

Minutes

PETITION HEARING - CABINET MEMBER FOR COMMUNITY, COMMERCE & REGENERATION

7 October 2013

Meeting held at Committee Room 4 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Douglas Mills (Chairman)</p> <p>LBH Officers Present: Ed Shaylor, Anti-Social Behaviour Investigations Team Manager</p> <p>Also Present: Councillors Lynne Allen and Peter Curling (Agenda Item 3) Councillors Mary O'Connor, Beulah East and Neil Fyfe (Agenda Item 4) Councillors George Cooper and David Yarrow (Agenda Item 5) MP John McDonnell (Agenda Items 3 and 4) PCSO Dawn Ward (Agenda Item 3) Sergeant Duncan Phillips (Agenda Item 4)</p>
3.	<p>TO CONFIRM THAT THE BUSINESS OF THE MEETING WILL TAKE PLACE IN PUBLIC. (<i>Agenda Item 1</i>)</p> <p>RESOLVED: That all items be considered in public.</p>
4.	<p>TO CONSIDER THE REPORT OF THE OFFICERS ON THE FOLLOWING PETITIONS RECEIVED. (<i>Agenda Item 2</i>)</p>
5.	<p>RESIDENTS REQUEST FOR A LIGHT AND CCTV CAMERA IN THE CAR PARK AT ST MARY'S CHURCH, HAYES FOR SAFETY REASONS AND TO REDUCE ANTI-SOCIAL BEHAVIOUR (<i>Agenda Item 3</i>)</p> <p>Councillors Lynne Allen and Cllr Peter Curling attended the meeting and spoke as Ward Councillors.</p> <p>Concerns and suggestions from petitioners included the following:</p> <ul style="list-style-type: none">• The church warden for St Mary's Church said that the car park was frequently used by alcoholics, prostitutes or people using drugs.• Appreciated the work undertaken to cut back the trees during the summer months so that the car park could be seen from Church Green.• Gangs would hang around and intimidate passers-by.• A light and camera would deter troublemakers from using the car park and would act as a deterrent for crime.• Rubbish was frequently dumped, including sofas, mattresses etc.• People were scared to use the car park therefore they parked in Hemmen Lane which frustrated residents.• The area was a conservation area.

Both Cllr Lynne Allen and Cllr Peter Curling spoke in support of the petitioners' request and raised the following issues.

- They had been dealing with complaints regarding the car park since 2001.
- Cutting back the trees had made a difference in the summer months.
- Concern is that there was no lighting to deter criminal activity in the car park after dark.
- Residents of Lichgate Walk had limited parking.
- Parents of children attending Dr Triplett's School could utilise the car park if it was made safer.

Local MP John McDonnell also spoke in support of petitioners and raised the following issues:

- Concurred with the thoughts of Ward Councillors.
- Users of Barra Hall Park also should be able to use the car parking facilities available.
- Requested that if not CCTV at least lighting is implemented,
- Drug dealing regularly took place in the car park.

Local Police Community Support Officer (PCSO) Maxine Ward also spoke in support of petitioners' request. PCSO Ward stated she had personally not seen any gang activity taking place in the car park, however, she stated that lighting would act as a deterrent.

The Cabinet Member, Cllr Douglas Mills, listened to the concerns and responded to the points raised.

Cllr Mills was grateful that the work carried out to improve the car park had been acknowledged and noted it had a better effect in the summer months. Cllr Mills agreed with petitioners that lighting would act as a deterrent for criminal activity although he was less keen for CCTV to be installed; one of the reasons was due to high demand in other areas of the Borough. Cllr Mills encouraged petitioners to report any suspicious activity to their local Safer Neighbourhood Team.

Resolved - That the Cabinet Member:

- a) Noted the views of the petitioners.**
- b) Noted the work which the Council had undertaken to improve the area.**
- c) Discussed with petitioners whether they perceived the area to have been improved.**
- d) Considered whether the installation of lighting and temporary CCTV from time to time is still necessary to detect or deter crime or anti-social behaviour, given the improvements which have so far been made.**
- e) Agreed for lighting to be installed in the car park next to St Mary's Church, Hayes.**

REASONS FOR RECOMMENDATION

The Council will maintain the reduction of vegetation and foliage around the car park to improve natural light and sight lines. This should provide sufficient security and reassurance to residents and there have been no reports made to police since March 2013.

ALTERNATIVE OPTIONS CONSIDERED

The car-park currently has no lighting, and a quotation has been obtained to install two light columns which would be sufficient given the size of area to be covered.

A temporary portable CCTV camera could be used in the area if needed, wirelessly accessed and recording onto its own hard drive for the purposes of retrospective detection and the providing a deterrent. However, there would be no real time CCTV monitoring and for recording after dark there would need to be lights installed at the same time.

The Council could install permanent monitored CCTV in the area, but this would increase cost and is not considered to be necessary at this time. The combined cost of lights and CCTV is not felt to be justified at this time, at least until an assessment has been made of the long term benefits of the improvements so far made. Installation of lights and CCTV can be reconsidered at any time if the need should become apparent.

6. RESIDENTS REQUEST FOR URGENT ACTION TO BE TAKEN TO ADDRESS THE ANTI-SOCIAL BEHAVIOUR ASSOCIATED WITH NO. 25 MANSFIELD DRIVE, HAYES (Agenda Item 4)

Councillors Mary O'Connor, Neil Fyfe and Beulah East attended the meeting and spoke as Ward Councillors.

Concerns and suggestions from petitioners included the following:

- Mansfield Drive was a quiet residential road.
- Understood that the residents in question needed to live somewhere but felt Mansfield Drive was not an appropriate place given it was located next to a school.
- Music was played loud during the night and early morning.
- There had been various incidents one of which resulted in a resident of the aforementioned property being stabbed.
- The lead petitioner was a registered child minder and issues associated with No. 25 Mansfield Drive were putting a strain on her business.
- There had been no overnight supervision for residents of No. 25 Mansfield Drive.
- Police had been called on numerous occasions.
- One of the residents frequently comes and goes on his moped noisily.
- Cigarettes were often thrown in petitioners' garden.
- Residents requested that the hostel was closed.

All 3 Ward Councillors spoke in support of the petitioners' request and raised the following issues:

- There needed to be more control on private sector landlords.
- The Care Associates needed to work with the local community.
- Concern that these young people had inadequate supervision.
- Do not want residents to live in fear.
- There was a duty of care for these young people.
- The house in question was close to Hayes Park School.
- There was concern about other homes in the local area operating in the same way.

Local MP John McDonnell also spoke in support of petitioners and raised the following issues:

- Concern this property was located next to a registered child minder.
- The residents of No. 25 Mansfield Drive were disturbing local residents.
- Reports of a stabbing were worrying.
- Was in favour of re-offenders being supported so they don't re-offend.
- Residents living at No. 25 Mansfield Drive were also vulnerable and The Care Associates actions were undermining the rehabilitation process.

Sergeant Duncan Phillips also spoke in support of petitioners and raised the following issues:

- The Care Associates did not inform the police when setting up the home in February 2013.
- Would like the police to be notified of residents' names and dates of birth by The Care Associates.
- Reports of loud music disturbance were reported to the anti-social behaviour team.
- Had attended various callouts for incidents including a stabbing and threats of a resident using a baseball bat.
- Often called out for breaches of curfew, some of the residents were on tag.
- CCTV was installed at the rear of the premises.
- CID requested CCTV tapes which took The Care Associates 3 days to provide.

The Cabinet Member, Cllr Douglas Mills listened to the concerns and responded to the points raised.

Cllr Mills explained to petitioners that the Council had no power to close the premises; however, the Council would collect evidence to support residents' concerns.

Cllr Mills informed petitioners that the Council officers had previously contacted The Care Home Associates to express their concerns but no action had been taken. Cllr Mills agreed that Mansfield Drive was a quiet residential road and that something needed to be done that was beneficial to all parties. Cllr Mills stated that this could be achieved by calling in the Manager of The Care Associates and its Directors to discuss how unpopular the home was with residents.

Cllr Mills encouraged residents to report incidents to the Council by keeping a log and sending to the Anti-Social Behaviour Investigation Team Manager. Officers informed petitioners of the Council's out of hours Noise Service and what was considered as a statutory nuisance.

Cllr Mills stated that it would be ideal if The Care Associates informed the police and social services of who was living in the house to ensure a good working relationship between partners. Cllr Mills concluded that whilst an instant solution can not be given the Council would be working with residents to resolve the issues associated with No. 25 Mansfield Drive.

Resolved - That the Cabinet Member:

- a) **Noted the views and concerns of the petitioners.**

- b) Discussed with petitioners whether the measures taken to date had been effective in addressing the reported anti social behaviour of the residents and by other individuals associated with the property.
- c) Advised petitioners that the Council does not currently have legal grounds to close the premises, although this would be kept under review if the problems persist.
- d) Instructed the Community Safety Team to contact the Directors of The Care Associates so that they fully understand the concerns of residents and are asked what additional measures they will undertake to improve the situation.

REASONS FOR RECOMMENDATION

Addressing the current reported behavioural issues of the residents at 25 Mansfield Drive by engaging with The Care Associates and greater supervision of occupants at the address should improve the quality of life of the residents of Mansfield Drive.

ALTERNATIVE OPTIONS CONSIDERED

A Closure Notice followed by a Closure Order (on application to a Magistrate's Court) under Part 1A of the Anti-Social Behaviour Act 2003, could be sought in respect of a premises that causes significant and persistent disorder or persistent serious nuisance to a community. However, Home Office Guidance states that these powers should only be used as a last resort, where other interventions have been used or considered and rejected for good reason, and where implications, for example, for children or vulnerable adults in the premises, have been carefully considered.

7. RESIDENTS REQUEST TO STOP DOG BARKING AT NO. 35A FAIRFIELD ROAD, UXBRIDGE (Agenda Item 5)

Councillors George Cooper and David Yarrow attended the meeting and spoke as Ward Councillors.

Concerns and suggestions from petitioners included the following:

- 86 people signed the petition
- The dog owners were depriving other residents of peace in their own home.
- Nothing had been done by the Council over the past 2 years.
- Dog walkers were intimidated by the dogs and often diverted from Fairfield Road.
- The dogs barked persistently.
- The dogs were German Shepherds.
- The dogs escaped from the site gates
- Residents had been kept up all night.
- Children had been woken up by the barking dogs.

Both Ward Councillors spoke in support of the petitioners' request and raised the following issues:

- The number of residents in attendance at the hearing indicated the level of support to the petition.

- Had attended the lead petitioners' property and witnessed the barking dogs.
- The dogs had previously escaped and attacked other dogs.
- The dogs were not kept under proper control.
- These dogs were not pets, they were guard dogs.
- A noise device should be left for 48 hours.

The Cabinet Member, Cllr Douglas Mills listened to the concerns and responded to the points raised.

Cllr Mills was keen to support residents suffering from nuisance. Cllr Mills suggested that a noise abatement notice could be served on the owners of the dogs providing there was sufficient evidence to do so. Cllr Mills informed petitioners of the importance to report the consistent barking.

Cllr Mills explained that the noise team had previously attended No. 35a Fairfield Road but the barking was at a diminished level, however, warning letters had been sent which saw a short term improvement. Cllr Mills concluded that whilst residents had the right to own a dog he also agreed that residents had the right to enjoyment in their property.

The Cabinet Member was advised by officers that it was hard to gain evidence from the noise created by dogs. Cllr Mills understood the frustration of residents but reiterated the importance of reporting any incident involving the dogs.

Resolved – That the Cabinet Member:

- a) Noted the views and concerns of the petitioners.**
- b) Instructed officers to continue to respond to reports of noise nuisance arising from the property, if these reports appear to indicate the presence of a statutory noise nuisance, and to take any enforcement action which may be appropriate in the circumstances.**
- c) Instructed officers to prioritise this address for visits when a report is received, to maximise the opportunity to witness a statutory nuisance.**
- d) Authorised officers to close the case if, after a reasonable period of investigation, there does not appear to be a statutory noise nuisance suitable for enforcement action.**

REASONS FOR RECOMMENDATION

Although the dogs may bark for short periods on several occasions through the day, for example when they sense dogs going past on the way to the common; this would not constitute a statutory nuisance. In response to a number of calls from residents about these dogs, officers have been carrying out both reactive and proactive visits to the area, but so far have not witnessed a statutory noise nuisance. Contact has been made with the owners of the dogs and advice has been provided.

ALTERNATIVE OPTIONS CONSIDERED

The lead petitioner has been advised of the right to seek authorisation from the Magistrates' Court for independent action by residents to lay information to the court seeking a Noise Abatement Order under section 82 Environmental Protection Act 1990.

The meeting, which commenced at 5.00 pm, closed at 6.38 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Danielle Watson on 01895 277488 . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.