

**MINUTES OF THE CORPORATE COMMITTEE
HELD ON
TUESDAY, 29TH JUNE 2021**

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/Wlta1WK38-Q>

Chair: Cllr Clare Potter in the Chair

Councillors in Attendance: Cllr Brian Bell, Cllr Ajay Chauhan, Cllr Humaira Garasia, Cllr Katie Hanson, Cllr M Can Ozsen, Cllr Vincent Stops

Apologies: Cllrs Plouviez, Race and Rathbone.

Officers in Attendance: Rabiya Khatun (Governance Services Officer)
Gerry McCarthy (Head of Community Safety, Enforcement and Business Regulation)
Josephine Sterakides (Senior Lawyer-General Litigation)

1. Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Plouviez, Race and Rathbone.
- 2.1 Councillors Spence, Wrouth and Joseph (at 19.00 hours) joined the meeting remotely.

2. Declarations of Interest - Members to declare as appropriate

- 2.1 There were no declarations of interest.

3. Minutes of the Previous Meeting

- 3.1 **RESOLVED:** That the minutes of the previous meetings held on 9th March 2021 subject to the inclusion of Cllr Race in the list of apologies for absence and the Extraordinary Meeting held on 27 April 2021 be agreed as a correct record of the proceedings.

4. Business Regulation Service Delivery Plans 2021/22

4.1 Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulation, introduced the report setting the service delivery plans for 2021/22 for the Business Regulation Teams. The report related to the service delivery plans for Environmental Health Service Food Safety, Environmental Health Service Occupational Health & Safety, and Trading Standards. The key areas were highlighted:

- The Food Law Enforcement Service Plan (FLESP) was a statutory plan setting out how the Council would undertake enforcement of food safety legislation and the inspection programme for the Borough's food premises for the year 2021/22. The programme for this year as of 1 April 2021 had 1,237 food hygiene and 825 food standards interventions due;
- The 2020/21 FLESP had estimated that the Service would receive 600 registration forms but from the beginning of November to March 2021 approximately 500 new food business registration forms were received, which was an average 100 per month. The rise in registration forms had been largely due to the conflicting advice issued by the government regarding the definition of essential and non-essential businesses permitted to remain open during Covid-19 lockdowns;
- The Health and Safety Service Delivery Plan fulfilled the Council's obligations under s18 of the Health and Safety at Work Act 1974 and Enforcement Code and also provided an effective service to protect those working in Hackney;
- The Trading Standards Plan sets out the objectives of the service and the key areas of law enforcement, management arrangements, the resources that had been allocated for this work and key targets;
- There had been an error in the figures at paragraph 4.33 of the report and advised the correct figures for 2020/21 were 135 Upper and 172 Upper Medium premises inspections due to be undertaken and 369 Low Medium inspections to be completed using an Alternative Enforcement Strategy; and
- The Service had experienced a number of challenges in 2020/21 including the impact of Coronavirus and the cyber attack, which had resulted in the loss of all historical data, the up to date list of food businesses, and planned and overdue inspections. In 2020/21 an additional member of staff was employed to concentrate on overdue category C and D inspections and officers estimated there were 879 Food Hygiene and 461 Food Standards overdue inspections.

4.2 Following the introduction, Members asked a number of questions relating to the report and Gerry McCarthy replied that:

- It was an offence for shops to sell any food past the expiry date and the Environmental Health Team carried out annual inspections of

Category E premises (small shops), which were deemed low risk premises, to ensure they were complying with legislation. With regard to markets and wholesalers selling expired food, the premises must be within the borough and an investigation would be carried out if any breaches were reported. Mr McCarthy asked Members to email the details of any premises that were in breach and this information would be referred to the team;

- The Covid Response Team undertook inspections of the premises to ensure owners were complying with Covid regulations such as social distancing. However, it was not mandatory for businesses employing five or less staff to undertake a risk assessment and the Police were responsible for enforcing face coverings within premises. Mr McCarthy asked Members to email the details of any businesses that were in breach of the Covid regulations;
- The demand for the service exceeded the resources available, however, three additional members of staff were employed on temporary contracts to deal with the inspections due including one additional member of staff contracted until 30th September 2021 to clear the overdue Category C and D food hygiene inspections. The funding for this post would need to be reviewed following September 2021 and an update on the Service's resources would be submitted at the next Committee meeting; and
- The cyber attack had resulted in the loss of the Council's paperwork relating to prosecutions, which had directly impacted on the number of prosecutions undertaken. Going forward the prosecution figures would be set out in future reports.

4.3 The Chair thanked Gerry McCarthy and his team for their work.

RESOLVED:

- 1. To approve the Food Law Enforcement Service Plan for 2021/22.**
- 2. To consider the level and scope of work being carried out to meet the requirements of the plan.**
- 3. To note the level and scope of work being carried out to meet the requirements of the Occupational Health and Safety and Trading Standards Service Delivery Plans.**

5. Enforcement and Environmental Protection Service Delivery Plans 2021/22

- 5.1 McCarthy, Head of Community Safety, Enforcement and Business Regulation introduced the report setting out the Enforcement and Environmental Protection Services Delivery Plans. The plan sets out the key areas relating to Enforcement Services: addressing anti-social behaviour including the Night Time Economy and statutory nuisance, the management arrangements, resources allocated for this work and key targets. In addition, the plan for the Environmental Protection Service covered the key areas; addressing statutory nuisance including commercial noise and odours, artificial light nuisance and

construction noise, management arrangements, resources allocated for this work and performance indicators.

5.2 The following key areas within the report were highlighted:

- Outlined the scope of the Enforcement Services and the activities undertaken;
- Enforcement Officers interactions were usually for one-off offences and they were dealt with at the time of the offence. Enforcement Officers were also tasked on a daily and weekly basis to prevent and investigate instances of nuisance and Anti-Social Behaviour (ASB) on the borough's streets and estates and issue Fixed Penalty Notices (FPN) and other types of enforcement tools such as formal cautions and prosecutions for any breaches;
- Enforcement and Environmental Protection Services both provided staffing for the out-of-hours noise service. People in Dalston and Shoreditch experienced a high volume of noise and ASB in the evening and frequently used this service;
- In comparison to similar months in 2019, the number of noise complaints increased by 79% in April, 110% in May and 111% in June 2020 although during this period the out of hour's noise service was every weekend. In April and May 2021 the number of reports had significantly reduced as lockdown eased and there were changes in unseasonal weather patterns;
- There was a comparison of noise reports from April 2019/2020 to September 2019/2020;
- There was monthly residential noise reports available from October 2020 to May 2021;
- The pressure to provide a visible presence on the street had impacted upon the resources available for high priority case progression and investigation, sustainable problem solving and behaviour change initiatives and achieving the balance right between these were critical. Going forward a joint working approach would need to support this and communications both borough-wide and locally would need to be further utilised alongside physical resources so that together resources could be deployed in a way that maximised presence whilst ensuring a focus on cost and effectiveness; and
- The Enforcement Team had worked with other services on the 'Report a Problem' in 2019. The initial brief had been to investigate the functionality of Fix My Street and establish if the use of this tool could be extended to improve the customer experience when reporting noise complaints.

5.3 Following the introduction, Members asked a number of questions relating to the report and in response Gerry McCarthy replied that:

- With regard to the key performance indicators in relation to prosecutions and formal cautions, it was confirmed that the number of prosecutions had fallen from 53 to 3 in 2019/20 and 2020/21 respectively. The fall had resulted from all prosecutions being held in abeyance by the courts during the pandemic and the failure to issue summons within six months of the offence.

Josephine Sterakides, Senior Lawyer, General Litigation clarified that there had been no prosecutions since Covid-19, and that the courts had given priority to Crown Prosecution Services cases over local authority cases;

- The inadequate soundproofing of buildings, especially converted garages were causing noise nuisance for neighbours within the building and the increase in hybrid working arrangements. The Council had no formal mediation service for disputes between neighbours relating to noise nuisance however officers responding to complaints mediated between neighbours to resolve cases. Hackney Homes also provided mediation service and complaints of ASB were automatically triaged and referred to the relevant body. Housing Associations dealt with issues of ASB and noise nuisance by residents but effective management these varied between Associations;
- Hackney Homes provided a mediation service to deal with noise nuisance disputes between neighbours but the Council operated no formal mediation service for those residents affected by noise within a building, however, officers responding to any complaints of noise would mediate between neighbours to resolve the case. Any complaints of ASB noise nuisance by residents were automatically triaged and referred to the relevant body including Housing Associations and effective management of these issues varied between Associations;
- Noise nuisance emanating from wooden floors installed in units within buildings and inadequate soundproofing of buildings such as garage conversion was a civil matter and detailed within the leaseholder and tenancy agreements;
- The service continued to prioritise dog fouling and he believed that some of the FPN for litter had been issued for dog fouling and would confirm this following the meeting. The regulations around dog fouling expired 6 months ago and since 2021 no more FPN had been issued for dog fouling;
- It was clarified that FPNs were issued to illegal traders for pitching stalls without a permit and selling goods and cooked food such as meat on the public highway;
- The Council had not received many complaints relating to domestic smoke pollution and in particular wood burning stoves in gardens. Wood logs would no longer be on sale in garages by the end of 2021 and fire pits did not fall within the service's remit. Under the current law, barbecues did not constitute a smoke nuisance and the Council was in the process of updating the information relating to wooden stoves on its website;
- The service had adequate resources up until 1 October 2021 but a review of resources would be necessary in the future. Consultation was currently underway on issuing a Public Spaces Protection Order to ban alcohol in London Fields;
- Enforcement action had continued against estate agent and in particular the removal of agents boards and officers had also

successfully assisted tenants in getting back their money from the deposit scheme held by Estate Agents; and

- Any complaints relating to scooters being left on pavements should be reported to the police. Cllr Stops added that any scooter causing an obstruction on the highway could be reported to the Council.

5.4 Members expressed concern that the under-resourcing of the courts would impact on the Council's prosecutions of cases and that the rise in the conversion of garages into residential properties with inadequate soundproofing of the building and hybrid working arrangements would exacerbate noise nuisance between neighbours inside a building.

5.5 The Chair thanked Gerry McCarthy and his team for their work

RESOLVED:

That the Committee considered both the level and scope of work being carried out to meet the requirements of both the Enforcement and Environmental Protection Service Plans.

6. Skips On Public Highways Within The Borough

6.1 The Chair referred the Committee to the response from Streetscene following an informal meeting regarding skips on the public highways in Hackney, which was circulated prior to the meeting. The Chair provided a verbal update highlighting the policy, process for skip applications and action taken. Since the impact of the skip in the Graham Road bus lane, officers had been more stringent in their approach to applications for skip and the service had maintained a zero tolerance approach to non-compliance.

6.2 A Member added that if Hackney introduced the Low Traffic Neighbourhood schemes, this would put more stress on main roads and enforcement teams would need to consider how to keep those roads operating sensibly.

RESOLVED:

The verbal update was noted.

7. Draft Work Programme

7.1 The Committee noted the Draft Work Programme 2021/22 as set out in the agenda pack.

7.2 A Member referred to agenda item 3 - Annual Performance Report Of The Noise Service 2019/20 for September 2021 and requested that the Housing Association be invited to the next meeting for this item.

ACTION: An invite to be given to the Private Sector Team to attend the next Committee meeting in September 2021.

RESOLVED:

The draft work programme was noted.

8. Any Other Business That The Chair Considers Urgent

8.1 There was no other urgent business.

End of Meeting.

Duration of the the meeting: 18:30 - 20.00

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