



## MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

TUESDAY, 9 MARCH 2021

**Councillors Present:** Councillor Jessica Webb in the Chair

**Cllr Brian Bell, Cllr M Can Ozsen, Cllr Ajay Chauhan, Cllr Mete Coban, Cllr Katie Hanson, Cllr Clare Joseph, Cllr Peter Snell, Cllr Clare Potter, Cllr Vincent Stops Cllr Susan Fajana-Thomas (Vice-Chair and Cllr Carole Williams**

**Officers in Attendance:** Karol Jakubczyk (Strategic Planning Manager), Georgina Barretta (Policy & Infrastructure Manager), Keung Tsang (Senior Delivery Planner), Daniel O’Sullivan (Service Area Manager, Parking, Markets and Street Trading), Matthew Steele (Market Service Manager), Josephine Sterakides (Legal Services) and Rabiya Khatun (Governance Services)

### 1 Apologies for Absence

- 1.1 Apologies for absence were submitted on behalf of Cllr McMahon.
- 1.2 Apologies for lateness were submitted on behalf of Cllrs Potter and Joseph.

### 2 Declarations of Interest - Members to Declare As Appropriate

- 2.1 There were no declarations of interest.

### 3 Consideration of Minutes Of The Previous Meeting

**RESOLVED** that the minutes of the previous meeting held on 16 December 2020 were approved as a correct record subject to the amendment ‘government’.

#### Matters arising

To arrange an informal meeting for Committee Members and Head of Streetscene to discuss how the Council permits and enforces a skip licence in the borough especially on bus lanes.

### 4. Appointment to Planning Sub-Committee

- 4.1 The Chair outlined the report.

#### **RESOLVED:**

To appoint Councillor Ajay Chauhan to the Planning Sub-Committee

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#### **RESOLVED:**

**To appoint Councillor Ajay Chauhan to the Planning Sub-Committee.**

#### **5. Planning Authority Monitoring Report 2019/20**

5.1 Karol Jakubczyk and Georgina Barretta introduced the report providing an overview of the Council's Local Plan Authority Monitoring Report for the financial year 2019/2020 and highlighted the key areas as follows:

- Housing – The housing delivery remains on target. Approximately 1,000 new homes have been delivered during the financial year 2019, of which 139 were in affordable tenures and it is anticipated that in the next reporting period about 48% of the 900 new homes expected to be delivered will be affordable homes
- Employment - There is a significant amount of new employment floorspace in the pipeline and high levels of growth in new businesses within the borough
- Retail and Town Centre - There continues to be a strong pipeline of new retail going forward.
- Communities, Culture, Education and Health - The planning process continues to secure funding and investment of community infrastructure through the community infrastructure levy and S106 agreement. The Council has secured £30m of funding from S106 agreements and invested £6.7m in libraries, health and infrastructure
- Transport - During the reporting period public transport use in the borough increased significantly over the previous year's performance
- Open spaces, Environment and Climate Change – In 2019 27 parks in Hackney achieved green flag status
- Design and Heritage - The number of buildings on the at risk register has increased from 29 to 33 sites in 2019
- Planning performance - Key targets in planning performance were met during 2019. Evidence demonstrated that a large number of planning applications were processed and planning performance agreement made providing proportionate revenue to support continued excellent performance

5.2 The Council's focus in the future would remain on housing delivery performance and it would be in a better position to transition towards the higher levels of housing delivery envisaged through the Government's new standard method. The Council's response to the Housing Delivery Test would provide an opportunity to put in place measures that would increase housing delivery.

5.3 In response to questions from Members, Mr Jakubczyk and Ms Barretta replied as follows:

- Four additional buildings were added on the heritage at risks register and Planning would provide details of the buildings following the meeting.
- Planning would submit a graph that illustrates the borough's performance in transport modal shift to walking and cycling in comparison to that of other neighbouring boroughs following the meeting

- There were various definitions of affordable housing tenures. Social Rent was based on a national set formula, Affordable Living Rent was based on the average income in a Ward, Hackney Living Rent prioritised homes for local people living or working in the borough, and Shared Ownership homes were priced 20% below market rate. Further definitions of social rent, affordable London living rent and intermediate rent from the Draft Development and Housing SPD or LP33 would be circulated following the meeting. More clarity regarding the differences between affordable housing tenures would be incorporated into future reports.
- Most affordable homes were delivered through the borough's larger housing development schemes and these schemes had been delayed due to Covid-19 restrictions and the Brexit uncertainty. These delays had impacted on the delivery of housing in particular, affordable housing and would continue to impact on figures in the financial year 2020/21. In terms of expanding affordable housing within the borough, the Council would have to ensure that larger developments maximised their capacity to provide more affordable housing. The Council was expected to deliver more buildings this financial year despite the constraints and decisions would have to be made between design or density in order to deliver affordable housing within budget.
- Planning policies exclusively could not resolve the challenges of the Night Time Economy (NTE) within the borough, and a combined approach with Licensing and other regulatory regimes was needed to address the issues associated with the NTE economy such as ASB and public nuisance
- The data for Hackney Wick had not been included in the spatial distribution of completions for delivery by Ward and Place, as this information had not been provided by LLDC for the previous three years. Officers committed to working with the LLDC in the Hackney section of the area and reporting on Hackney Wick Ward in future reports.

5.4 Members emphasised that they believed that the Council's Planning and Licensing policies were aligned in respect of trying to address the issues of the NTE. Councillor Stops indicated that the legal advice provided at a previous Committee meeting in relation to TENs should be circulated to all Councillors and relevant officers.

5.5 The Chair requested that officers liaise with LLDC to provide data on the spatial distribution of completions for the Hackney Wick Ward.

**RESOLVED:**

**Approve of the performance reported through the Authority Monitoring Report for Financial Year 2019/20**

**6. Introduction Of The Rules Of Governance Document And Update On All The Policy Changes And Consultations Undertaken In 2019 And 2020 Regarding All Licensable Activity Within Markets, Shop Fronts And Street Trading**

6.1 Daniel O'Sullivan introduced the report on the Council's first edition of the digitalised Rules Of Governance document, which contained all the applicable governance pertaining to the management and operational delivery of the Market, Shop Front And Street Trading Service.

6.2 Mr O'Sullivan and Matthew Steele highlighted the following:

- The key changes in the document in relation to the terms and conditions, fees and charges, Officer Licensing Panel, Pavement License process and procedure implementation, Private Operator licenses, Traders Association And Stakeholder Code Of Conduct Guide
- The governance document would come into effect on 1 April 2021 and be available to all licence holders and published on the Councils' website
- Consultations on the Market Services Strategy and Market Policy had been delayed due to the pandemic and these consultations would now take place in Q2 in 2021.
- The Council would be introducing a new internal appeal process for traders seeking a review of the Officer Licensing Panel's decision, which would provide an additional layer to reduce risk, reputational damage and avoid legal costs. The appeals process would not affect a trader's statutory right to lodge an appeal at the Magistrates Court.
- The Council had responded to the introduction of the fast track pavement licence under the Business and Planning Act 2020 by creating the first bespoke terms and conditions for Shop Front And Pavement Trading.

6.3 In response to questions from Members in relation to the report, Mr O'Sullivan and Mr Steele replied as follows:

- When introducing market sites in the borough such as the Broadway Market, the service adopted an extensive engagement process. It undertook an engagement survey exercise with Ward Councillors, local residents, local businesses and relevant stakeholders. The survey would be advertised in social media, local and national papers, posters would be put in the area and officers deployed on the streets to speak to people. The results from the survey would be shared with Ward Councillors and relevant stakeholder groups and a meeting would follow to discuss implementation. During the trial period, the service would continue to survey and monitor the market and provide weekly updates to Ward Councillors, local stakeholders and traders. Within the past 12 months there had been no new markets opened in the borough and street food would not return before 12 April 2021. Unlike market sites, there was no engagement process for street trading sites.
- With regard to the small food market in Mark Street, the Council had operated this historic site for over 8 years before it was temporarily closed pending regeneration works in the area. The Service had identified this unused existing site and had given its five previous traders an opportunity to return to the site. The service had held extensive engagement with residents and customers but had not sought out Ward members' feedback after a link had been sent out and no responses had been received. Mr O'Sullivan undertook to review this process to ensure that the service chased responses in future.
- With regard to the coffee cart trader and the disruption being caused to local residents, officers from the Markets and other Council services had visited this trader on several occasions but had not witnessed any nuisance or disruption. The trader had been using a new electric generator and bespoke equipment that minimised noise nuisance. He highlighted that his service had responded to the three complaints received from Councillor Williams and had offered to meet with her on site and residents, and had requested evidence to support their claims but had received no response to either request. It was emphasised that under the Officer Licensing Panel, without any evidence to support these complaints the panel could not revoke a licence, and taking any

action with insufficient evidence would show a lack of integrity and lead to an unsuccessful court case

- Mr O’Sullivan undertook to review the wording at paragraph 19.6 of the Standard Street Trading Markets Licence Conditions to clarify that the criminal offences must have occurred while trading. He stated that the decision in regards to licensing under the legislation could only be made by officers of the service and no other third party, which included elected members. He also noted the observation that the scope of offences referred to at paragraph 19.7 was too broad and offences such as criminal damage and protests were not relevant to street market traders and public safety.
- Mr O’Sullivan confirmed that either the licence holder or a registered Assistant/Manager appointed during periods of sickness or pregnancy, must be present at all times when the stall is open. This is in compliance with legislation.
- The hostile mitigation measures at Ridley Road Market had been implemented 24 months previously after the Counter-Terrorism Team had approached Council identifying a number of sites at high risk of hostile vehicle terrorist attacks. Mr O’Sullivan had worked with Counter-Terrorism officers to complete the risk assessment of market sites and had engaged with relevant Traders’ Associations regarding the mitigating measures. Temporary reinforced planters had been put at the front of the market at Kingsland Road and reinforced bollards had been installed down the side of Kingsland Road. The installation of the bollards at the front of Kingsland Road had been delayed due to a request from National Rail for the Council to conduct a survey costing £30,000. The Council had recently approved funding for this survey and now planned for bollards to be fitted by the end of 2021.
- Mr O’Sullivan confirmed that an experimental Traffic Management Order (TMO) was in place at Ridley Road Market and that he understood that a full road closure was in force on the days that the market operated. With regard to the experimental TMO on Sundays, he indicated that TMOs fell within Streetscene’s remit
- A meeting with Ridley Road Market Traders’ Association and officers from Streetscene and Economic Regeneration had been scheduled on Thursday, 12 March 2021 during the afternoon to share final designs for the market and the consultation pack before it was issued. An evening meeting had been scheduled for Markets Service’s officers and Traders’ Associations to discuss the Rules of Governance and Terms of Reference document.
- Mr O’Sullivan undertook to consult with relevant Members on the removal of ‘napkins as a single use’ item within paragraph 10.7 of the Pavement Licence Terms and Conditions 2020/21. It was noted that the removal of single use napkins would not be feasible for some street food traders.
- Checks would be undertaken before the removal of any planters that were not graffiti free. Mr O’Sullivan noted the comment that some street art could be deemed graffiti and that planters with decorative street art should not be removed.

6.4 Members emphasised that the service needed to explore ways of engaging with residents and Members before introducing new markets and street market sites/stalls.

6.5 Councillor Stops referred to shop front trading and A-boards and expressed his thanks to officers for their work on improving the borough’s streets in particular, the

removal of furniture such as planters during the night. However, he expressed concern at the 1.2 metres pavement clearance emphasising that the space was not sufficient in a busy location or residential area and asked if the pavement clearance could be reviewed and extended to 2 metres.

6.6 Councillor Williams expressed concern that the extensive engagement process undertaken for larger markets had not been applied to smaller markets within the borough. Councillor Williams also indicated that officers have previously said they do not need to engage with local residents and Ward Members prior to granting a street trader licence. This is a position that offers no redress for those residents living within close proximity to a licensed street trading site/ stall that was causing a noise nuisance and disruption. Councillor Williams questioned the appropriateness of officers in determining what level of noise is causing stress and disruption for residents. It was completely unsatisfactory for Ward members to be put in a position where they cannot address their complaints via officers and for the only available route to be via cabinet casework. Mr O'Sullivan disagreed that the only way to complain was through a Cabinet Member and emphasised that the service had a complaints process for those people and Members wanting to complain about street trading sites.

6.7 The Chair thanked officers for their work on the governance document.

**RESOLVED:**

- 1. Note the contents of this Document, the volume of governance across the licensable activities and to operate the service to a high standard.**
- 2. Note the scope and transparency of work being carried out in relation to Markets, Shop Fronts and Street Trading Licensing, Operational Delivery and Enforcement. Hackney is the first service in both London and the UK to produce a document such as this and operate with this level of transparency.**

**7 Draft Work Plan 2020/21**

The Chair indicated that the Committee would prefer to have an additional meeting in June or early July to consider some additional service plans.

Members noted the Draft Work Plan for 2021/22.

**8. Any Other Business Which in The Opinion Of the Chair is Urgent**

There was none.

**Duration of the meeting: 6.30-8.40pm**

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