



HILLINGDON  
LONDON



# Petition Hearing - Cabinet Member for Community, Commerce & Regeneration

**Date:** MONDAY, 7 OCTOBER  
2013

**Time:** 5.00 PM

**Venue:** COMMITTEE ROOM 4 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

**This agenda and associated  
reports can be made available  
in other languages, in braille,  
large print or on audio tape.  
Please contact us for further  
information.**

## **Cabinet Member hearing the petitions:**

Douglas Mills, Cabinet Member for  
Community, Commerce and Regeneration  
(Chairman)

## **How the hearing works:**

The petition organiser (or his/her nominee)  
can address the Cabinet Member for a  
short time and in turn the Cabinet Member  
may also ask questions.

Local ward councillors are invited to these  
hearings and may also be in attendance to  
support or listen to your views.

After hearing all the views expressed, the  
Cabinet Member will make a formal  
decision. This decision will be published  
and sent to the petition organisers shortly  
after the meeting confirming the action to  
be taken by the Council.

**Published: Wednesday, 25 September  
2013**

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Lloyd White

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# Agenda

## CHAIRMAN'S ANNOUNCEMENTS

### PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

1 To confirm that the business of the meeting will take place in public.

2 To consider the report of the officers on the following petitions received.

Please note that individual petitions may overrun their time slots. Although individual petitions may start later than advertised, they will not start any earlier than the advertised time.

	<b>Start Time</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page</b>
<b>3</b>	5.00pm	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	Townfield	1 - 4
<b>4</b>	5.15pm	Residents request for urgent action to be taken to address the anti-social behaviour associated with No. 25 Mansfield Drive, Hayes	Charville	5 - 8
<b>5</b>	6.00pm	Residents request to stop dog barking at No. 35a Fairfield Road, Uxbridge	Uxbridge North	9 - 12

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# Agenda Item 3

## PETITION REQUESTING A LIGHT AND CCTV IN THE CAR PARK AT ST MARY'S CHURCH, HAYES

**Cabinet Member**

Councillor Douglas Mills

**Cabinet Portfolio**

Community, Commerce and Regeneration

**Officer Contact**

Ed Shaylor, Residents Services

**Papers with report**

Nil

### HEADLINE INFORMATION

**Purpose of report**

This report seeks to respond to a petition received by the Council to request a light and a camera in the car park adjacent to St Mary the Virgin Church, Church Road, Hayes, Middlesex.

The petition was received by Democratic Services on 21<sup>st</sup> March 2013.

**Financial Cost**

Nil

**Relevant Policy  
Overview Committee**

Residents' and Environmental Services

**Ward affected**

Townfield

### RECOMMENDATION

That the Cabinet Member:

- a) Notes the views of the petitioners.
- b) Notes the work which the Council has undertaken to improve the area.
- c) Discusses with petitioners whether they perceive the area to have been improved.
- d) Considers 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.

### INFORMATION

#### Background information

A number of the petitioners informed the investigating Council officer that they have been victims of crime as a result of parking in the car park, and say that consequently they no longer use it. They also stated that they would feel safer and start using the car park again if lighting was improved.

The extent of the overgrowth surrounding the car-park and lack of lighting made it quite isolated and vulnerable to crime and anti-social behaviour.

This photo shows the car park at the time the petition was received:



The car park is the responsibility of the Council's Green Spaces Service, which has arranged for the area to be cut back and exposed. This was given priority and was carried out within a few weeks of the petition being received. The height barrier had been tampered with, so Green Spaces undertook to provide adequate locking measures and also removed some building rubble which had been dumped there.

This photo shows the improvements made since March 2013.



It is recommended that these improvements to natural light and surveillance have significantly improved the safety of the car park.

### **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.

## **Financial Implications**

The estimated cost of lighting would be two 6 metre columns with LED lanterns at £4,250. The cost of a single wireless CCTV camera including installation is £6,000 plus £350 annual running costs. If the Cabinet Member were minded to proceed with these items there are funds available for 2013/14 within the Cabinet Member's Community Safety Fund.

## **Corporate Finance comments**

Corporate Finance has reviewed this report and concurs with the financial implications set out above.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The measures taken so far should improve the perception of safety and residents should feel more safe and resume use of the car park.

### **Consultation Carried Out or Required**

Consultation has been carried out, with the lead petitioner, the Church Warden and the police crime prevention officer to explore solutions to the issue.

## **CORPORATE IMPLICATIONS**

### **Legal**

The Council, as owner of the car park, has the general power to carry out improvement works to the area of land in question by removing vegetation. These works would fall within the Council's general power of competence contained within Section 1 of the Localism Act 2011, which gives the Council the power to do anything which an individual may do.

The Council could also use this power to install additional lighting, subject to obtaining the necessary planning consents. However, should CCTV be considered, officers are advised to seek the further advice of legal services to ensure that any such measures are only implemented in accordance with the Regulation of Investigatory Powers Act 2000.

### **BACKGROUND PAPERS**

Nil



# Agenda Item 4

## PETITION REQUESTING URGENT ACTION TO BE TAKEN TO ADDRESS THE ANTI-SOCIAL BEHAVIOUR ASSOCIATED WITH NO. 25 MANSFIELD DRIVE, HAYES

<b>Cabinet Member</b>	Councillor Douglas Mills
<b>Cabinet Portfolio</b>	Community, Commerce and Regeneration
<b>Officer Contact</b>	Ed Shaylor, Residents Services
<b>Papers with report</b>	Nil

### HEADLINE INFORMATION

<b>Purpose of report</b>	<p>This report seeks to respond to a petition received by the Council with regard to reported anti social behaviour from 25 Mansfield Drive, Hayes, Middlesex, UB4 8DZ.</p> <p>The petition was received by Democratic Services on 22<sup>nd</sup> July 2013.</p>
<b>Financial Cost</b>	Nil
<b>Relevant Policy Overview Committee</b>	Residents and Environmental Services.
<b>Ward affected</b>	Charville

### RECOMMENDATION

That the Cabinet Member:

- a) Notes the views and concerns of the petitioners.
- b) Discusses with petitioners whether the measures taken to date have been effective in addressing the reported anti social behaviour of the residents and by other individuals associated with the property.
- c) Advises petitioners that the Council does not have currently have legal grounds to close the premises, although this will be kept under review if the problems persist.

### INFORMATION

#### Background information

25 Mansfield Drive is an average sized terraced house operated by The Care Associates (part of Surrey Homecare Ltd) which provides supported accommodation for young people aged 16 – 18 who are leaving care. There are normally three people residing at the address.

There have been a number of reports of crime and anti-social behaviour to police and council officers associated with 25 Mansfield Drive affecting nearby residents.

For example, on 16th July 2013, police were called as a man was standing outside the front door armed with a baseball bat. He was calling the residents' names and making threats. On 28th July 2013, a stabbing incident occurred following a dispute over a dog, although fortunately the injuries were not life threatening. The owner of the dog (a non-resident) climbed in through the ground floor window and stabbed the victim under his arm.

The anti-social behaviour is of the type of shouting, fighting and abusive language between the residents audible to neighbours. Vehicles visit the premises and park outside with loud music playing so as to disturb other residents. Shouting and swearing occurs in the street between residents and visitors.

The Council officer investigating the case has spoken to Andrew Vasili, a Director of Surrey Homecare Ltd who states that he is aware of the incidents and has so far taken the following steps to control the residents' behaviour:

- Overnight supervision has been introduced three nights per week.
- Each resident now receives five to ten hours of key working support each week.
- The Care Associates' support worker is in contact with Duncan Phillips the Charville Local Policing Team Sergeant who will continue to respond to any reported incidents at this address.

The Care Associates also state that they believe as an organisation providing supported housing, that people have a right to access housing, including those with troubled backgrounds, but are happy to work with local authorities and residents to ensure that neighbours are not adversely affected by anti-social behaviour.

As the home provides housing related support rather than being a residential care home, it does not require planning permission for a change of use.

### **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.

It is not believed that all other interventions have yet been exhausted, although if the premises were to continue to be a persistent serious nuisance to the community (supported by police recorded incidents) and The Care Associates did not take all reasonable steps to prevent this, a Closure Order could be considered at an appropriate point in time.

### **Financial Implications**

There are no financial implications arising from the recommendations of the report.

### **Corporate Finance comments**

Corporate Finance has reviewed this report and concurs with the financial implications set out above

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The measures discussed, should reduce the impact on neighbouring residents.

### **Consultation Carried Out or Required**

Consultation has been carried out, with the lead petitioner, other residents and the Local Police Team.

## **CORPORATE IMPLICATIONS**

### **Legal**

There are no direct legal implications arising from the recommendation that the situation is kept under review. However, should other measures, such as further legal action, be considered, legal services should be consulted.

Although this report makes reference to the possibility of issuing a closure notice under Part 1A of the Anti Social Behaviour Act 2003, this should be considered only as a last resort, having exhausted all other options. Given that the premises in question provides housing for vulnerable young adults, the decision maker should be mindful of the Council's duties under Section 149 of the Equalities Act 2010, which requires the Council to have "due regard" to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different "protected characteristics". The "protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **BACKGROUND PAPERS**

Nil

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## PETITION REQUESTING TO STOP DOGS BARKING AT NO. 35A FAIRFIELD ROAD, UXBRIDGE

<b>Cabinet Member</b>	Councillor Douglas Mills
<b>Cabinet Portfolio</b>	Community, Commerce and Regeneration
<b>Officer Contact</b>	Ed Shaylor, Residents Services
<b>Papers with report</b>	Nil

### HEADLINE INFORMATION

<b>Purpose of report</b>	<p>This report seeks to respond to a petition received by the Council to bring to an end the reported excessive loud barking of dogs at 35a Fairfield Road, Uxbridge using the enforcement and legal powers available.</p> <p>The petition was received by Democratic Services on 6<sup>th</sup> August 2013.</p>
<b>Financial Cost</b>	Nil
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services.
<b>Ward affected</b>	Uxbridge North

### RECOMMENDATION

That the Cabinet Member:

- a) Notes the views and concerns of the petitioners.
- b) Instructs 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) Instructs officers to prioritise this address for visits when a report is received, to maximise the opportunity to witness a statutory nuisance.
- d) Authorises 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.

## **INFORMATION**

### **Background information**

For a Noise Abatement Notice to be considered, there would have to be noise emitted from the premises at such volume as to be prejudicial to health or a nuisance. The usual definition of nuisance caused by barking is that it must be repetitive and uncontrolled, and cause an intrusion so as to unreasonably interfere with other residents' quiet enjoyment of their homes.

The occupiers of 35a Fairfield Road are Mr Rajshi Veja and Mrs Gita Veja who have lived there for a number of years. They possess two adult German Shepherd dogs which are approximately four and three years old respectively.

The Council first received a report in May 2011 that the two dogs resident at this address bark throughout the night and most evenings. The caller felt they must be kept in the garden due to how easily they could be heard. However, by July 2011 there had been no recurrence of the problem. In October and November 2011 the same resident and an additional resident reported problems from dogs barking although there did not seem to be any pattern as to when the dogs barked. Council officers visited the address and heard the dogs barking for about 10 minutes in the front garden. A warning letter was sent and no further reports were received until a third resident reported in January 2013 that the dogs were constantly being left in front garden, sometimes at night, and are barking unsupervised. A second warning letter was sent in January 2013, there were no further reports and in March 2013 the case was closed for a second time. However, reports started to come in again and in July a petition was received. In September a third resident reported being frightened by the dogs' reaction to her dog as she passed by and a fourth resident reported that the dogs are always barking.

Following the resumption of reports during 2013, officers have visited the property a number of times but the barking had always stopped by the time they arrived. Mr and Mrs Veja have been visited at home and they have promised to control the dogs and prevent any repetitive and uncontrolled barking. Whilst remaining adamant that night time barking is at a minimum as the dogs are indoors at night, they have expressed willingness to reduce any nuisance, for example by bringing the dogs in earlier. During the day, the dogs have the run of the rear and front garden areas which are connected, but there is a high wooden gate at the front of the property which is more than adequate to protect any passers by. It is not unreasonable for dogs of this nature to provide a security function for the household, provided there is no excessive noise.

Council officers currently have not heard the dogs to bark for such a duration that a "Statutory Noise Nuisance" occurs. The lead petitioner has informed officers that the reason officers have not been able to witness statutory nuisance is that they do not bark for more than two minutes at a time. The case notes appear to indicate that since 2011, when the dogs were described as barking repetitively and uncontrolled for long periods, it does seem that the situation has improved. The dogs are of course two years older, and it may be that they are looked after differently.

The lead petitioner has been reminded that officers need to hear the barking themselves at a nuisance level before they can take enforcement action, so he needs to call the officers out when the barking is occurring. So far, despite several visits, officers have not heard barking which creates a significant nuisance.

## **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.

## **Financial Implications**

There are no financial implications arising from the recommendations of the report beyond the use of officers' time.

## **Corporate Finance comments**

Corporate Finance has reviewed this report and concurs with the financial implications set out above.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The measures discussed, should reduce the impact on neighbouring residents.

### **Consultation Carried Out or Required**

Consultation has been carried out, with the lead petitioner.

## **CORPORATE IMPLICATIONS**

### **Legal**

There are no direct legal implications arising from the recommendation that the situation is kept under review.

The report correctly identifies that the Council, as well as other aggrieved persons, have powers under Part 3 of the Environmental Protection Act 1990 to tackle noise nuisances. However, the report also correctly cautions that the evidence of Council officers is that no statutory nuisance has been witnessed to date because the barking did not seem to be uncontrolled or for more than short periods. It is important that any nuisances are observed by Council officers before any legal action is commenced.

Should any further steps be considered, legal services should be consulted.

## **BACKGROUND PAPERS**

Nil

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