

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

WEDNESDAY, 11TH SEPTEMBER, 2019

- Councillors Present:** Councillor Jessica Webb in the Chair
Cllr Susan Fajana-Thomas (Vice-Chair),
Cllr Vincent Stops, Cllr M Can Ozsen,
Cllr Brian Bell, Cllr Ajay Chauhan,
Cllr Clare Joseph, Cllr Peter Snell and
Cllr Steve Race
- Apologies:** Councillor Katie Hanson, Councillor Ned Hercock
and Councillor Carole Williams
- Officers in Attendance:** Manjia Sorbah-Green (Legal Services) and Gerry
McCarthy (Head of Community Safety, Enforcement
and Business Regulations, Neighbourhoods and
Housing)

1 Apologies for Absence

1.1 Apologies for absence were submitted on behalf of Councillors Hercock, Williams and Hanson.

2 Declarations of Interest - Members to Declare As Appropriate

2.1 There were no declarations of interest.

3 Consideration of Minutes Of The Previous Meeting

3.1 **RESOLVED** that the minutes of the meeting held on 3 June 2019 were approved as a correct record.

4 Environmental Enforcement - Annual Performance Report 2018/19

4.1 Gerry McCarthy introduced the report setting out the annual performance report across the environmental enforcement remit for the 2018/19 financial year. Mr McCarthy stated that the service had been split into the North and South Teams each headed by a Team Leader. Enforcement Officer interactions were usually for one-off offences and dealt with at the time of the offence. More complex and ingrained activity were passed to the relevant ward based Principal Officer and the teams worked very closely with the Intelligence Hub and other statutory services throughout the Council.

4.2 Mr McCarthy highlighted the work undertaken by the service against its wider outcomes as follows:

- **A-Boards** There were high levels of compliance with the A-Board policy once businesses became aware of the Council's approach. Transport for London (TFL) was responsible for the red route areas in the borough and uniformed officers periodically visited these areas and took enforcement action when required. The TFL A-Board policy mirrored the process currently in place at Hackney.
- **Unregulated Waste** - The main objective of the unregulated waste programme had been to deliver positive behaviour change amongst residents and businesses. The project had targeted the main roads with the highest volume of unregulated waste, such as the A10 (Kingsland Road through to Stamford Hill), Shoreditch, Stoke Newington High Street, Broadway Market and Chatsworth Road and it had been successful in reducing unregulated waste. Targeted patrols were also being carried out and advisory leaflets had been issued to tackle this issue. Failure to comply with any informal enforcement approach would result in a second visit followed by a warning letter and formal action as a final recourse. Officers were also undertaking visits with the Waste Operations team to minimise the impact of unregulated waste and two Waste Enforcement Officers were embedded in the Waste Operations service at Millfields Depot.
- **Seamless Public Realm** - A number of enforcement actions had been carried out on estates across the borough including a number of advisory notices issued to offenders under the Environmental Protection Act 1990.
- **Service Managers** were sharing intelligence through partnership tasking informing other services regarding protocols, best practice and the resources and support available in Hackney's Night Time Economy (NTE) areas.
- **Legislative Considerations** - The Regulators Code had aimed to improve the way regulations were delivered at front line level and to ensure the Council's process for issuing Fixed Penalty Notices (FPNs) was transparent and any representations against a FPN.
- **Service Performance** - Highway obstructions accounted for 45% of all external service requests followed by fly tipping at 27.9% and littering accounted for 6.29%. A comparison between external and internal service requests received in 2018/19 highlighted that highway obstructions had received the highest request followed by fly tipping on public land. The majority of requests were received by e-mail and the Council was continuing its work on automating the process for the highest volume requests such as highway obstructions. Following the implementation of service improvements those issued with a FPN could now pay their fine online.
- **Formal Notices** - In 2018/19 the number of formal notices served increased by 744 compared to 2017/18 and this had resulted from a combination of higher productivity and the introduction of mobile technology. The service aimed to ensure that the enforcement action selected was proportionate to the seriousness of the offence and that education and advice was provided to the offender prior to any prosecution. The Council had taken the most enforcement action for littering and urination in the NTE neighbourhoods of Shoreditch and Dalston at 31.6% followed by highways enforcement of skips, A-boards, graffiti and flyposting at 31%. In the financial year 2018/19 the payment receipts for FPN's totalled £100,000, an increase of £41,000 from 2017/18.
- **Tonnage of Unregulated Waste** had decreased from 4564 tonnes in 2017/18 to 4279 tonnes in 2018/19 and the reduction reflected the work undertaken by Enforcement Officers.

4.3 Members asked how the Council intended to address the issue of abandoned dockless bikes in Hackney especially in Kingsland High Street, which were causing a public highway obstruction and safety issues for pedestrians. Mr McCarthy replied that the Council issued a seven day advisory notice to operators for any abandoned

bikes and if the bikes were not collected they were confiscated and either destroyed or given to charity. The issue for the Council and London had been that many bike hire operators were not collecting their bikes and London-wide action was needed to address this issue. Mr McCarthy stated that if Members were aware of any reported bikes that had not been confiscated they could email the details directly to him.

4.4 Councillor Stops emphasised that the Council needed to address the issue of abandoned dockless bikes on the pavements in the borough such as Mentmore Terrace. As more companies began to operate bike hire schemes it was imperative to manage the operators in Hackney to ensure that the bikes were not left in an area that would cause a highway obstruction.

4.5 Councillor Snell enquired when it would be made compulsory for businesses to display their table and chairs licence outlining the licensed area. Mr McCarthy indicated that this licence was within the Street Services' remit and that he would refer it to the service for a response.

4.6 Councillor Joseph queried the increase in revenue to £100k generated from FPNs and asked about the total number of public toilets within Shoreditch. Mr McCarthy explained the process prior to the issuing of a FPN, which included issuing a letter to the owner of the object causing an obstruction, followed by a highway advisory notice and finally a FPN. Enforcement officers that witnessed a person urinating or throwing litter on the pavement could issue a FPN on the spot. Mr McCarthy emphasised that there were many premises open in Shoreditch that had toilet facilities for the public and that he would provide the total number of public toilets in Shoreditch following the meeting.

ACTION: Mr McCarthy to circulate to Members the total number of public toilets in Shoreditch.

4.7 Councillor Ozsen asked if a person could appeal a FPN if they were suffering from a medical condition. Mr McCarthy clarified that those issued with a FPN had the right to make a representation and any medical condition would be taken into consideration when cancelling a PFN. Councillor Joseph enquired about the number of FPNs cancelled following an appeal and whether there were any arrangements in place to assist those on low income to pay a fine. Mr McCarthy replied that those people on low income that were unable to pay the full fine could make arrangements to pay by instalments with the option of paying at Hackney Service Centre. Mr McCarthy stated that he would circulate the information relating to number of FPNs cancelled following an appeal after the meeting.

ACTION: Mr McCarthy to circulate to Members the total number of FPNs cancelled following an appeal.

4.8 Councillor Chauchan sought clarification regarding how the Council intended to spend the increased revenue collected from the FPNs. Mr McCarthy indicated that any additional funding would be invested in recruiting more Enforcement Officers and improving service.

4.9 Councillor Fajana–Thomas indicated that some business needed support to fully understand their responsibilities and suggested that officers attend the Stoke Newington Business Forum to inform, educate and change business behaviour. Mr McCarthy replied that Council officers attended local Business Forums and Pubwatch meetings to educate businesses on compliance across the borough. Councillor Fajana–Thomas also enquired whether there was any difference in service delivery

from the North and South teams. Mr McCarthy emphasised that the two teams had delivered the same high level of service in the north and south of the borough dealing with issues that fell within their remit. They had also undertaken duties that the police were unable to allocate resources for such as officers engaging and preventing suicide attempts and diverting traffic from an accident scene.

4.10 Councillor Race asked how the Council measured its service performance especially in relation to the low figures for illegal drugs and the presence of users and drug dealers on the streets. Furthermore, residents and residents' groups had been complaining of the difficulties of registering complaints on the Council's online system relating to noise nuisance in Shoreditch and Kingsland Roads. Mr McCarthy replied that some people found the online form difficult or time consuming, however, since May 2019 the Council had changed its telephone reporting system and removed its voicemail facility. To increase the resources on streets an external contractor had been employed to answer the calls but the high volume of calls meant the operator could not immediately answer calls and once a complaint had been recorded it would go through a triage process. With regard to the service performance, Mr McCarthy stated that the primary activity people reported related to noise nuisance and that crimes such as drug dealing in Kingsland Road fell within the police's remit. Mr McCarthy emphasised that the Enforcement service had been working with the police to address crime in Kingsland and Shoreditch Roads. In addition to the police work on crime, the Enforcement service would provide additional resources on the streets and install CCTV cameras in Kingsland Road to monitor anti-social behaviour and take any measures necessary to address noise nuisance. The Council planned to inform residents of any proposed installation of CCTV cameras in Kingsland Road at a public meeting in October 2019.

4.11 Mr McCarthy indicated that the Enforcement Team could arrange a Ward Councillor walk around to discuss any concerns or issues affecting their ward. Members interested in a walk around should contact the team.

4.12 Councillor Snell expressed concern at the delays in answering calls and asked if any alternatives, as a call centre, had been considered and enquired about the collection rate for non-payment of fines from FPNs. Mr McCarthy replied that the Council was currently operating a more efficient reporting system that included a triage system and a schedule of issues that enabled officers to identify premises with repeated noise nuisance issues and abatement notices. The telephone voicemail service had been discontinued as it had created more work and officers did not have the opportunity to respond to complainants. The current system could be reviewed in the future to identify further improvements. Mr McCarthy stated that the Council's collection rate for non-payment of FPNs was 69% and emphasised that three reminder letters were issued for non-payment prior to any court action being taken.

4.13 Mr McCarthy confirmed that the Council publicised any enforcement cases that proceeded to the courts.

RESOLVED to note the annual performance report for the service.

5 Bereavement Leave Update

5.1 The Chair introduced the bereavement leave update and Members noted the marginal increase in bereavement leave since the implementation of the Council's

policies in July 2018. This increase had been expected and had been reasonable considering the policy changes.

5.2 Councillor Fajana–Thomas sought clarification regarding the definition of a ‘close relative’. The Chair indicated that this question had been addressed at a previous meeting and that the Council would consider each individual case.

RESOLVED to note the contents of the report.

6 Draft Work Programme 2019/20

6.1 Councillor Stops referred to the update on the work being done on policies for consultation on tables and chairs and terms and conditions for licence within the work programme and indicated that Members wanted to review and contribute to the proposed policies before the consultation process concluded. Councillor Stops also expressed concern at the failure to ensure that roads and pavements in the borough were clear of obstructions such as tables, chairs and other furniture, overgrown hedges and ensuring that there were 1.2m of clearance space on footpaths for pedestrians. The chair indicated that these issues could be raised during the consultation process on table and chairs and a discussion about ensuring the pavements were clear of highway obstructions could be discussed at a future meeting.

ACTION: Mr Daniel O’Sullivan will email Members the consultation documents on the tables and chairs licence. Mr McCarthy and Mr Cunningham will be invited to a future meeting to discuss keeping pavements clear of obstructions.

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

7.1 There was no other urgent business.

Duration of the meeting: 6.30 - 7.50 pm

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