

MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

MONDAY, 1ST JUNE, 2020

- Councillors Present:** Councillor Jessica Webb in the Chair
- Cllr Clare Potter, Cllr Susan Fajana-Thomas (Vice-Chair), Cllr Katie Hanson, Cllr Vincent Stops, Cllr Mete Coban, Cllr M Can Ozsen, Cllr Ajay Chauhan, Cllr Peter Snell, Cllr Carole Williams and Cllr Steve Race
- Apologies:** Councillor Brian Bell, Councillor Clare Joseph and Councillor Anthony McMahon
- Officers in Attendance:** Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulations, Neighbourhoods and Housing Daniel O'Sullivan, Service Area Manager, Neighbourhoods and Housing, Michael Benn, Parking Services, John Tsang, Development Management & Enforcement Manager, Neighbourhoods and Housing, Andy Cunningham, Head of Street Scene, Josephine Sterakides, Lawyer
- Also in Attendance:** Councillor Caroline Selman
Tess Merrett, Governance Services

1 Apologies for Absence

Apologies for absence were received from Cllrs Bell, McMahon and Joseph.

2 Declarations of Interest - Members to Declare As Appropriate

There were no declarations of interest.

3 Consideration of Minutes Of The Previous Meeting

The minutes of the previous meeting were agreed as a true record subject to the deletion of the first 3 sentences in item 4 on the grounds that it was not clear what the sentences referred to.

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

The Chair brought forward item 9 of the agenda which was any other business which in the opinion of the Chair is urgent. This was to update the Committee on what the Council had been doing during the Covid 19 pandemic to support its staff.

Councillor Williams introduced the report and expressed her thanks for all the tremendous work council officers had been carrying out during the crisis.

Dan Paul took the Committee through the report and highlighted the links contained in the report which would take the Committee to more detailed information relating to the different areas within the Council. He highlighted in particular, the change in sickness policy which meant that Covid 19 sickness would not count towards a staff member's aggregate sickness record and any potential sickness absence management triggers. Dan Paul explained that self isolation did not count as sickness and also that the Council had extended dependency leave entitlement.

The Committee echoed the Chair's and Councillor Williams's thanks to all staff for the incredible work being done during the crisis.

Councillor Fajana-Thomas asked about risk assessments for front line staff and for further information on personal protective equipment (PPE)

Dan Paul said that he was not able to provide detailed information on this as he did not have responsibility for health and safety. Chris Pritchard and Dr Sandra Husbands would be able to provide this information.

Councillor Williams said that the Council had shown a duty of care for its staff with many staff now working from home where they could. The Council also had a good supply of PPE.

The Chair expressed her thanks to Dan Paul who was leaving the Council and this was his last Corporate Committee. She said she was sorry he was leaving.

5 Pavement Parking

Councillor Stops gave some background to the discussion. Whilst Hackney had some of the best managed pavements in London, there were still issues with overhanging vegetation or cars parking poorly for example. It was also difficult to know where to go to complain as responsibility for enforcement was spread across different departments. Councillor stops stressed how important it was to keep pavements clear to ensure the safety of vulnerable residents.

Gerry McCarthy said that Transport for London (TfL) had responsibility in some areas and the Council did not have the authority to enforce in these areas without specific delegated power from TfL.

In terms of overhanging vegetation, Andy Cunningham said that the Council followed a set of protocols which included written warnings which if ignored, the Council would then cut back and recharge the resident.

Josephine Sterakades stressed from a legal aspect, the Council could not undertake any enforcement which was in another body's authority such as TfL. Action depended very much on the offence committed.

Daniel O'Sullivan said that he and Gerry McCarthy worked closely on enforcement matters and they held a monthly meeting with TfL. Not everything required planning permission but if it did, then the planning team were consulted to ensure planning was in place. John Tsang agreed that tables and chairs were not a planning matter.

Michael Benn said that officers had worked hard to make it easier for people to report things and to improve intelligence on where problems were. New proposals were being worked on to tighten policies to allow faster action to be taken against poorly parked vehicles. Councillor Oszen said that parking on pavements damaged the walkways making them uneven and unsafe. Councillor Selman noted that making reporting easier was a manifesto commitment.

The Chair asked if enforcement was an on-going issue with TfL and Gerry McCarthy said that TfL had made it clear in the latest correspondence with him that delegated enforcement powers would not be given to the Council.

Councillor Hanson said that if experienced councillors had difficulty in navigating how and where to report issues, the general public would have even more difficulty. She asked if any political pressure could be brought to bear on TfL. Councillor Selman said that she could raise this with TfL and maybe the reporting experience could be improved.

6 Officer Licensing Panel - Revised Procedures & Terms of Reference

Daniel O'Sullivan introduced the report and gave some background. One virtual hearing had been held in June in respect of a trader who had misled the Council over a Covid 19 test and one was scheduled for July to hear an issue with persistent pavement encroachment.

Councillor Snell asked for clarification on the change in the quorum for a panel hearing. Daniel O'Sullivan said that previously the quorum had been two which could lead to deadlock whereas a quorum of three would remove that problem.

Councillor Snell commented that the Ridley Road Market and Traders Association had never been involved in making a decision. Daniel O'Sullivan said that the Panel met every 28 days and previously Ridley Road Market and Traders Association were emailed all the applicants' details and afforded the opportunity to give their recommendations which was in direct contravention of the legislation and the GDPR regulations. Councillor Snell said that the London Licensing Act did not prevent Traders from checking details and as the Panel will comprise only Officers, it could be seen as taking decisions behind closed doors.

Daniel O'Sullivan said that the service was fully transparent and people could come and ask questions and if there were to be an appeal someone from the Traders' Association could attend.

Councillor Susan Fajana-Thomas asked for clarification on what provisions were in the legislation. Daniel O'Sullivan said that the London Licensing Act as 1990 as amended did not provide for any delegations from the Council. The legislation is very clear that only the local authority can make decisions on market trading and shop front licences.

The Chair asked that for future reports, could the recommendations make it clear what the Committee was being asked to do.

The Committee noted the report.

7 Traders Issues and Responsibilities

Daniel O'Sullivan introduced the consultation report. Councillor Stops was of the view that licences should just cover tables and chairs as the planters and tubs traders used caused a real problem as footways were not wide enough. Daniel O'Sullivan said that 1-2 metres was the minimum legal limit and licences would not necessarily be granted up to that level. There was an A Board policy and Hackney was the only local authority with bespoke terms and conditions (T&Cs) for shop fronts. These T&Cs which came into force from 1 April 2020 should make enforcement easier.

Councillor Fajana-Thomas queried the number of consultation responses and whether these did actually reflect the traders' views. Daniel O'Sullivan said that Well Street for example, was still designated as a market but no one had traded there for 16 months which was why there was a 0 response. As another example, Kingsland Waste only had 2 permanent traders. Officers went round to see the traders and leafleted and generally, if the traders are operating as they should, the introduction of new terms and conditions won't affect them. Only one trader has lost their licence in the last year as the majority of traders engage with the Council and those that don't forfeit their licence before they get to an OLP. Traders generally raise an issue as and when it arises and the Council holds an annual meeting with them. Hackney is a multi-award winning borough in terms of traders which has been supporting other boroughs during the Covid 19 pandemic.

The Committee noted the report.

8 Annual Report of Public Space Protection Order (PSPO) 2019 previously designated public places order (DPPO)

Gerry McCarthy introduced the report and highlighted the fact that there had not been a huge number of incidents and there had only been 1 ASB order. The team now had a Street Users Officer which had been part of the manifesto commitment on street users. The officer would develop strategic ways to deal with street users and worked closely with the Rough Sleepers' Unit too. The Council did not issue fines but rather engaged and signposted street users to agencies which could help. The Council wanted to target problem behaviour not restrict street use.

Councillor Oszen said that there were lots of young people in Shoreditch and London Fields and asked how the Council dealt with this. Gerry McCarthy said that his team worked closely with the licensing team and the introduction of the late night levy had helped.

Councillor Race asked how confident officers were with the data and was street drinking in fact under reported. Gerry McCarthy said it probably was under reported but referrals were made to other agencies and during the Covid 19 pandemic, temporary accommodation had been secured for homeless people. An injunction was a last resort after all other attempts to address the problem had been exhausted.

Councillor Snell queried the hot spots of Hackney Central and Springfield. Gerry McCarthy said Hackney Central incidents were to do with the train station and Springfield was about Eastern European workers congregating after work to have a drink and the local residents found this intimidating.

The Committee noted the report.

9 Draft Work Programme 2020/21

The Committee noted that the review of polling stations could be removed from this year's plan.

Duration of the meeting: 6.30pm

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