planning for upcoming events, and seasonal peaks of activity that require action on a cyclic basis (e.g. Summer peaks, Christmas, Bank Holidays, Wireless, religious festivals, 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 premises, 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.

4.7 In addition to this, a Partnership Tasking takes place 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.

4.8 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 Officers 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.

4.9 The Service is also expected to support some of its provision through its own enforcement activities in preventing and tackling ASB, Highways obstructions, 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.

4.10 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.

4.11 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.

SERVICE HIGHLIGHTS

- 4.12 **A-Boards:** 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 Council's 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. The Team also receives 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.
- 4.13 TFL are responsible for the red route areas throughout Hackney and have uniformed Officers who take action where required in line with their policy, which mirrors the process we currently have in place in Hackney. We also have a good working relationship, where cases referred or identified by Hackney are actioned and feedback provided. Officers have continued to work with TFL which has agreed that Hackney Enforcement Officers can undertake enforcement action including the issuing of FPNs on red routes.
- 4.14 **Unregulated Waste:** Officers continue to take appropriate enforcement action regarding unregulated waste to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with waste management processes. Where ongoing non compliance is identified, appropriate environmental enforcement is undertaken for both residents and businesses.
- 4.15 In dealing with both businesses and residents, Officers take account of the Council's Enforcement Policy which was approved by Cabinet in January 2019, the Enforcement Concordat and the Regulators Code and have regard to Crown Prosecution guidelines and Equality impact issues. It should be noted that an FPN can be issued for a first offence depending on the circumstances.
- 4.16 **ASB:** Community Safety and Principal Enforcement Officers have responsibility of dealing with ASB and related issues within their nominated wards. They intimately know their wards and will be aware of all issues. 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 for example obtaining entry warrants, service of Community Protection Warning Notices, Community Protection Notices and applying for Closure Orders under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 at the Magistrates' Court.

- 4.17 **Pirate Radio Stations:** Principal Enforcement Officers also deal with the removal of illegal pirate radio stations in conjunction with Ofcom, as 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 affecting their television or radio signals. The persons responsible for these systems frequently cause damage to property when siting equipment, which can have an impact on residents. On many occasions as they are unregulated they can be found to be broadcasting homophobic or other hate speech material. Officers arrange to have aerials, wood, metal work, cabling and transmitters removed where possible.
- 4.18 **Night Time Economy:** Hackney Enforcement Officers patrol the Shoreditch NTE during the night time economy hours. Officers have powers under the Anti-Social Behaviour, Crime and Policing Act 2014, Environmental Protection Act 1990, London Local Authority Act 1990 to issue on the spot Community Protection Notices and FPNs to individual behaviour that may cause a detrimental effect on the local environment and the quality of life. When appropriate, Enforcement Officers can use these enforcement tools for environmental and anti-social behaviour offences such as illegal street trading, urinating, noise nuisance, dumping of waste inappropriately, littering, highway obstructions, drinking in public, etc, to remedy the nuisance caused to residents.
- 4.19 In addition we have a very detailed Community Safety NTE Partnership action plan that covers crime and ASB reduction, taking an approach that focuses on designing out crime, increased use of CCTV (£1.1 million of investment) and enforcement associated with high risk licensed premises. It is a joint delivery plan, and involves participation from various stakeholders across the Community Safety Partnership. It is an evidence based plan, based on the evidence and recommendations from the last strategic assessment. The coordination of the delivery of the action plan together with resource deployment is achieved through our weekly tasking meeting attended by key internal stakeholders and the police. We have also introduced the concept of street briefings in real time to ensure that the Police, local authority and licensed premises are working closely together to reduce ASB in the NTE.
- 4.20 The Late Night Levy (LNL) introduced in 2017 provides extra funding to deal with Crime, ASB and nuisance in the night time economy. This was introduced in respect of Licensed Premises that open between 00.01 and 06.00. This enables the Council to charge a levy to persons who are licensed to sell alcohol late at night as a means of raising a contribution towards the cost of services and activities which:
- reduce or prevent crime and disorder,
 - promote public safety,
 - reduce or prevent public nuisance.

- 4.21 There is a commitment to use 70% of the net revenue to contribute towards providing additional police patrols across the borough but focused mostly in Shoreditch. Income from the levy also funds the following:
- additional CCTV.
 - a radio scheme for licensed premises to better link them with police and CCTV services.
 - joint patrols and operations by police and Council officers including enforcement officers, so there's maximum coverage of the borough and best use of resources.
 - public awareness campaigns, best practice resources and monthly training sessions for licensees.
 - Hackney Nights Portal and venue accreditation scheme.
- 4.22 A very substantial portion of the late night levy funds Police Officers and the Council committed £178,000 of Late Night Levy funding to the Police in the last financial year towards policing the night time economy with the majority of this being spent in Shoreditch.
- 4.23 A new Police Town Centre Team (TCT) was set up in Shoreditch in December 2021 which incorporates an inspector, three sergeants and twenty one Police Constables (this is a growth in the Police establishment), and is augmented by the Metropolitan Special Constabulary and central MetPol resources such as the Tactical Support Group. By having a dedicated team such as this in and around the Shoreditch area of Hackney, The Police are able to provide a greater level of focus and reassurance to those that live in and visit the area. In particular the new TCT, will work in the night time economy, alongside Officers from Hackney and both partners remain absolutely committed to ensuring public and community safety.
- 4.24 The Town Centre Team (TCT) has an action plan in place covering their aims, objectives and outcomes. which includes the following objectives:-
- To reduce harm and violence of all forms, including Hate Crime and VAWG, knife and firearm enabled crime, sexual offences, drug offences, public order and ASB.
 - To detect crime.
 - To contribute to demand reduction in the Town Centre/Ward area.
 - To contribute to improving confidence, trust and legitimacy in the Police.
- 4.25 There is an NTE Action Plan that outlines the partnership objectives to manage, prevent and reduce crime in the Night Time Economy. It is a joint delivery plan and involves participation from various stakeholders across the Community Safety Partnership. It is an evidence-based plan, based on the evidence and recommendations from the last strategic assessment. The plan itself comprises eight sections:

1. Patrols and operational activity: This focuses on weekly high visibility and other patrols (some plain clothes) by enforcement officers, police, and CCTV at the key NTE hotspot locations (currently Shoreditch, Dalston, and to a lesser extent Broadway Market and Hackney Central). It also covers investigation and response to commercial noise complaints and waste/street cleansing activity.
2. Drugs and Alcohol: This section focuses on the understanding of the drug markets in the NTE, strategies for tackling certain types of drugs including psychoactive substances, the alcohol strategy (public health), and the PSPO (ASB associated drinking in public places).
3. Business / Licensing Activities: This section focuses predominantly on licensed premises, and includes engagement, awareness-raising, and relevant enforcement against licence breaches. It also includes designing out crime and working with licensees on better management of NTE locations to improve safety, prevent/reduce criminal opportunities, and ASB. It also includes the Hackney Nights Portal Accreditation Scheme and Pub Watch.
4. Repeat Victims and Offenders: This section focuses on building up intelligence that will support victims of crime to reduce harm, increase their safety, and reduce future risk and harm. It is also focused on repeat offenders (drug supply, violence, theft) where associated predominantly with NTE areas or venues.
5. Sexual Assaults: This section is cross referenced to objectives in the Violence Against Women and Girls Strategy and includes the Women's Safety Charter.
6. Public Realm / Planning: This section focuses on the built environment and the impact this has on NTE crime / ASB. It incorporates S17 of the Crime and Disorder Act, and also takes design and layout (physical environment and of venues) into consideration. It ensures that the Community Safety Partnership Plan is also taken into consideration for any planning decisions in affected areas.
6. Analysis, Intelligence Requirement and Performance Monitoring. This section ensures that the plan is on track, and that changing patterns in crime /ASB are taken into consideration and to help ensure gaps in knowledge are filled.
7. Information Sharing: This is to ensure the legal basis of sharing data (often without consent) for the purpose of preventing/detecting crime and ASB, and also working with businesses and sharing information under Common Law.

The current themes of the Action Plan are:

- Enforcement, Proactive Patrols, and Engagement with Licensed Premises - Temporary Events Notices, Licence Reviews, Hackney Nights iAccreditation, Licensing Officers Enforcement Group , Commercial Noise.
- Drug Market Overview - including repeat perpetrators.
- Public Place Violence Against Women and Girls (including Rape and Sexual Assault). This includes the Welfare and Vulnerability Engagement (WAVE) training and all of the other awareness raising and educational activities of Hackney Nights, welfare area and includes any known repeat offenders.
- Responsible/Safe Drinking which is linked to the Public Health alcohol strategy and also in relation to the planning regime and area regeneration plans to create safe places and design out crime.

4.26 In addition to the NTE Action Plan, the Intelligence Hub is now producing a weekly update which is shared with partners based on the NTE feedback from the Police, and combining it with any NTE commercial noise reports, crime and ASB reports, and Enforcement Officer's reports, which will help services to focus attention where ongoing issues are identified and addressed. Weekly commercial noise analysis identifies all premises where noise has been reported, including repeat locations and the nature of the noise. This analysis informs the weekly Night Time Economy (NTE) Tasking meeting where key stakeholders, including the Environmental Protection Team, are tasked to intervene to reduce the commercial noise at the premises. Residents are kept well informed of our activities through regular contact made by our Environmental Protection Team. Interventions include personal visits to the premises through to licensing reviews. The Enforcement Team also utilises the analysis to undertake spot checks at the premises to collate evidence of transgressions. An audit trail of the interventions are retained to ensure that feedback can be provided to the community-led Town Centre Meeting and to inform an escalation of enforcement measures should the problem persist. The process has resulted in very positive feedback being received from local community members at the Town Centre Meeting.

4.27 **Public Spaces Protection Orders (PSPO):** A PSPO was approved by Cabinet on 29th April 2019 under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and requirements in the specific area of Wick Woodland outlined in this report, for an initial period of three years. This was necessary as Council and Kings Park Police Safer Neighbourhood Team have received numerous complaints about noise, littering and other antisocial behaviour (ASB) taking place in Wick Woodland by Hackney Marshes. These include large anti-social parties that

cause significant noise disturbance in the local area, as well as significant environmental and wildlife damage. Complaints were received initially in 2014 and continued until the PSPO was approved.

- 4.28 While the PSPO has been successful to deal with behaviours complained of, these activities then moved to the adjoining Hackney Marshes and the Council successfully applied to the High Court for an injunction in June 2020 to address this. The PSPO expired in April 2022 and a consultation exercise was undertaken in relation to a revised PSPO being approved and extending it to cover Hackney Marshes, Millfields Park, Mabley Green Daubeney Fields and other areas and following the consultation exercise this was approved by Cabinet on 21st November 2022.
- 4.29 On 17th March 2021 Cabinet approved the making of a Public Spaces Protection Order in relation to dog control under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and requirements in the proposed Order in this report for a period of three years following a consultation exercise which took place in 2020.
- 4.30 A consultation exercise was undertaken, in relation to renewing and amending the PSPO, between August and 15th December 2023 and a revised and amended PSPO was approved by Cabinet on 26th February 2024.
- 4.31 The PSPO makes it an offence not to clean up after a dog in a public place, to prevent dogs being exercised in specific areas including children play areas, sports courts, multi-use games areas and marked pitches. Dogs are also required to be kept on a lead on roads, churchyards, communal areas on Estates etc and an authorised Officer can require a person to put a dog on a lead where the dog is not under the appropriate control of their owner, or where they are causing damage or acting aggressively. The PSPO also restricts the number of dogs that can be walked by any one person to six. At the consultation this was proposed to be set four, but following the feedback received during the consultations, particularly in relation to the impact this would have on professional dog walkers the majority of whom are small businesses, it was recommended that the number be increased to six. A link to the PSPO can be found on the Council website at <https://hackney.gov.uk/dog-control-orders>
- 4.32 Council Community Safety and Enforcement Officers have an existing record of responding to concerns about dog fouling and other dog nuisance issues. Appropriate enforcement action will be taken in accordance with our Enforcement Policy, largely this will be by education and encouragement, though formal action will be taken when required.
- 4.33 In relation to alcohol control in a public place on 18th October 2021 Cabinet approved the making of a Borough wide PSPO in relation to the control of anti- social behaviour associated with the consumption of alcohol in public

places in Hackney. A consultation exercise was undertaken between 24th May and 4th July 2021 to gauge support on having a PSPO in place, It asked whether residents were concerned about ASB associated with street drinking, the type of behaviour that had been witnessed, whether/and how often they had witnessed this behaviour.

4.34 **Parks and Open Spaces:** Following the ban of all barbeques in the Parks and open public spaces in the Borough in 2019, and the need to apply for a High Court Injunction in June 2020 following unprecedented levels of anti-social behaviour due to barbecues returning, drug use, extremely heavy use of London Fields Park and Hackney Marshes at levels not experienced previously, increased number of cafes/restaurants/ licensed premises around the area selling takeaway food and/or alcohol, littering, noise/sound systems, public urination and defecation (in and around London Fields Park in residential areas), social gatherings / drinking, vandalism and verbal abuse / harassment / intimidation of staff during the initial lockdown in Spring 2020, it was considered essential to have a dedicated Team of Enforcement Officers, and security staff were in place in the Summer both in on 2021 and 2022.

4.35 This continued again in 2023 when a Team of four Enforcement Officers covering Thursday to Sunday every week from June to end of September in different shift patterns to help deal with the increased service requests and complaints in Parks and Open Spaces. The enforcement activity undertaken in Parks and Open Spaces in the summer of 2023 is detailed in Table 1 below.

Table 1 -Enforcement Activity in Parks and Open Spaces

Category	Total
Littering FPN	136
Urinating FPN	117
Street Trading FPN	4
Highways FPN	1
ASBW	
Persons prevented from urinating over the week	683
Groups directed to turn off amplified music	18

Bbqs prevented from being lit	8
Aggressive beggars targeting park users directed to leave the park	20
Persons directed to collect litter	133
Referral - MPS	4
Referral - LAS	5

4.36 There are no easy answers to the challenges in the London Fields area in particular. The recent levels of anti-social behaviour, both actual and perceived, on sunny /warmer days is exclusionary to families and to some local residents. However, we also know for many people, especially those in overcrowded accommodation and without outside space, our parks and wider public realm are the only places where meeting with friends is possible and was not permitted during the pandemic.

4.37 An additional Enforcement Team Leader and three Enforcement Officers have been recruited to patrol our parks and open spaces during the 2024 peak season. These officers will patrol all of the borough's parks and green spaces on bicycle and respond to ASB in our parks and green spaces across the borough. These Officers will work ever closer in partnership with colleagues from Parking, Parks and Green Spaces and Markets to better achieve a culture of compliance within the wider public realm outside of our core business hours.

Recruitment of suitably qualified and experienced Officers is a significant challenge especially during the summer months. It is important therefore, that however the Council proceeds in relation to enforcement in Parks and Green Spaces, it takes into account the views of everyone and builds a narrative based on robust principles of what is and is not acceptable behaviour in our Parks and wider public realm.

4.38 **Dalston Project** : Since the Dalston Project started in December 2021 Enforcement Officers have had significant positive outcomes in relation to ASB and disorder in the Dalston area (in particular Ridley Road and Gillett Square).

4.39 The project started as a three-month project in December 2021, designed to support the Mayor's priority to make Hackney a safe place for everyone, and as an add-on to the Enforcement Team, due to Gillett Square and Ridley Road being such key and important areas with their well known entrenched and complex issues ASB issues and criminality. The community

intelligence collated has been key to informing us on how to address some of those issues and put the Council in a very strong position when requesting Police for resources to deal with it.

The objectives were:

- to obtain intelligence that is shared regularly with the Police and the Intel hub,
- to address and enforce contraventions like urination (often complained of in Gillett Square),
- to provide high visibility and reassurance patrols to the public,
- to provide reassurance to licence holders.

4.40 The team has taken a collaborative partnership approach to respond to community concerns associated with all forms of ASB. This includes action to reduce commercial waste and interventions to reduce ASB in Ridley and Gillett Square with both areas experiencing reductions in ASB and noise.

4.41 In addition to their enforcement activities the team has worked collaboratively with a number of stakeholders to provide support to our vulnerable street population. This has included the coordinated deployments of a number of street based services to reduce harm associated with vulnerable people.

4.42 The team has also worked with police colleagues to reduce drug supply whilst optimising street based harm reduction interventions to support those with substance misuse addictions. This work culminated in a number of high profile days of action leading to reductions in street based drugs supply in the hotspot areas.

4.43 We have recently started to obtain data from SWIM about the individuals engaged through that partnership with the numbers detailed below :

DATES: 30/12/2023 TO 29/03/2024

Date of outreach sessions weeks	Number of outreach sessions	Number of people engaged in sessions	Number of people referred into swim psychosocial support/mentals pact programme	Signposted to other services	Assisted into connecting with other services within public health van (turning point, hep C trust, Greenhouse, Health

					and well being
30/12/2023 To 29/04/2024	37	340	40	200	100

4.44 With regard to Enforcement activities, the outcomes have also been very positive including images collected by the Officers body worn camera which CCTV cannot reach, and this has led to vital intelligence for the Police. Beyond that, venues and business have facilitated intelligence and evidence that has led to the arrest of individuals. A breakdown of Fixed Penalty Notice served is shown in Table 2 below. As shown, the number of FPNs in the area have been increasing year on year, as well as the EO reports, reflecting the intense activity of the team deployed there.

Table 2 Fixed Penalty Notices issued in Dalston

Financial Year	Total
2020/21	186
2021/22	589
2022/23	591
2023/24	229

4.45 A breakdown of Enforcement Officer reports for the Dalston area is shown in Table 3 below:

Table 3 Enforcement Officer reports for Dalston

Financial Year	Total
2020/21	1421
2022/22	2593
2022/23	2795
2023/24	3205

The relation with licensed venues has strengthened due to the increased Enforcement Officer presence during NTE operating hours. Police briefings

were undertaken for the first time in October 2023 on Fridays evening at 21.30hs at Gillett Square attended by venues and open to anyone. They have stopped due to lack of engagement in February 2024 though this could recommence during summer months if intelligence shows that it is necessary.

The Project also managed closely the issue of noise caused by local people playing music loud at night in particular during the weekends. The Enforcement team did not receive a huge amount of reports about it, but enough to be aware that it is a key element to tackle. Groups playing music were constantly engaged to make them aware of the impact and it was helpful in reducing the amount of complaints.

Unfortunately, it has not possible to secure funding to continue the project. As a result, the project has ceased to operate and the work mainstreamed by core Enforcement Officer teams. We are committed to continue monitoring the area and not to lose the connections made in the area which have provided such good outputs and outcomes, although we are also aware that it will prove to be challenging.

Equality Impact Assessment

- 4.46 In undertaking any enforcement, Officers are required to comply with the requirements of the Public Sector Equality Duty set out in the Equality Act 2010.
- 4.47 The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Sustainability and climate change

N/A.

Consultations

N/A

Risk assessment

- 4.48 Enforcement Officers will take actions that contribute to achieving corporate priorities and desired outcomes. Without these being agreed, (that being clearly stated priorities), the service will be at risk of not effectively focussing its work and efficiently directing limited resources.
- 4.49 **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.
- 4.50 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.
- 4.51 **Administering the enforcement process** – Mobile ICT working solutions and business intelligence software are currently being managed through 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(FPNs).
- 4.52 The service is looking to implement a different system for issuing FPNs from October 2024.
- 4.53 **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 need 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.
- 4.54 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.

- 4.55 Other priorities for the service include issues associated with the Night Time Economy which is the biggest market economy in the borough, and as already outlined, has a high impact on crime particularly violence, theft, hate crime, sexual offences, drug use/supply which has also increased demand on the service.
- 4.56 Nuisance neighbours and domestic noise are still the greatest source of ASB reported to the service. Staffing the out of hours service requires 3.19 FTE Enforcement Officers in addition to Environmental Protection Officers on duty, and impacts the capability of the service early in the week as these staff will be on rest days following their weekend duties.
- 4.57 In January 2022 NoiseWorks was launched and has the objective 'to develop a fully integrated case management solution to effectively manage noise complaints in Hackney. Society Works, a registered charity, has been working with Hackney to develop a secure, cloud-hosted product called "NoiseWorks". They have built all the features required including customer views, staff views, and staff case management functionalities. It provides all of the features the service requires to receive, assign and manage noise reports and there will be further opportunities to enhance the solution later.
- 4.58 Environmental enforcement continues to be a priority for the service. A significant number of formal notices have been served in relation to this area of work, being Fixed Penalty Notices (FPNs). 3304 FPN's were issued in 2023/24 compared to 3447 in 2022/23 and 3971 in 2021/22. It also needs to be acknowledged that 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 previous years when Officers were only undertaking environmental enforcement duties. The approval by Cabinet in January 2019 of a revised Enforcement Policy has also assisted in the decision making process in relation to the enforcement action taken regarding a particular issue.

Table 4 - FPNS issued 2021/22, 2022/23 and 2023/24

Act	FY2021/22	FY2022/23	FY2023/24
Anti Social Behaviour Act 2003, amended by Section 28 of Cleaner Neighbourhoods and Environment Act 2003	1	21	13
Anti Social Behaviour, Crime and Policing Act 2014		3	2
Environmental Protection Act 1990	1800	1757	1502
Highways Act 1980	1838	1156	1390
London Local Authorities Act 1990	292	476	368
Town and Country Planning Act 1990	40	34	29
Grand Total	3971	3447	3304

Row Labels	FY2021/22	FY2022/23	FY2023/24
Anti Social Behaviour Act 2003, amended by Section 28 of Cleaner Neighbourhoods and Environment Act 2003	1	21	13
Anti Social Behaviour Act 2003, amended by Section 28 of Cleaner Neighbourhoods and Environment Act 2003 Various	1	8	5
Various Graffiti/Fly posting		13	8
Anti Social Behaviour, Crime and Policing Act 2014		3	2
Anti Social Behaviour, Crime and Policing Act 2014 (Section 67) Dog Control - Failing to remove dog faeces			
Anti Social Behaviour, Crime and Policing Act 2014 Section 67		1	1
Section 67 Dog Control - Failing to remove dog faeces		2	
Section 67 Hackney Wick Woodland Public Space Protection Order			1
Environmental Protection Act 1990	1800	1757	1502
Environmental Protection Act 1990 (Section 33ZA) Waste Deposit - Fly Tipping			
Environmental Protection Act 1990 (Section 33ZA) Waste Disposal - Fly Tipping			
Environmental Protection Act 1990 (Section 46) Duty of Care - Household Waste			
Environmental Protection Act 1990 (Section 47) Duty of Care - Commercial/Industrial			
Environmental Protection Act 1990 (Section 87) Littering			
Environmental Protection Act 1990 (Section 87) Littering from Vehicle			
Environmental Protection Act 1990 (Section 87) Urination			
Environmental Protection Act 1990 Schedule 3A Section 1(5)	1	1	
Environmental Protection Act 1990 Section 33(1)(a)	14	3	2
Environmental Protection Act 1990 Section 34(6)	1	2	1
Environmental Protection Act 1990 Section 46	4	1	2
Environmental Protection Act 1990 Section 47	20	2	1
Environmental Protection Act 1990 Section 47(6)	2		
Environmental Protection Act 1990 Section 80(4)		1	

Environmental Protection Act 1990 Section 87	1164	831	460
Schedule 3A Section 1(5) Unauthorised distribution of literature on designated land	2		
Section 33(1)(a) Waste Deposit - Fly Tipping	28	52	32
Section 34(6) Person has failed to comply with a duty to furnish documents to that authority imposed under regulations made at any time under section 34(5)	23		366
Section 46 Duty of Care - Household Waste	4	2	1
Section 47 Duty of Care - Commercial/Industrial	20	15	25
Section 47(6) Waste receptacles-commercial and industrial waste only			36
Section 80(4) Contravention or failure to comply with requirement or prohibition by abatement notice (Residential)			
Section 87 Littering	311	457	246
Section 87 Littering from Vehicle	3	1	1
Section 87 Urination	203	389	329
Highways Act 1980	1838	1156	1390
Highways Act 1980 Section 137(1)	72	47	29
Highways Act 1980 Section 138		1	1
Highways Act 1980 Section 139(3)	1	1	2
Highways Act 1980 Section 139(4)	1	2	2
Highways Act 1980 Section 139(4)(d)		2	2
Highways Act 1980 Section 140(3)			
Highways Act 1980 Section 148(a)	2	5	6
Highways Act 1980 Section 148(b)			1
Highways Act 1980 Section 148(c)	33	44	31
Highways Act 1980 Section 148(d)	1	1	
Highways Act 1980 Section 161(1)		14	4
Highways Act 1980 Section 169(5)	25	44	47
Section 137(1) Wilful obstruction of highway	573	513	731
Section 137(1) Wilful obstruction of highway			
Section 138 Erecting a building, fence or hedge on highway	62	8	10
Section 139(3) Depositing builder's skip on highway without permission	67	20	50
Section 139(4) Failure to secure lighting or other marking of building's skip	64	13	56
Section 139(4) Failure to secure marking of builder's skip with name and address	18	4	9
Section 139(4) Failure to secure removal of builder's skip	5	32	31

Section 139(4)(d) Failure to comply with conditions of permission	146	58	74
Section 140(3) Failure to remove or reposition builder's skip	1	2	
Section 141(3) Failure to comply with notice requiring removal of tree or shrub	2	1	
Section 148(a) Depositing material etc. on a made up carriageway	87	22	8
Section 148(b) Depositing material etc. within 15 feet from centre of made up carriageway	5		
Section 148(c) Depositing anything on highway to the interruption of user	302	124	152
Section 148(d) Pitching of booths, stalls or stands or encampment on highway	6		
Section 151(3) Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer	5		9
Section 153(5) Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street		1	
Section 161(1) Depositing things on highway which cause injury or danger	32	43	49
Section 169(5) Erecting scaffolding or other structure without licence failing to comply with terms of licence or perform duty under subsection (4)	328	154	86
London Local Authorities Act 1990	292	476	368
London Local Authorities Act 1990 (Section 38(1)) Illegal Street Trading			
London Local Authorities Act 1990 Section 34(1)	12	3	1
London Local Authorities Act 1990 Section 34(3)		41	6
London Local Authorities Act 1990 Section 34(4)			1
London Local Authorities Act 1990 Section 38(1)	94	138	38
Section 34(1) Contravention of condition of street trading licence or temporary licence	19	36	65
Section 34(3) Resisting or obstructing authorised officer		33	5
Section 34(4) Failure to produce street trading licence on demand	2	1	
Section 38(1) Illegal Street Trading	165	224	252
Town and Country Planning Act 1990	40	34	29
Section 244(3) Displaying advertisement in contravention of regulations (flyposting)	39	33	28
Town and Country Planning Act 1990 Section 244(3)	1	1	1
Grand Total	3971	3447	3304

- 4.59 Officers use all of the powers available to them to address ASB, specifically the use of Community Protection Warnings/Notices, Closure Notices/Orders and Criminal Behaviour Orders which became available to local authorities through the Anti-Social Behaviour, Crime and Policing Act 2014 when dealing with ASB investigations.
- 4.60 A Community Protection Notice (CPN) can be issued against a perpetrator of persistent antisocial behaviour. Failure to comply can lead to a fixed penalty notice, remedial action or a court order. A person issued with a CPN can appeal to a Magistrates' Court within 21 days of service of the notice. There is no restriction on the type of behaviour a CPN can deal with. Before issuing a CPN, the Council will issue a written warning to the perpetrator setting out that if the antisocial behaviour persists a CPN will be issued. The amount of time allowed between the written warning and the issuing of the CPN is to be determined on a case-by-case basis. In some cases it could be minutes, for example when someone persists with playing loud music in a park. For example, if a dog was frequently entering a neighbour's garden through a broken fence, the owner could be issued with a CPN requiring s/he fixes the fence and, if appropriate, require that the owner and dog attended dog behaviour training classes.
- 4.61 The 2014 Act also gave the Council and the Police new closure powers to close premises for the purpose of dealing with, or preventing, public nuisance and disorder. This power consolidated and simplified previously available provisions relating to closure of premises, which were repealed.
- 4.62 A Closure Notice prohibits access to the premises for the period specified in the notice to close premises which are causing antisocial behaviour, if there is reasonable belief that there is, or is likely to be:
- a nuisance to members of the public, or
 - disorder relating to the premises and in its vicinity.
- 4.63 In addition, the notice must be necessary to prevent occurrence or reoccurrence of the nuisance or disorder. A notice is valid for a maximum of 48 hours and it can be cancelled or varied. In order to be confirmed as a Closure Order, the Council or the Police must apply to the Magistrates' Court.
- 4.64 A Closure Order can prohibit access to the premises, or part of them:
- at all times, or at specified times only,
 - by everyone (including the occupier and other residents), or by specified persons only.

- 4.65 A Closure Order can be made for a maximum of three months. However, the Council or Police can apply, before expiry of the original term, for an extension up to a (overall) maximum of six months.

Table 5 Overall Formal Enforcement Activity (3 year comparison)

	2021-2022	2022-2023	2023-2024
Fixed Penalty Notices	3971	3447	3304
Anti-Social Behaviour Warnings	521	311	504
Community Protection Warnings	48	65	62
Community Protection Notices	10	8	11
Noise Abatement Notices	13	18	20
Injunctions	0	3	12
Prosecutions & Formal Cautions	7	12	21
Closure Orders	12	10	13

5. **Comments of the Group Director of Finance and Corporate Resources.**

- 5.1. This report seeks the Corporate Committee to note the annual performance of enforcement service for the 2023/24 financial year.
- 5.2 The report is retrospective and has no immediate financial implications.
- 5.2. The cost of the enforcement service is met from the revenue budgets in Community Safety, Enforcement and Business Regulation

6. **Comments of the Director of Legal, Democratic and Electoral Services**
- 6.1. The content of this report is for informative purposes, and advises on the annual performance across the enforcement remit for the 2023/24 financial year.
- 6.2 There are no legal implications arising from this report

Appendices

None

Background documents

None

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Title of Report	ANNUAL REPORT OF PUBLIC SPACE PROTECTION ORDER (PSPO) 2023
For Consideration By	Corporate Committee
Meeting Date	20th May 2024
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Group Director</u>	Rickardo Hyatt

1. Introduction

- 1.1. The Borough wide Designated Public Place Order (DPPO) was originally introduced on 24th May 2010. It was implemented under section 13 of the Criminal Justice and Police Act 2001 which was superseded on 20th October 2014 by the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.2. The purpose of the DPPO was to ensure that the consumption of alcohol in a public place did not cause disorder, nuisance or annoyance to members of the public, or a section of the public within the London Borough of Hackney.
- 1.3. The 2014 Act automatically transitioned the previous DPPO into a Public Space Protection Order (PSPO) on 20th October 2017 which is required to be reviewed every three years. The PSPO expired on 19th October 2020..
- 1.4. On 18th October 2021 Cabinet approved the making of a Borough Wide Public Spaces Protection Order which placed controls on alcohol related ASB. The Order was made under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and which expires on 17th October 2024.

2. Recommendations

- 2.1. **There are no official recommendations arising from this report. This report is for information purposes. Corporate Committee can note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO.**

3. **Reason(s) for decision**

- 3.1. A PSPO is a tool to ensure the law-abiding majority can use and enjoy public spaces safe from activities which have a detrimental effect on the quality of their life in that area. The current PSPO ensures that Hackney has an effective response to ASB associated with the consumption of alcohol in any public place in the Borough of Hackney.
- 3.2 PSPOs are intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by putting in place conditions on the use of that area that apply to everyone. They are designed to ensure people can use and enjoy public spaces safe from activities, which have the requisite detrimental impact.

4. **Background**

Policy Context

- 4.1. Historically alcohol related ASB was regulated by the Council's DPPO. When PSPOs were created, the power to create further DPPOs was repealed and existing orders were allowed to last for a three-year period until October 2017. After October 2017, existing DPPOs could be enforced as though they were PSPOs and they expired in October 2020, these were "transitioned" PSPOs .
- 4.2. The Borough Wide DPPO was introduced on 24 May 2010. The purpose of the DPPO was to ensure that the consumption of alcohol in a public place did not cause disorder, nuisance or annoyance to members of the public, or a section of the public within the London Borough of Hackney.
- 4.3. After three years the DPPO was treated as a transitioned PSPO for the purposes of enforcement by virtue of s.75(3) of the 2014 Act. Once that a further three years expired (in October 2020), the DPPO came to an end because a PSPO may not have effect for a period of more than three years (s.60(1)).
- 4.4 Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from ASB.
- 4.5 Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.
- 4.6 Officers from Housing Needs, Community Safety, Enforcement and Public Health have reviewed the support currently offered to street users. The initial

focus of the review was to map the cohort of street users that were known, along with their issues, map out (with costs) the current interventions that the Council commission/provide to support this cohort and to review/refresh the Street Users Outreach Meeting (SUOM). Based on this, the effectiveness of interventions undertaken is constantly reviewed and challenged if the signposting process for street users is not clear enough.

- 4.7 ASB and disorder associated with a section of people present on our streets and estates is a complex issue that required better integration of partnership activities to create a flexible response that provides both support to these people, but is flexible enough to escalate the response to more proactive enforcement should the support fail to reduce ASB or associated disorder.
- 4.8 It was always intended that the implementation of the Order was to ensure that there would be a balance between proportionate enforcement and acceptable behaviour, with the provision that potentially vulnerable individuals would be referred or signposted for appropriate support.
- 4.9 The DPPO, latterly the PSPO until 19th October 2020, had been in place for nearly eight years and in that time the number of complaints in respect of ASB from street drinkers has gone from a historic high of 609 in 2010 to 10 in 2023.
- 4.10 The introduction of the Borough wide DPPO/PSPO was never intended on its own to completely remove the issues of anti-social street drinking, nor to overly disadvantage or reduce the numbers of the street population in the borough. The number of people who may be considered as street drinkers is difficult to estimate and can fluctuate. The reasons for this, for example the social and financial factors, are not matters that the Order is able to address.
- 4.11 The focus of the DPPO/PSPO is to moderate behaviour, which it is considered to have achieved since its introduction and its continued maintenance. Following an initial sharp overall reduction of reported incidents, these now appear to have reduced further. The ongoing work by the Intelligence Hub has identified hotspots, but these do not include a number of the original pre DPPO/PSPO hotspots such as Kynaston Park.
- 4.12 A successive reduction year on year in the numbers of reports of anti-social street drinking has already been reported to the Committee in its previous role as the Regulatory Committee, with a small increase noted in the annual report to this Committee in 2014.

4.13 Executive Summary

- 4.13.1 The visible street population appears to have increased in the last three years, but the behaviour of individuals has, during the first few years at least of the DPPO, been moderated by use of this and other powers. In the context of a year on year overall reduction in all Anti-Social Behaviour (ASB) in this borough, in the first three years since the introduction of the PSPO, calls to the Police regarding anti-social street drinking have fallen year on year.
- 4.13.2 There was a very small increase recorded in the fourth year (but analysts indicate that this is an increase that may be attributed to the way Police changed how they classify incidents). In the last year there were 10 reports. This is still a very significant decrease as the number of reports as the year before implementation of the original DPPO was 609. There have been a lot of changes in recording practices since we started monitoring this indicator. The Police now only have to log ASB as one of the three main characteristics, so some of these may be being missed. Also some could be being recorded under Rowdy inconsiderate behaviour. A breakdown of these is shown by Ward in the table below:.

Ward	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
De Beauvoir								1					1
Hackney Central								1					1
Haggerston					2								2
Hoxton West						1							1
Kings Park							1						1
Lea Bridge							1						1
London Fields											2		2
Stoke Newington		1											1
Grand Total	0	1	0	0	2	1	2	2	0	0	2	0	10

4.13.3 A breakdown of the number of Anti-Social Behaviour Warnings issued by Council Enforcement Officers is shown in the Table below.

Ward	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Dalston				2		1		1		1			5
Hackney Central	2	2	8	2	9		1	19	7	7	3	1	61
Hackney Downs								1	2		1		4
Haggerston				2					1				3
Homerton								1	1	1			3
Hoxton East and Shoreditch	4	7	3	13	4	3	2	5	6		2	1	50
Hoxton West							1						1
London Fields					2	1			3				6
Stamford Hill West				1	1					1			3
Stoke Newington										1			1
Victoria				1					1				2
(blank)			1										1
Grand Total	6	9	12	21	16	5	4	27	21	11	6	2	140

- 4.13.4 Hackney Enforcement Officers and Metropolitan Police Officers issue anti-social behaviour warnings prior to issuing FPNs for street drinking in an effort to deal with the problem in a proportionate manner.
- 4.13.5 A PSPO allows Enforcement Officers and Police Constables to issue Fixed Penalty Notices (FPNs) of £100, and/or prosecution in the event of a person being issued with an FPN failing to pay the FPN, or an injunction in extreme circumstances.
- 4.13.6 Injunctions are another new power introduced by the 2014 Act, which impose requirements upon the individual on whom and FPN has been issued, where it is clear the individual's conduct is having a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature and the conduct is unreasonable.
- 4.13.7 It is important that Councils do not inadvertently restrict everyday sociability in public places. The PSPO should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life rather than everyday sociability, such as standing in groups, which itself is not a problem behaviour.
- 4.13.8 With the introduction of the Act, the Council has a number of tools at its disposal to tackle street drinking, however these tools must be utilised in a measured and proportionate way, in accordance with our Enforcement Policy, the Council's protocols and consultation requirements. FPNs will only be issued to persons who are undertaking street drinking where ASB has been identified and associated with the activity.
- 4.13.9 The resources available to deal with this problem are limited, and a particular problem is ensuring the availability of all relevant Officers across a number of agencies. However, there remains very effective operational partnership working and tasking to address this and related ASB issues, whilst maximising the available resources.
- 4.13.10 A monthly Street Users Outreach Meeting (SUOM), where Council Officers, Police and outreach staff meet to discuss individual cases of street drinkers, is the main mechanism used to coordinate the enforcement activity and improve treatment efforts in order to reduce alcohol related ASB and street drinking. Officers continue to work closely on the streets with Thames Reach and Officers in other support agencies when dealing with individuals.
- 4.13.11 The identification of any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group, which is chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings which address singular impacted issues at the individual level with specific agencies particularly Housing.

Equality impact assessment

- 4.14 An Equality Impact Assessment (EIA) is required to be undertaken to assess the potential of an adverse positive or negative impact of any proposed PSPO on protected groups, to ensure compliance with the requirements of the Public Sector Equality Duty contained in s.149 Equality Act 2010.
- 4.15 The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 4.16 The PSPO approved by Cabinet on 18th October 2021 sets out a range of powers available to the Council and how these will be legally applied. Officers took specific account of the Council's duties when formulating the proposed PSPO, and a detailed EIA was completed as part of the recommendation made to Cabinet to approve the PSPO.

Sustainability and climate change

- 4.17 Not applicable to this report.

Consultations

- 4.18 No consultation has been undertaken in relation to this report itself as one is not required. It is for informative purposes, no decision is being made or recommended in this report. In accordance with the guidance for the implementation of a DPPO between September and November 2009 the Council conducted an extensive public consultation. This included businesses and particular licence holders of licensed premises, residents and visitors, local police commanders, neighbouring local authorities.
- 4.19 The Council undertook consultation in September and October 2020 to gauge support in relation to having a PSPO in place in relation to the consumption of alcohol in a public place, and further consultation was carried out between May and July 2021 prior to the PSPO being approved by Cabinet in October 2021.

Risk assessment

4.20 Not applicable to this report.

5. Comments of the Group Director of Finance and Corporate Resources.

5.1. This report requests the Corporate Committee to note the level and the scope of work being carried out to meet the requirements of the Public Space Protection Order (PSPO).

5.2. There are no immediate financial implications as the report. The cost of enforcement of the PSPO is managed within the available Community Safety and Enforcement Budgets.

6. Comments of the Director of Legal, Democratic and Electoral Services

6.1. The content of this report is for informative purposes, and sets out the level and the scope of work being carried out to meet the requirements of the PSPO (previously DPPO) regarding alcohol consumption in the borough. The content of the report reflects the considerations advised by the updated Home Office Guidance (published December 2017) on the use of PSPO's.

6.2. There are no further specific legal implications arising from this report.

Appendices

Appendix 1 - The PSPO approved on 18th October 2021 by Cabinet is attached to this report.

Background documents

None

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ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the London Borough of Hackney (the 'Council') and shall be known as the **Public Spaces Protection Order (Alcohol) 2021**.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

the effect, or likely effect, of the activities:

is, or is likely to be, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

4. The Activities prohibited by this Order are:

- i. failing to comply with a direction not to consume, in breach of this order, alcohol, or anything which an authorised person reasonably believes to be alcohol where the authorised person reasonably believes that a person has engaged in anti-social behaviour.
- ii. failing to surrender a container of alcohol (whether open or not) when asked to do so by an authorised person.

THE PROHIBITIONS

5. A person shall not engage in any of the Activities listed at paragraph 4(i)–4(ii) anywhere within the Restricted Area as shown on the map at Schedule 1 of this order and labelled “The Borough-Wide Restricted Area”.
6. This Prohibition is subject to the Exception stated below.

THE REQUIREMENT

7. A person who is believed to have engaged in a breach of this Order is required to give their name and address to a police officer, police community support officer or other person designated by the Council.

THE EXCEPTION

8. Nothing in this order shall apply to a person who is a person who is consuming alcohol on premises listed in section 62 of the 2014 Act, the full text of section 62 appears at Schedule 2 of this Order.

DEFINITIONS

9. In this Order the following words or phrases are defined as follows:

‘Alcohol’ has the same meaning as in section 191 of the Licensing Act 2003, the full text of s.191 appears at the end of this Order.

‘Anti-social behaviour’ means conduct that has caused or is likely to cause nuisance, annoyance, harassment, alarm or distress to any person.

'Authorised Officer' means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order.

'Council' means the London Borough of Hackney.

'Restricted Area' means the parts of the London Borough of Hackney as shown on the map at Schedule 1 and labelled "The Borough-Wide Restricted Area" and shaded with a red boundary line.

'2014 Act' means the Anti-Social Behaviour, Crime and Policing Act 2014.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

10. This Order is made on 18th October 2021 and will come into force at midnight on 19th October 2021 and will expire at midnight on 18th October 2024.
11. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

ALCOHOL

Section 63 of the Anti-Social Behaviour Crime, and Policing Act 2014 provides that where a constable or authorised person has reason to believe that a person has been consuming alcohol in breach of this PSPO or intends to consume alcohol in circumstances which would be a breach of this PSPO, the constable or authorised person may require that person not to consume alcohol or anything which is reasonably believed to be alcohol and/or surrender anything believed to be alcohol or a container for alcohol. Failure to comply without having a reasonable excuse is an offence. A requirement is not valid if, when asked to do so, the constable or authorised person, fails to show evidence of their authorisation. **Section 62** (set out in full below) contains a list of exceptions where the ban on consuming alcohol does not apply).

CRIMINAL OFFENCE

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

PENALTY

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

EXECUTED by affixing the Common Seal of
**THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HACKNEY**
in the presence of:-



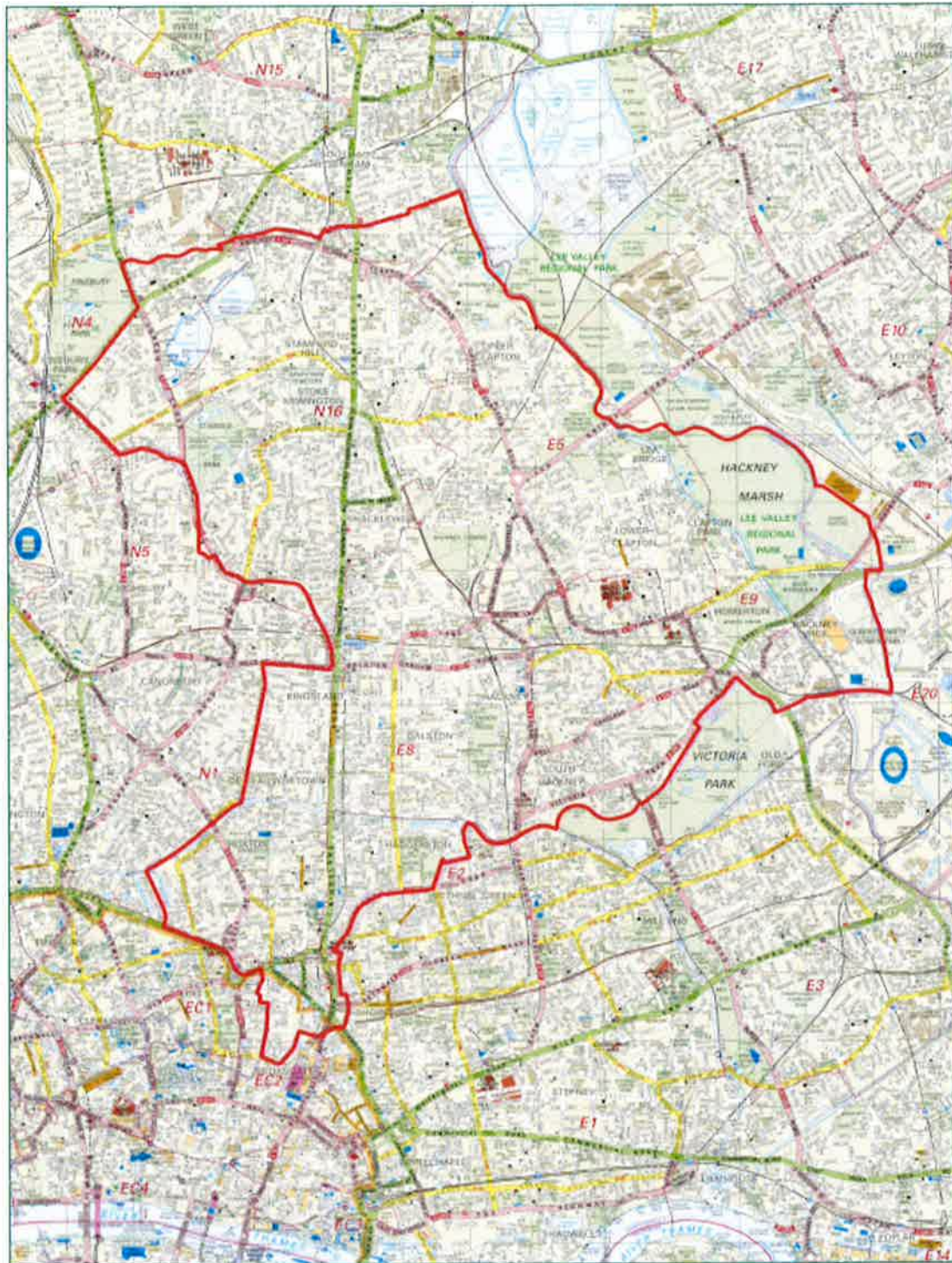
501487

Authorised Signatory

GEORGIA LAZAR

TEAM LEADER (PLACES)

Schedule1 – BOROUGH WIDE - RESTRICTED AREA – MAP



8

NORTH	Appendix 3 - Alcohol PSPO		
Scale: 1:25000 at A3	Ref: Alcohol PSPO	Produced by Corporate GIS	© Baroterra Ltd. Reproduced by permission, Inspector Collins Phillips from 2010
Hackney	Wednesday, November 25, 2010	email: GIS@hackney.gov.uk	

Schedule 2 - LEGISLATION

Section 62 – Anti-Social Behaviour, Crime and Policing Act 2014

Premises etc to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—
 - (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);
 - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—
 - (a) when the premises are being used for the supply of alcohol, or
 - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
- (3) In this section—

“club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;

“premises licence” has the meaning given by section 11 of that Act;

“supply of alcohol” has the meaning given by section 14 of that Act.
- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—
 - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
 - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

Section 63 - Anti-Social Behaviour, Crime and Policing Act 2014

Consumption of alcohol in breach of prohibition in order

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P)—
 - (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “*authorised person*” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).
- (2) The constable or authorised person may require P—
 - (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
 - (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.
- (4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—
 - (a) is asked by P to show evidence of his or her authorisation, and
 - (b) fails to do so.
- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Offences

67 - Anti-Social Behaviour, Crime and Policing Act 2014

Offence of failing to comply with order

- (1) It is an offence for a person without reasonable excuse—
 - (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

191 – Licensing Act 2003

Meaning of “alcohol”

- (1) In this Act, “*alcohol*” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor in any state, but does not include—

- (a) alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question,
- (b) perfume,
- (c) flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
- (d) the aromatic flavouring essence commonly known as Angostura bitters,
- (e) alcohol which is, or is included in, a medicinal product or a veterinary medicinal product,
- (f) denatured alcohol,
- (g) methyl alcohol,
- (h) naphtha, or
- (i) alcohol contained in liqueur confectionery.

- (2) In this section—

“*denatured alcohol*” has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

“*dutiable alcoholic liquor*” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“*liqueur confectionery*” means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

“*medicinal product*” has the same meaning as in section 130 of the Medicines Act 1968 (c. 67)

“*strength*” is to be construed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979; and

“*veterinary medicinal product*” has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2006.

Corporate Committee Work Programme 2024/25

20 May 2024 meeting					Status
1	HR Policy Review (if required)		To Approve/For Information	Sandra Farquharson/ Kate Faxen	Standing item - Ongoing Carried over from the 2023-24 Municipal Year
2	Environmental Enforcement - Annual Performance Report 2023/24	The report sets out the annual performance report across the environmental enforcement remit for the 2023/24 financial year.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)	
3	Annual Report of the Public Spaces Protection Order (PSPO) 2023	Annual report on the Public Spaces Protection Order.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)	
4	Strategic Plan update	The Plan, 'Working Together for a Better Hackney', sets out the ambitions for the Council for the next four years, as well as the challenges it faces, and describes how as a Council its need to respond and change, working and co-producing with residents, the voluntary and community sectors, the business community and public sector partners.	For Information And Comment	Sonia Khan	Carried over from the 2023-24 Municipal Year

5	Business Regulation Service Delivery Plans 2024/25	The report sets out the Business Regulation Service delivery plans for the 2024/25 financial year.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)	
6	Corporate Peer Challenge	The Council will invite representatives of other authorities to review the delivery of specific services, to use their experience to assess how well these services are performing and to make recommendations for improvement.	For Information And Comment	Kieran Read	Carried over from the 2023-24 Municipal Year

10 September 2024 meeting					Status
1	HR Policy Review (if required)		To Approve/For Information	Sandra Farquharson/ Kate Faxen	
2	Strategic Plan update	The Plan, 'Working Together for a Better Hackney', sets out the ambitions for the Council for the next four years, as well as the challenges it faces, and describes how as a Council its need to respond and change, working and co-producing with residents, the voluntary and community sectors, the business community and public sector partners.	For Information And Comment	Sonia Khan	

4	Annual Performance review of Markets, Shop Fronts & Street Trading		For Information And Comment	Rickardo Hyatt (Daniel O'Sullivan)	
5	Report of the Public Realm including policies for tables and chairs on pavements	Report detailing the Council's activities and performance including policies for tables and chairs on pavements	For Information And Comment	Rickardo Hyatt Kevin Keady	Carried over from the 2023-24 Municipal Year
6	Transformation Plan	An update on the council's corporate transformation strategy, currently scheduled to be considered by Cabinet in July 2024, and for the committee to understand and consider implications for the committee's remit.	For Information And Comment	Kieran Read	
7	Fees and charges review		For Information And Comment Rickardo Hyatt (Daniel O'Sullivan)	For Information And Comment Rickardo Hyatt (Daniel O'Sullivan)	

13 November 2024 meeting					Status
1	HR Policy Review (if required)		To Approve/For Information	Sandra Farquharson/ Kate Faxen	
2	Gender and Equalities Pay Gap Report	The law (the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017) requires that the Council calculate and report the gender pay gap annually. Although there is no statutory requirement to do so, Hackney also produces the ethnicity pay gap. The ethnicity pay gap is presented in this report as well.	For Information and comment	(Sandra Farquharson/ Kate Faxen)	
3	Pay Policy Statement for 2025/2026	Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Sandra Farquharson/ Kate Faxen/Meryl Wade	
4	Strategic Plan update	The Plan, 'Working Together for a Better Hackney', sets out the ambitions for the Council for the next four years, as well as the challenges it faces, and describes how as a Council its need to respond and change, working and co-producing with residents, the voluntary and community sectors, the business	For Information And Comment	Sonia Khan	

		community and public sector partners.			
5	Planning Code of Conduct	<p>The aim of the Planning Code of Conduct is to ensure that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons.</p> <p>This code will apply to Councillors at all times when they are involved in the planning process and will replace the existing code, forming part of the Council's constitution.</p>	For Information/To approve	Natalie Broughton	

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12 March 2025 meeting					Status
1	HR Policy Review (if required)		To Approve/For Information	Sandra Farquharson/ Kate Faxen	
2	Annual Performance Report Of The Noise Service 2024/25	The annual report sets out the development of the Council's response to noise nuisance.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)	
3	Planning Service Authority Monitoring Report (AMR) 2023/24 - 2024/25	The AMR provides monitoring information on spatial planning related activity for the financial year 2023/24 & 2024/25 to inform and monitor policy development and performance	To approve	Rickardo Hyatt (James Gleeve, Keung Tsang and Natalie Broughton)	

4	Annual Report of the Public Spaces Protection Order (PSPO) 2024	Annual report on the Public Spaces Protection Order.	For Information And Comment	Rickardo Hyatt (Gerry McCarthy)	
5	Strategic Plan update	The Plan, 'Working Together for a Better Hackney', sets out the ambitions for the Council for the next four years, as well as the challenges it faces, and describes how as a Council its need to respond and change, working and co-producing with residents, the voluntary and community sectors, the business community and public sector partners.	For Information And Comment	Sonia Khan	
6	Corporate Peer Challenge	The Council will invite representatives of other authorities to review the delivery of specific services, to use their experience to assess how well these services are performing and to make recommendations for improvement.	For Information And Comment	Kieran Read	