



HILLINGDON
LONDON



Residents' and Environmental Services Policy Overview Committee

Councillors on the Committee

Michael White (Chairman)
Teji Barnes (Vice-Chairman)
Mohinder Birah
Peter Davis
Patricia Jackson
Kuldeep Lakhmana (Labour Lead)
Judy Kelly
Brian Stead
Jas Dhot

Date: THURSDAY, 25 JUNE 2015

Time: 5.30 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

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Putting our residents first

Lloyd White
Head of Democratic Services
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Terms of Reference

A central role of a Policy Overview Committees is to undertake in-depth policy reviews on specific issues. Reviews provide the opportunity to hear from members of the public and expert witnesses, including people from a wide range of external organisations. Reviews usually make recommendations to the Cabinet on how the Council could improve its work. They therefore perform an important role in opening up the policy-making process to a wider audience, including people who would not normally have the opportunity to participate.

This Committee undertakes the policy overview role in relation to the following matters:

- Highways, traffic, parking & street environment
- Local transport, including rail, cycling & London Underground
- Footpaths and Bridleways
- Road safety and education
- Planning & Building Control
- Libraries
- The Borough's heritage and history
- Sport & Leisure services
- Waste management & recycling
- Green spaces, allotments, woodlands, conservation and sustainable development
- Consumer Protection, Trading Standards & Licensing
- Registrars & Bereavement Services
- Local watercourses, drainage and flooding
- Environmental Health, Air & Noise Quality
- Local impacts of Heathrow expansion
- Local impacts of High Speed Rail

Agenda

Chairman's Announcements

- 1 Apologies for Absence
- 2 Declaration of Interest in matters coming before this meeting
- 3 To confirm that all items marked Part 1 will be considered in Public and that any items marked Part 2 will be considered in Private
- 4 To agree the Minutes of the meetings held on 29 April 2015 and 14 May 2015 1 - 6
- 5 Update on Trading Standards 7 - 12
- 6 'Beds in Sheds' - Enforcement and Impact 13 - 54
- 7 Update on the 'Using Our Water - Improving Efficiency and Developing Long-Term Strategies' Review 55 - 58
- 8 Forward Plan 59 - 62
- 9 Work Programme 63 - 64

Minutes

RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE

29 April 2015



Meeting held at Committee Rooms 3 & 3a - Civic
Centre, High Street, Uxbridge, Middlesex UB8
1UW

	<p>Committee Members Present: Councillors Michael White (Chairman), David Yarrow (Vice-Chairman), Lynne Allen, Teji Barnes, Mohinder Birah, Peter Davis, Patricia Jackson, Kuldeep Lakhmana (Labour Lead) and Carol Melvin</p> <p>LBH Officers Present: Paul Richards (Head of Green Spaces, Sport and Culture), Ainsley Gilbert (Democratic Services Officer).</p>
57.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
58.	<p>DECLARATION OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
59.	<p>TO CONFIRM THAT ALL ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT ANY ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items would be considered in Part 1.</p>
60.	<p>TO AGREE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 4</i>)</p> <p>The minutes of the meeting held on 25 March 2015 were agreed to be accurate, subject to the addition of 'and the Anti-Social Behaviour Investigation Team' between Colin Russell and for the work, and the resulting replacement of 'he' with 'they' (Minute Item 53, Paragraph 6).</p> <p>The Clerk informed members that the annual budget for footpaths and bridleways was £38,000, and that £39,000 had been spent in the 2014-15 financial year.</p> <p>The Clerk told members that a copy of the Funeral Procedures booklet, which would eventually be distributed to grieving families by funeral directors, would be circulated to the committee by email for their comments, within two weeks of the meeting.</p>
61.	<p>UPDATE ON THE COUNCIL'S AND OTHER BODIES' RESPONSES TO FLOODING IN THE BOROUGH (<i>Agenda Item 5</i>)</p> <p>The Clerk explained that there was an error in the report. The map setting out the</p>

	<p>ownership of and responsibilities for drainage infrastructure had been completed, and was being used by staff in the Residents Services directorate.</p> <p>Councillors were concerned that flooding at the following locations had not been included in the report:</p> <ul style="list-style-type: none"> - Botwell Green Sports and Leisure Centre / Central Avenue, Hayes - Hallowell Road, Northwood - Copse Wood Way, Northwood - Elephant Park, Hillingdon <p>Flooding in these locations had been a regular problem, and members thought that they had also been affected on 28 July 2014.</p> <p>Members also raised concerns about:</p> <ul style="list-style-type: none"> - the consideration of flooding by those planning new buildings - the cleaning schedule for gulleys - the report being out of date with regards to the completion of repairs - the management of rivers in the borough - the high economic cost to the borough of major flood events i.e. A40 closure - the management of flooding at sites not affected by reported major incidents <p>Members requested that a report be brought back to the committee covering these issues, and explaining the Borough's role in flood risk management, and what proactive work was undertaken, in order to prevent flooding.</p>
62.	<p>THE TREATMENT OF WAR MEMORIALS (<i>Agenda Item 6</i>)</p> <p>The Clerk explained that since the report had been written, there had been an incident of vandalism at the ANZAC Cemetery in Harefield, which was maintained by the Commonwealth War Graves Commission.</p> <p>The Chairman noted that despite the recent incident at Harefield, and the issues at Northwood, there didn't seem to be a general issue with anti-social behaviour at war memorials across the Borough.</p> <p>Councillors noted the importance of continued education about the meaning of memorials in preventing anti-social behaviour.</p> <p>Paul Richards agreed to look at the feasibility of installing a suitable barrier that prevents the memorial at Nothwood from being climbed on. These ideas were to be shared with Councillor Melvin.</p>
63.	<p>FORWARD PLAN (<i>Agenda Item 7</i>)</p> <p>The report was noted.</p>
64.	<p>WORK PROGRAMME FOR THE 2015/16 MUNICIPAL YEAR (<i>Agenda Item 8</i>)</p> <p>The Chair explained that initial research had suggested that shops selling legal highs were not a problem in the Borough, and that those using legal highs tended to buy them online. This meant that there was limited scope for a review. Members agreed with these sentiments, and decided not to progress the proposal.</p> <p>Councillors suggested the following topics for a review:</p> <ul style="list-style-type: none"> - 'Beds in Sheds' and their impact on Council Services

	<ul style="list-style-type: none">- Fly Tipping- Street Cleaning- Street Furniture, Street Scene, and Utility Boxes
	The meeting, which commenced at 5.30 pm, closed at 6.25 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ainsley Gilbert on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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Minutes**RESIDENTS' AND ENVIRONMENTAL SERVICES
POLICY OVERVIEW COMMITTEE****14 May 2015****Meeting held at Council Chamber - Civic Centre,
High Street, Uxbridge UB8 1UW**

	<p>Committee Members Present: Councillors Michael White, Teji Barnes, Judy Kelly, Mohinder Birah, Peter Davis, Brian Stead and Kuldeep Lakhmana (Labour Lead)</p> <p>Apologies were received from Cllr Pat Jackson and Jas Dhot</p>
1.	<p>ELECTION OF CHAIRMAN (<i>Agenda Item 1</i>)</p> <p>RESOLVED: That Councillor Michael White be elected Chairman of the Residents' and Environmental Services Policy Overview Committee for the 2015/2016 municipal year.</p>
2.	<p>ELECTION OF VICE-CHAIRMAN (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That Councillor Teji Barnes be elected Vice-Chairman of the Residents' and Environmental Services Policy Overview Committee for the 2015/2016 municipal year.</p>
	<p>The meeting, which commenced at 8.42 pm, closed at 8.47 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ainsley Gilbert on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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TRADING STANDARDS - UPDATE REPORT

Contact officer: Susan Pollitt
Telephone: 01895 277425

Email: tradingstandards@hillington.gov.uk

REASON FOR ITEM

The Chairman requested that an update report on the work of Trading Standards be brought to the committee, as he was aware that the team had been praised at a national level, and that RESPOC had not considered a report on trading standards in a very long time.

INFORMATION

1. The Hillingdon Trading Standards Team

The Trading Standards team is one of 5 teams making up the Public Protection Service, the others being the Food, Health & Safety team, the Licensing Services team, the Environmental Protection Unit and the Imported Food team who are based at the Airport.

The Trading Standards team consists of the Team Manager, 2 Senior Trading Standards Officers, 2 Investigating Officers, and an Assistant Officer (one of the Investigating Officers posts has been vacant for 14 months but recruitment is currently underway).

2. What do Trading Standards do?

Trading Standards are responsible for the enforcement of a wide range of legislation covering fair trading, product safety, intellectual property crime (counterfeiting), weights and measures, and sales of age-restricted products.

The remit includes consumer fraud, doorstep crime, scams, the regulation of estate agents and letting agents, and trader advice.

With such a wide range of work that the team could get involved with, it has become necessary to become intelligence led and to set priorities.

Our priorities for 2015-16:

Doorstep Crime (see below): Support older, disabled and vulnerable residents by prioritising action against rogue traders, raising awareness, taking enforcement action and offering interventionist help where appropriate.

Product Safety: Ensure the safety of consumer goods available within the London Borough of Hillingdon.

Tobacco: contribute to Hillingdon's Tobacco control plan.

Fair Trading and Counterfeiting: Enforcement of a safe and fair trading environment in order to protect legitimate business, protect consumers from shoddy/unsafe goods and disrupt criminal activity.

Business Advice: Provide business advice to local businesses and raise profile of the Trading Standards team's activities.

By constantly reviewing the information available to the team, resources are allocated to tackle problem areas or problem traders where there is the greatest detriment to consumers and where the most impact can be achieved. Action taken may be project work tackling an area of trade or trading practice, investigation of a specific complaint, working with a trader who generates high numbers of civil complaints, or promoting advice to specific groups of residents.

3. Consumer complaints from residents.

Free, impartial and confidential consumer advice is provided by the Citizens Advice Consumer Service (CACS) and all residents who contact Hillingdon Trading standards are initially directed to CACS.

CACS records all case details on a central database which can be accessed by all Trading Standards in the UK. Records are also referred to the relevant Trading Standards Service for evaluation as to whether or not action could or should be taken.

Thus, individual complaints do not necessarily lead to immediate action, as sometimes more than one complaint is needed to trigger action. However all the information is valuable as it can be analysed to determine trends and to identify most complained about traders and emerging areas of consumer detriment.

In order to assess whether an individual complaint should be actioned, we have developed a scoring matrix which takes into account our priorities, consumer detriment and reliability of the information, any known previous intelligence, and currently available resources.

4. The National Picture

The National Trading Standards Board was set up as part of the new Consumer landscape in 2012 to provide leadership, influence, support and resources to help combat consumer and business detriment locally, regionally and nationally.

The National Trading Standards Board administers grants received from central government to fund national and regional initiatives such as Scambusters, the Illegal Money Lending Teams in England and Wales, the Safety at Ports Project, and the National E-Crime Centre. It also distributes funding to regional groups to facilitate co-ordination and the use of intelligence.

5. Safety at Ports Project

The objective of the Safety at Ports Project is to enforce consumer protection regulation at the source of the problem. The interception of dangerous goods at the point of entry aims to prevent and reduce harm caused to people, business, and the economy by stopping unsafe and non-compliant products from reaching the market.

Heathrow Airport is considered to be a high risk point of entry and in 2013, Hillingdon and Hounslow were invited to join the project.

Funding was made available and shared between the 2 Boroughs;

2013/14: £33,000 - 2014/15: £25,000 - 2015/16: £25,000

An independent report has estimated that for every £1 spent on enforcement at the airport, £44 is saved by inland authorities.

In 2014/15, Hillingdon officers inspected 66 consignments. 78,500 non-compliant items were detained; of these 22,500 items were unsafe and posed a real risk to consumers.

Examples of unsafe items found: LED bulbs, mobile phone chargers, sunglasses, toys, cosmetics, including skin lightening creams containing mercury or hydroquinone and electrical products such as screen splitters etc.

On the 21st April 2015, Lord Toby Harris, Chair of National Trading Standards, visited the Civic Centre to recognise the good work carried out by Officers. His visit gave the Trading Standards Team the opportunity to demonstrate the skills needed to carry out their work and the range of unsafe goods they have to inspect



6. Other 2014-15 achievements

Doorstep Crime : 14 reports of doorstep crime were received during the year. For example: a trader demanded £40k for work that was worth considerably less - perhaps £1.k. The alertness of a bank employee prevented the victim from parting with any money, and following intervention by Trading Standards and the Police, the trader agreed not to pursue the resident for any money at all.

Age-restricted sales: 33 alcohol test purchases were carried out in partnership with the Police.

Product Safety: In addition to work carried out at the airport, Hillingdon took part in a London wide project targeting skin lightening products on sale in retailers in the Borough. In June 2014, a large seizure of tooth whitening product was made from a residential premises in Sipson. The product was being sold on the internet directly to consumers, but contained high levels of hydrogen peroxide. Legal forfeiture of the goods worth £0.5 million was obtained as the person responsible had left the country.



Above: Some of the tooth whitening products awaiting destruction.

Illegal tobacco and alcohol: A large seizure of counterfeit cigarettes and tobacco was made from a market trader's home in Hayes - enquiries are ongoing. Visits to local retailers with HMRC, the Police and Trademark Holders have resulted in seizures of counterfeit and/or non-duty paid alcohol.

Most complained about traders: Officers have worked with 5 local businesses identified as "most complained about" in order to reduce complaint levels.

Prosecutions: A number of prosecutions were concluded in 2014, including a counterfeiting case now subject to Proceeds of Crime action, and the supply of an unroadworthy vehicle. A prosecution involving the possession of a large quantity of counterfeit DVDs is ongoing.



Above: A shisha pipe with partially compliant tobacco labelling.

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'BEDS IN SHEDS' - ENFORCEMENT AND IMPACT

Contact Officers: Ainsley Gilbert & James Rodger

Telephone: 01895 250 692

Email: agilbert@hillingdon.gov.uk

REASON FOR ITEM

To consider a potential review into 'Beds in Sheds' that was proposed as a topic at the last meeting of the Committee.

Officers will provide Members with a brief presentation on the Council's current work on 'Beds in Sheds'.

OPTIONS AVAILABLE TO THE COMMITTEE

- i. To consider whether to take forward a review into 'Beds in Sheds'.
- ii. To request clarification and further information from officers.

INFORMATION

1. At its meeting of 29 April 2015, the Committee identified 'Beds in Sheds' as a potential topic for their first major review of the year. Members identified the core concerns to be:
 - a. enforcement action; and,
 - b. joint working across the Council and the impact on Council services.
2. Following the meeting, officers in Residents Services were asked to comment on the topic and provide relevant information. They pointed out that RESPOC had completed a review into Beds in Sheds five years ago, and that a progress report had been provided to Cabinet in 2013 which showed that substantial progress had been made against RESPOC's recommendations. Officers felt therefore that a major review into the topic might have limited scope for making meaningful recommendations.
3. This report has been produced to provide the Committee with updated information on the Council's enforcement approach, to help it decide whether or not to take the review forward.
4. The progress report to Cabinet in 2013 in particular focussed on the approach taken to combat 'Beds in Sheds', in particular a 'hard hitting fast track approach' that involves interdepartmental working. Although not specifically mentioned in the Cabinet Report an interdepartmental working group was set up in 2013 chaired jointly by Jales Tippell and James Rodger. That working group still meets every fortnight and includes two planning enforcement officers who only deal with 'Beds in

PART I – MEMBERS, PUBLIC & PRESS

Residents' & Environmental Services Policy Overview Committee – 25 June 2015

Sheds' cases, a dedicated in-house lawyer, a private sector housing officer dedicated to rogue landlord cases, an accredited financial investigator from the Councils Corporate Fraud team and an officer from the Corporate Communications Team.

5. There have been, and continue to be, regular press releases publicising the successful work undertaken by those officers involved in the interdepartmental working group. The numerous successful prosecutions undertaken since 2013 include a number of complex cases involving rogue landlords with large property portfolios where extensive fines have been applied by the Courts. Proceeds of Crime legislation is increasingly used in cases which meet the tests necessary for such legislation to be applied. A strong working relationship has also been developed with the Border Agency with successful raids undertaken. It should be emphasised that raids occur whenever the Border Agency have staff resources available to deploy and intelligence supports raids occurring. Appendix 1 includes extracts from press releases issued during the second half of 2104.
6. It is completely understood by officers that the presence of large numbers of outbuildings with the appearance of 'beds in sheds' in certain parts of the south of the Borough might give the perception that the Council is not successful in combating 'beds in sheds'. It needs to be emphasised that large numbers of outbuildings have been erected under permitted development rights. This means the structures (even when they have services and the external appearance of a separate residential unit) cannot be subject to enforcement action.

The council in many cases can only take enforcement action against the residential use and not the structure. In some cases successful action can be taken against the unauthorised use of an outbuilding for residential use, the building is then used lawfully, ownership changes and the out building then reverts back to an unauthorised residential use.

7. The above information and attached reports do not, in officers opinion, provide justification for a further review of the Council's approach to 'Beds in Sheds', especially as the Council's ability to act is often restricted by national legislation.

PAPERS WITH THE REPORT

Appendix 1 - Extracts From Beds in Sheds Press Releases Issued Between June and December 2014

Appendix 2 - RESPOC 'Beds in Sheds' Review Final Report

Appendix 3 - 'Beds in Sheds' in Hillingdon Progress Report

PART I – MEMBERS, PUBLIC & PRESS

Residents' & Environmental Services Policy Overview Committee – 25 June 2015

APPENDIX 1 - EXTRACTS FROM BEDS IN SHEDS PRESS RELEASES ISSUED BETWEEN JUNE AND DECEMBER 2014

News release: 15 December 2014 - West Drayton Road, Hayes

'The District Judge fined the landlord £18,000 and ordered her to pay costs of £2,505'

News release: 22 October 2014 - Blyth Road, Hayes

'A landlord has heeded Hillingdon Council's advice and demolished her illegal outbuilding just days before the council's Beds in Sheds team were set to go and tear it down. The landlord had already been prosecuted for failure to comply with an enforcement notice in relation to the outbuilding in December 2013 and had been fined £5,000 and ordered to pay £1,500 costs.'

News release: 14 October 2014 - West Drayton Road, Hayes

'The landlord was fined £14,666, ordered to pay the council's legal costs of £1,655 and a victim surcharge of £120.'

News release: 29 August 2014 - Roseville Road, Hayes

'The magistrates fined the owners a joint total of £12,000, and they were ordered to pay £2,472 for the council's legal costs.'

News release: 26 August 2014 - West Drayton Road, Hayes

'The council's planning enforcement officers took action to demolish the outbuilding and will recover the costs incurred.'

News release: 18 July 2014 - Orchard Road, Hayes

'The owner demolished the illegal outbuilding after losing a planning appeal and judicial review.'

News release: 27 June 2014 - Pole Hill Road, Hayes

'The council has taken direct action to demolish the outbuilding itself. It will seek to recoup all costs incurred from the owner. The council has however previously taken action to demolish an unlawful extension.'

News release: 13 June 2014- Sipson Road, Sipson

'At a sentencing and confiscation hearing the landlord was fined £7,500 for two offences of breaching planning enforcement notices - a total of £15,000 to be paid within 6 months, or to serve 12 months imprisonment in default. Under the Proceeds of Crime Act the judge ordered that the landlord must pay back £170,000 in full within 6 months, or serve 30 months imprisonment in default. This is to be divided between the council, HM Treasury and the Courts and Tribunals Service. The landlord was further ordered to pay the council's legal costs in the sum of £17,676 within 6 months.'

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HILLINGDON

LONDON

RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE

2009/2010

PLANNING ENFORCEMENT – CONSTRUCTION AND USE OF DETACHED OUT-BUILDINGS (HOMES IN BACK GARDENS) *Final Report*

Members of the Committee

Councillor Michael Markham (Chairman)
Councillor Kay Willmott-Denbeigh (Vice-Chairman)
Councillor Lynne Allen
Councillor Paul Buttivant
Councillor Janet Duncan
Councillor Judy Kelly



Planning Enforcement – Construction and Use of Detached Out-Buildings (homes in back gardens)

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Backing Documents:

Annex A

- Case Study – Large outbuilding built in the rear garden of 3 bedroom detached semi-detached house in the Sipson area - Page 18

Annex B

- Motion from Council – 5 November 2009 – Page 21

Annex C

- Primary Planning Legislation – Page 20

Annex D

- Contact details for Service/Teams on receipt of complaint /involvement in subsequent investigation – Page 25

CHAIRMAN'S FOREWORD



The construction and use of detached buildings in back gardens is a growing problem that is set to worsen in the current economic climate and is an issue that residents across the borough are continually raising with councillors.

The Committee, therefore, felt that it would be timely to undertake a review that took stock of the current situation, the key issues we are faced with and that looked at future policies and action that might be undertaken by the Council in relation to the Planning Enforcement of outbuildings in back gardens,

To assist our deliberations, we received a number of comprehensive reports and took evidence from officers of the Council.

Our conclusions are presented at the end of the report. Overall, the Committee was satisfied with the processes and performance of the Planning Department. However, we have proposed several recommendations to improve current processes. If agreed, our recommendations will reduce the timescales for the taking action against the construction and use of unauthorised detached out-buildings thereby reducing enforcement costs.

The remit of the review did not include an investigation into the Planning service, but sought to assist the Committee to better understand the processes and timescales necessary in order to take effective enforcement action.(with regards to the construction and use of detached out-buildings) .

Our recommendations cover three main areas:

- Networking and information sharing of best practice
- New technology and improved efficiency
- Legislative changes that might be considered

The recommendations are not the result of a comprehensive review.

Cllr Michael Markham

Summary of Recommendations

This review examines the construction and use of unauthorised detached out-buildings (homes in back gardens) in the Borough and the enforcement role the Council plays in tackling this. Following the evidence received, we make the following recommendations.

- 1. That the Planning Enforcement Team continue its inter departmental forum involving Private Sector Housing, Council Tax, Housing Benefits and Building Control departments and meets on a regular basis to exchange views, intelligence and to work more closely in dealing with unauthorised outbuildings corporately. That officers continue to update the working protocol.**
- 2. That the Planning Enforcement Team continues to work with various outside bodies, such as the District Valuer, the Border Agency, Fire Service and Local Police to share intelligence where appropriate.**
- 3. That the Planning Enforcement Team continues to seek changes to the working protocol between Planning Enforcement and Planning Officers dealing with retrospective planning applications, in particular to make changes to the Ocella Database¹ to identify enforcement concerns to planning officers and investigate a corporate joint IT system.**
- 4. Where appropriate, if retrospective planning applications for retention of outbuildings or separate residential dwellings are submitted to the Planning Committee with recommendations to refuse planning permission, officers should be required to write enforcement reports under Part 2 of the agenda on the same Planning Committee with recommendations for the taking of enforcement action.**
- 5. The improvements currently being undertaken under the Ocella Enforcement database system are continued to enable enforcement officers to work more effectively.**
- 6. That officers identify other Local Authorities in England and Wales with similar problems (construction of buildings in back gardens) with a view to seeking their support in establishing a joint campaign to lobby for changes to the law and relevant regulations and criminalisation. In addition to seek support for such lobbying from London Councils, the Local Government Association and other groups.**

¹ A Planning and Building Control database used by Local Government Departments

Recommended Changes

- i) An amendment requiring owners to apply for planning permission for outbuildings with a floor area greater than 25 sq. metres. (measured externally).**
 - ii) Changes to Class VI ‘Small Detached Buildings’ of Part II ‘Control of Building Work’ of the Statutory Instrument 2000 No. 2531 ‘The Building Regulations 2000’ to remove the option for uncontrolled detached buildings with a floor area in excess of 15 sq. metres.**
- 7. That consideration be given to the imposition of Article 4 Directions on certain areas in the Borough, in particular those wards where the problem of outbuildings is most prevalent, and to submit a formal application to the Department of Communities and Local Government for confirmation of Article 4 status in these particular wards.**

Introduction

Background and Importance

Overview: The current economic climate and factors contributing to the increase in the numbers of homes in back gardens

The Government, in the guise of the Planning Inspectorate, has recognised the impact of the current economic down-turn in terms of a likely increase in the number of breaches of planning control. Experience gained during previous such periods indicates an increase in the region of 25%. Earlier this year, in furtherance of canvassing opinion of Local Planning Authorities, the Planning Inspectorate confirmed the intention to recruit/train additional staff in order to process the expected rise in the number of enforcement related Appeals.

A further statistic giving rise to concern is that of a decrease nationally in the submission of planning applications. Planning Portal recently reported a decline of some 30% in the number of planning applications being submitted. Although this could be in most part due to the downturn in the economy.

The potential size of the problem

Structures in rear gardens

The erection of structures in gardens without Planning or Building Control regulation is a particularly challenging issue. This is a London wide matter and reflects demand for rented accommodation and gaps in current Planning legislation. Based on observations during the Houses in Multiple Occupation (HMO) survey, and counts in a number of streets in Hayes, officers estimate there are between 2000 and 3000 such structures, numbers of which are privately rented, either singly or in multiple- occupation. These structures do not tend to show up in HMO counts or censuses and, where occupied, are likely to be on cash basis.

The current process and remedial actions available

Current Planning Enforcement does not enable the concentration of efforts upon individual area(s) of concern, one of which is the unauthorised erection and use of outbuildings within existing residential properties (dwelling houses).

Primarily, the Council's Planning Enforcement section relies upon nearby residents/ neighbours to advise them of unauthorised outbuildings. Generally neighbours will advise the Enforcement Team through emails, the internet or direct phone calls through to the Council's Contact Centre.

The Enforcement Team also work in co-operation with the Private Sector Housing Team who report potential unauthorised outbuildings. The Enforcement Team also has strong links with Council Tax Collections who advise of property owners having applied to obtain separate Council Tax rating on outbuildings. The District Valuations Office informs the Council where their officers have seen potential breaches of planning control on site.

The Enforcement Team liaise with the local Police who contact the Council where they suspect person(s) to be living in outbuildings. Elected Members, via Members' Enquiries, contact the Enforcement Team in circumstances where local constituents complain to them direct or where Members have identified outbuildings during their ward walks.

The workload of the Enforcement Team has risen significantly in recent months. Officers contribute the increase to both a heightened awareness on the part of the public of the Enforcement function within the Borough and an overall trend toward non-compliant behaviour resulting from the 'down-turn' in the national economy. This situation according to a number of reliable sources is likely to continue for the foreseeable future.

In addition to the above, together with the effects of both legislative constraints imposed upon Planning Authorities and the complexity of certain of the cases, concern has been expressed over the ability of local authorities to provide an adequate and robust response.

Reasons for the review

To consider whether there are any improvements that can be made to the processes currently used to enforcement construction and the use of detached out-buildings.

Connected work (recently completed, planned or ongoing)

Following a review of the Enforcement function undertaken in 2005, the need for an increase in resources was acknowledged by Members and officers alike. As a result, the formation of the Team was enhanced both in terms of management and number of case (Enforcement) officers.

In early 2008 Members agreed to a further increase in the number of permanently employed officers.

Since 2006 working procedures have progressively been evaluated against recognised Best Practice. As a consequence, a number of initiatives have been introduced both in terms of internal procedures and Partnership working. The improved effectiveness of the Enforcement function can be measured against a number of indicators, namely:

- Ability of the Team to investigate/process a marked increase in the number of complaints
- Increased number of reports submitted to Planning Committees,
- The number of Enforcement Notices served
- The number of Enforcement Notices complied with
- Number of successful Court prosecutions - resulting in the imposition of substantial fines and awarding of costs,
- The significant number of cases resolved through negotiation - resulting in a financial saving to the Council, and a less combative approach

Aim of the Committee's Review

To review the construction and use of unauthorised detached out-buildings (Homes in Back Gardens) in the Borough and the enforcement role the Council plays tackling this.

Key issues and Terms of Reference

Key Issues addressed by the Committee

- Why does it appear to take so long to identify breaches in relation to homes in back gardens?
- What processes are currently in place?
- What is the level of complaints/enquiries in relation to use of buildings in back gardens as homes?
- How can we improve the public perception of our enforcement function and partnership working?

What legislative changes might be needed to reduce the construction of such buildings?

Terms of Reference of the Review

1. To understand the Council's statutory duty enshrined in planning legislation in relation to the enforcement process in relation to unauthorised use of outbuildings as homes.
2. To examine how the owners of unauthorised properties are identified and dealt with.
3. To review the timescales and processes dealing with unauthorised properties by the council and other bodies involved, e.g. enforcement, private sector housing, council tax and building control.
4. To investigate whether existing legislation assist the council in tackling the problem effectively.
5. To seek out views from a number of key witnesses and stakeholders
6. To make recommendations to Cabinet, as appropriate.

Methodology

We decided to investigate this issue as a single meeting review topic.

Officers provided the Committee with a background paper which provided information on the following issues:

- Where are we now?
- The issues faced
- Criminalisation of the Planning Process
- Current Professional Advice
- What needs to be done and possible changes to the law
- Planning Enforcement Legislation (see Annex C)
- A Case History (See Annex A)
- Motion to Council (See Annex B)

Using this information to inform the witness session, the Committee took evidence from the following officers:

- *James Rodger* - Head of Planning and Enforcement - London Borough of Hillingdon
- *Jim Lynn* – Enforcement Manager, London Borough of Hillingdon
- *Eddie Adamzyck* – Deputy Enforcement Manager, London Borough of Hillingdon

The issues highlighted in the background report are detailed below:

Residents' & Environmental Services Policy Overview Committee Review
Planning Enforcement – Construction and Use of Detached Out-Buildings
February 2010

Findings

WHERE ARE WE NOW?

The Planning Enforcement Team currently comprises of one part time Enforcement Team Manager, one full time deputy team manager, five full time enforcement officers and one full time technical support officer to the team. In the period of the 1 January 2009 to 30 November 2009, the team has received 786 enforcement cases, of these 63 related to complaints regarding outbuildings within the Borough.

ISSUES FACED

The Enforcement Team deals with a variety of issues from alleged breaches of planning control, alterations to listed buildings, changes of use, non compliance with planning conditions, buildings/structures, demolition in conservation areas, advertising structures, cutting/felling or pruning of protected trees and hedgerows, failure to comply with the requirements of planning legal notices such as Section 106 notices, enforcement notices, breach of conditions notices and stop notices and taking further prosecution or injunctive action where appropriate.

When investigating possible breaches of planning control where outbuildings are concerned, the main issues which enforcement officers face is proving that the outbuilding is being used as a separate residential unit.

Often officers find it difficult to gain access into an outbuilding or getting the appropriate information in terms of names of occupiers, rental or tenancy agreements. Unfortunately it is a fact of life that many of the owners are not living at the property and are therefore difficult to track down.

Other issues are the complexity of the legislation and especially legislative constraints and case law which require the Council to prove that the outbuilding is being used as a separate residential dwelling and not incidental to the main dwelling house.

Enforcement Officers do have statutory rights of entry under Section 196 (A) of the Town and Country Planning Act 1990 (as amended). Where officers are denied entry by owners/occupiers, formal inspection letters are written advising owners of an appointment to view the property. A minimum of 24 hours notice is required under Section 196(A) and if they are denied entry prosecution action can be taken or apply to the Court for a warrant to enter premises.

During this period changes may be made to the outbuilding, in an effort to mask and conceal the fact that it is being used as a separate residential unit. The investigatory process can become a time consuming process. Officers can also serve Planning Contravention Notices to gain further information on the use of the outbuilding, including any copies of tenancies, rental agreements etc. Again a minimum of 28 days is given to the owners to reply back to the Council's questions and it is a criminal offence not to complete/return the questionnaire incorporated in the notice. Often owners will try and prolong this process for their own gain.

CRIMINALISATION OF THE PLANNING PROCESS

In respect of criminalisation of breaches of planning control, the Government reviewed the enforcement procedures in the Carnwath Report entitled "Enforcing Planning Controls" (February 1989) when it was decided not to make unauthorised development a criminal offence.

Any change to the legislation would have both a major impact upon households and lead to an increase in resources necessary to police the new laws. Inevitably criminalisation of planning breaches may not be politically acceptable as it would be contrary to the governments desire to reduce regulatory controls and it would require a review of working practices/ procedures.

Complexity of the existing planning law/ guidance undermines the ability of government to enact legislation recognising unauthorised development as a criminal offence. In addition it could be argued that to do so would take away the transgressors right to challenge planning policies or give them the opportunity to negotiate a solution.

PROFESSIONAL ADVICE

Officers are bound by the Enforcement Concordat introduced by Central Government whereby the Enforcement Service is governed by the protocols of Consistency, Proportionality, Openness and Helpfulness. Communication to all members of the public is given in an open, transparent and courteous manner by officers. It is not appropriate/ acceptable for officers to act as planning agents for any transgressors. All information given to the transgressor is based upon the planning merits and facts of the case. Officers are actively discouraged not to favour one side against the other.

WHAT NEEDS TO BE DONE

Improvements to the Service

1) As already mentioned in the report to the Committee on the 18 November 2009, the planning enforcement team is looking to set up an inter departmental forum involving Private Sector Housing, Council tax, Housing Benefits and Building Control to meet up on a regular basis to exchange views, intelligence and work more closely in dealing with unauthorised outbuildings Corporately.

The Enforcement Team has already built up direct links with various outside bodies such as the District Valuer, The Border Agency, Fire Brigade and local Police to share intelligence where appropriate.

Significant progress has been made to enable both the exchange of information and work with other Council departments and outside agencies.

2) Currently changes are also being made to the working protocol between Planning Enforcement and Planning Officers dealing with retrospective planning applications, changes to the Ocella Database will flag up enforcement concerns to planning officers.

3) Where appropriate, if retrospective planning applications for retention of outbuildings or separate residential dwellings are submitted to the Planning Committee with recommendations to refuse planning permission, officers will also be required to write enforcement reports under Part 2 of the agenda on the same Planning Committee with recommendations for the taking enforcement action. This will speed up the time for the Council to take enforcement action where it is considered expedient and the outbuilding is considered to be unacceptable in planning terms.

4) Improvements are currently being undertaken under the Ocella Enforcement database system to enable enforcement officers to work smarter and effectively: adding more functions on to the database and creating new protocols between the enforcement team and The Borough Solicitor to expedite matters in the time taken to serve enforcement notice(s).

POSSIBLE CHANGES TO LAW

Presently part of the problem in controlling the use of outbuildings as separate residential units is the fact that under the provisions Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (Class E) house owners can build outbuildings under Permitted Development without the need to apply for express planning permission to the Council.

1) An amendment could be sought from central government requiring owners to apply for planning permission for outbuildings with a floor area greater than 25 m sq (measured externally). This would effectively bring a larger number of outbuildings under planning control but allow smaller structures to be built without recourse to the Local Planning Authority.

Although this would increase the workload in terms of number of planning applications received, it would bring into the control of the planning authorities outbuildings which were previously outside local governments direct control. Wording of an amendment would have to be carefully drafted to ensure that owners could not get round the GPDO by building a number of smaller structures.

2) Other possible changes to the law could be under the Building Regulations Act 2000 whereby changes to the schedule of exempt buildings schedule could be made under Regulation 9, of Schedule 2, Class VI (Small detached buildings). Currently the floor area of a outbuilding not exceeding 30 sq m is exempt from building control under the building acts, this figure could be reduced to 20 sq m bringing more outbuildings under the control of the Council.

3) The Local Planning Authority could consider the imposition of Article 4 Directions in certain areas in the Borough, in particular those wards where the problem of outbuildings is most prevalent. (An Article 4 Direction allows a Local Authority, in exceptional circumstances, to withdraw a permitted development right within a limited area.)

The Article 4 direction would take away the permitted development rights to build these structures in the rear garden and would require the householder to apply for planning permission. A study showing the effect of these structures and the consequences in the area would need to be carried out to back up the Council's case. The study along with a formal application could then be given to the Department of Communities and Local Government for confirmation of Article 4 status in these particular wards.

This would then require householders to apply for planning permission for outbuildings and give the Council greater control over the size and use of these buildings in these particular wards.

It should be noted that under the current planning legislation the issue of an Article 4 Direction can lead to the risk of compensation through the withdrawal of planning permission by way of an Article 4 Direction removing the householders Permitted Development rights.

The new provisions of the Planning Act 2008 will introduce protection from payment of compensation providing the Local Planning Authority give notice of the withdrawal of Permitted Development rights to all affected for a period of 12 months before the legislation comes into effect.

Recommendations

At the December meeting, Officers provided an overview of current planning enforcement and the use of detached out-buildings as homes in back gardens. A number of points were raised in discussion, which are detailed below and the Committee has made the following recommendations in respect of them:

Witness Session

Changes to the Permitted Development Order made in October 2008

Officers reported that the change made in relation to outbuildings was in regard to the height and distance from the dwellinghouse and needing to be incidental to the dwellinghouse. Prior to 2008 larger outbuildings were allowed under permitted development rights. We heard that where occupiers applied for Certificates of Lawfulness for outbuildings where it was felt that a building was not being used incidental to the main dwellinghouse the certificate had been refused.

It was agreed that although this change had tackled the size of outbuildings allowed in rear gardens the committee should not be distracted by this change. The use being made of outbuildings in rear gardens was the issue and what needed be done to improve the timescales for enforcement of the unauthorised erection and use of outbuildings within existing residential properties.

Our review recognised that officers worked closely with other departments but it was important that this continued and a recommendation was suggested to this effect. A procedure has already been agreed and introduced in terms of the initial stages of an investigation this is attached at Annex D for information.

Recommendation 1 - That the Planning Enforcement Team continue its interdepartmental forum involving Private Sector Housing, Council Tax, Housing Benefits and Building Control departments and meets on a regular basis to exchange views, intelligence and to work more closely in dealing with unauthorised outbuildings corporately. That officers continue to update the working protocol.

The Enforcement Team and working relationships with outside agencies.

Officers reported that they had built up links with various outside agencies including the Police Service, Fire Brigade and Boarder Agency and shared intelligence as appropriate.

The committee suggested that where it was known that an outbuilding was being used as a separate dwelling that the District Valuer should be notified immediately.

Officers advised that they would liaise with Council Tax to see whether the principle of notifying the District Valuer in relation to the use of outbuildings as separate dwellings was something that could be brought into practice.

Officers explained that a recent development in terms of Partnership working is a request made on behalf of the UKBA (UK Border Agency). The UKBA seek information on cases of unauthorised residential occupation i.e. garages, detached buildings, conversion to HMOs, in particular, instances where there is information to suspect the occupants may be illegal immigrants. This initiative has yet to be explored. Arising out of this evidence the following recommendation was suggested.

Recommendation 2 - That the Planning Enforcement Team continues to work with various outside bodies, such as the District Valuer, the UK Border Agency, Fire Service and Local Police to share intelligence where appropriate.

The current database system used by the Enforcement Team and Contract Planning Officers

Our review was informed that the Enforcement Team liaised with various departments within the Council on a regular basis. It was felt there was a need to look at the databases held by departments to see whether the information held could be made accessible corporately, which would save time when investigating cases across the Council.

Ocella was the database system being used in the Enforcement Team and that changes were being made to enable exchange of information in regard to retrospective planning applications in relation to the erection and use of outbuildings within existing residential properties to be shared with officers in the Enforcement Team. This would enable a Part 2 enforcement report to be considered at the same meeting a report on the retrospective planning application, if it was being recommended for refusal. This would improve the timescales for enforcement action being taken. A recommendation to this effect was suggested.

Our review advised that the current contracts of planning officers job specification could be changed to include the requirement to write planning and enforcement reports. Officers from the Enforcement Team would still have an input into the reports to provide the reasons for expediency. This could be addressed in the new contracts when being renewed.

Recommendation 3. That the Planning Enforcement Team continues to seek changes to the working protocol between Planning Enforcement and Planning Officers dealing with retrospective planning applications, in particular to make changes to the Ocella Database to identify enforcement concerns to planning officers and investigate a corporate joint IT system

Recommendation 4 - The improvements currently being undertaken under the Ocella Enforcement database system are continued to enable enforcement officers to work more effectively.

Recommendation 5 - Where appropriate, if retrospective planning applications for retention of outbuildings or separate residential dwellings are submitted to the Planning Committee with recommendations to refuse planning permission, officers should be required to write enforcement reports under Part 2 of the agenda on the same Planning Committee with recommendations for the taking of enforcement action.

The changes sought to the permitted development rights.

Officers reported that the change was to seek the reduction of the size of an outbuilding from 30 sq m to 25 sq m and would enable larger outbuildings to be bought under the control of the Local Planning Authority.

The committee felt that this was something that other authorities might support and that Hillingdon should take the lead and write to other planning authorities to ask for their views. If there was wide support for seeking these changes, then a campaign for a change in the law might be undertaken.

In regard to the criminalisation of breaches of planning control this was reviewed in 1989 when it was decided not to make unauthorised breaches a criminal offence. The committee felt that before this was taken further, discussions needed to be undertaken with other departments before any review was sought on criminalisation of breaches in planning control.

Recommendation 6 - That officers identify other Local Authorities in England and Wales with similar problems (construction of buildings in back gardens) with a view to seeking their support in establishing a joint campaign to lobby for changes to the law and relevant regulations and criminalisation. In addition to seek support for such lobbying from London Councils, the Local Government Association and other groups.

Recommended Changes

- i. An amendment requiring owners to apply for planning permission for outbuildings with a floor area greater than 25 sq. metres. (measured externally).***
- ii. Changes to the schedule of exempt buildings schedule under Regulation 9, of Schedule 2, Class VI (small detached buildings) of the Building Regulations Act 2000 to reduce it to 20 sq. metres.***

The implications of Article 4 Directions.

Our review was informed that an Article 4 Direction took away permitted development rights so that any proposed development would require a planning application to be submitted. An Article 4 direction can be sought for certain areas where the problem of outbuildings are most prevalent and would give the Planning Authority greater control over these kinds of development.

A study showing the effect of these structures and the consequences in the area would need to be carried out to back up the Council's case if an Article 4 Direction was sought. The study along with a formal application would then be made to the Department of Communities and Local Government for confirmation of the Article 4 status in these areas.

Members were informed that the current planning legislation regarding Article 4 Directions can lead to the risk of compensation by removing the householders Permitted Development rights. New provisions of the Planning Act 2008 would introduce protection from payment of compensation providing the Local Planning Authority had given notice of the withdrawal of Permitted Development rights to all affected for a period of 12 months before it came into effect.

Recommendation 7 - That consideration be given to the imposition of Article 4 Directions on certain areas in the Borough, in particular those wards where the problem of outbuildings is most prevalent, and to submit a formal application to the Department of Communities and Local Government for confirmation of Article 4 status in these particular wards

Closing Word

Following a review of the Enforcement function in 2005, the management of the Team was enhanced and the number of case officers was increased to address the growing number of enforcement cases. Of the 786 enforcement cases last year, about 7% related to complaints about outbuildings in the Borough. In view of the downturn in the economic climate, the lack of readily available cheap mortgage finance and the potential financial gains to be made from detached outbuildings the prevalence of planning enforcement cases related to the construction and use of detached outbuildings is set to increase.

Our review has shown that ability for officers to readily access (share) intelligence will constitute a major step forward, likely to result in enhanced inter-departmental working and the more efficient use of resources (officer time/effort). This facility will have numerous benefits across the Council including *lessening the time taken to progress investigations and reducing the time taken to instigate action as appropriate, thereby reducing costs to the Council.*

In addition to the innovate use of ICT systems, we suggest that further working practices could include *agreed protocols for inter-Directorate working, regular case review meetings and a forum for Managers to explore further initiatives/partnership working.*

Most of the regulatory controls administered by the Council are complex, particularly in terms of legislation and Governmental guidance. In order that complaints (and other matters) are thoroughly investigated and action taken, it is essential that officers are employed with appropriate expertise and qualifications. In addition, we are of the view that the relevant laws need to be changed and urge the commencement of a campaign to encourage Government to introduce such changes.

Finally, the Committee would like to thank the witnesses who contributed to the review, and also the officers who advised on the main issues from the Council's perspective. Particular thanks go to Jim Lynn and the Enforcement Team for their comprehensive briefings on this topic. We commend the report and recommendations to Cabinet

CASE STUDY LARGE OUT BUILDING BUILT IN REAR GARDEN OF 3 BEDROOM SEMI DETACHED HOUSE IN THE SIPSON AREA.

The outbuilding in question first came to the attention of the planning department in November 2006 via complaints from nearby residents. A site visit was made by the planning Enforcement officer on the 30 November 2006. Investigations revealed that a large out building had been constructed in the rear garden which was twice the ground floor area of the parent building being 99 sq m in area.

Letters were sent out to the owner in both December 2006 and February 2007 advising the owner of the planning breach and requesting that they contact Planning Services. A telephone call was received from the owner on the 3 May 2007; the owner was advised to reduce the size and height of the building. The owner advised officers that he would be submitting a planning application to retain the building as built. Further phone calls from the owner were received on the 10 May and 5 June 2007.

An application for planning permission for retention of the outbuilding, submitted on the 10 December 2007, was refused by the Council on the 19 May 2008 and the matter passed back to the Enforcement.

A subsequent enquiry of H M Land Registry established details of parties with an interest in the land. Liaison with Public Sector Housing officers revealed prior knowledge of the outbuilding/use as a separate dwelling. The Council Tax Collections were also advised of the breach in planning control.

On 30 September 2008 a further site visit undertaken by the Enforcement case officer provided evidence (including photographic) of both sleeping and kitchen facilities were present and in use. With the assistance of the Building Control Surveyors, plans submitted as part of an application for approval under Building Regulations were inspected.

On 9 October 2008, in an effort to ascertain further information: when the outbuilding was built and details of person(s) resident, a PCN was issued/served. A further check of the site revealed a lady (a North Korean national) to be residing in the outbuilding.

Subsequently, the land-owner submitted an application for the grant of a Certificate of Lawfulness of Existing Development (CLUED) - later to be withdrawn.

The PCN questionnaire, having been completed, was received on the 21 October 2008.

On 6 January 2009 a report was placed in front of the Planning Committee, as a result of which Members authorised the taking of formal Enforcement action. On 29 January 2009 a Notice was served upon both the owner and person with an interest in the property. Subsequently, the land-owner submitted an Appeal against the service of the Notice which resulted in a hearing taking place on 3 September 2009.

On 17 September 2009 the Decision letter was published, dismissing the Appeal and upholding the Notice. As a consequence of the Appeal process, the date for compliance with the requirements of the Enforcement Notice has been re-scheduled until 17 December 2009 by which time the outbuilding is to be demolished and all materials, plant and machinery associated with the works removed from the site.

MOTION FROM COUNCIL – 5 NOVEMBER 2009

This Council is aware that there is strong public concern about the development of out buildings in back gardens particularly for use as rented homes.

This Council notes that it is a growing problem not helped by the government's changes to the planning system with regard to permitted development rights. It is pleased to note that officers for Planning Enforcement, Private Sector Housing and the Councils Tax collection teams are now working together on this issue and that this issue will be given full scrutiny through the RESPOC and through the HIP process.

This Council calls upon the Cabinet Member for Planning & Transportation to look at this issue in depth and then take appropriate action including lobbying Central Government to review this long ignored area of Planning Legislation to give it more teeth to prevent this spread of what is often un-neighbourly development.

1. Planning Enforcement operates within a legislative boundary (Town and Country Planning Acts). Key functions of Planning Enforcement are:

- (i) Investigation of alleged breaches of planning control
- (ii) Regularising or remedying breaches

In over 90% of cases, the involvement of the Enforcement team does not result in the Council serving a formal notice(s). This is because complaints may not be breaches of planning control, there may be a negotiated solution to the issue or the activity or use(s) cease following the involvement of an Enforcement officer.

- (iii) Determining whether breaches can be rectified through submission of a planning application.

In a high proportion of cases it will be identified that a planning application is required. It is recognised good practice, prior to consideration of serving an Enforcement Notice and unless it is clearly evident that an application is fundamentally contrary to development plan policy, to enable submission of a planning application,

2. Further important parameters under which the Planning Enforcement service operate are listed below:

- (i) Undertaking development without planning permission is not a criminal offence.
- (ii) The taking of formal Enforcement action is at the discretion of the Local Planning Authority.
- (iii) There is a statutory requirement to consider whether it would be 'Expedient' to take formal Enforcement action. This means that the fact that something does not benefit from planning permission does not mean Enforcement action should always be taken.
- (iv) Planning Enforcement should seek to safeguard matters of recognised importance:-

"Whether the breach of control unacceptably affects public amenity of the existing use of land or buildings meriting protection in the public interest"

- (v) Planning Enforcement officers have to be mindful of the 'Considerations' defined by the Human Rights Act 2000.
- (vi) Planning Enforcement must be proportionate in terms of the impact upon the recipient of a Notice(s) weighed against the public interest.

3. There are various legislative tools to Enforce against confirmed breaches of planning control where it is considered expedient to do so, these are listed below:
 - (i) Enforcement notice - requiring steps to be taken to remedy the breach(es) of planning control within a prescribed period.
 - (ii) Stop Notice, served following the service of an Enforcement notice but prior to the 'effective' date. It is useful when the LPA consider something must be stopped urgently – there is the risk to the Council of compensation but only in circumstances where it is determined that a breach(es) of control had in fact not taken place.
 - (iii) Temporary Stop Notice - may be served without the need to serve an Enforcement Notice. It is useful when the LPA feel something must be stopped urgently – there is the risk to the Council of compensation with this type of notice.
 - (iv) Breach of Condition Notice - where there is a failure to comply with any condition or limitation imposed by the grant of planning permission or by Statute ('Permitted Development') e.g. not undertaking planting or landscaping.
 - (v) Injunction - by application to either High Court or County Court, to restrain any actual or expected breach of planning control.
 - (vi) Section 215 Notice – 'untidy land' – (Could use the example of Hayes gate with the tower block covered in graffiti and broken windows).
 - (vii) Section 11 Notices – under the London Local Authorities Act for advertisement hoardings
 - (viii) Direct Action – using Section 178 of the T&CP Act - only applicable if all other Enforcement routes have been exhausted.

4. Most local Authorities have the focus of their Enforcement work related to commercial or householder planning breaches. Hillingdon has a wider diversity of cases, often very complex cases related to:
 - (i) Minerals - the Council is responsible for large areas of Green Belt land, in which mineral and waste operations are located.
 - (ii) Houses of Multiple Occupation (HMO's) associated with either the expanding University or College campuses or accommodation associated with illegal immigrants. This is a particular issue within the south of the Borough.
 - (iii) Airport related activities, such as, off-airport car parking. Again this is a particular issue within the south of the Borough.

5. Most local Authorities have the focus of their Enforcement work related to commercial or householder planning breaches. Hillingdon has a wider diversity of cases, often very complex cases related to:
 - (i) Minerals - the Council is responsible for large areas of Green Belt land, in which mineral and waste operations are located.
 - (ii) Houses of Multiple Occupation (HMO's) associated with either the expanding University or College campuses or accommodation associated with illegal immigrants. This is a particular issue within the south of the Borough.
 - (iii) Airport related activities, such as, off-airport car parking. Again this is a particular issue within the south of the Borough.

6. The Enforcement team are increasingly involved in partnership working involving a broad range of both internal departments and external organisations. There is joint working with:
 - (i) Environmental Protection Unit (EPU) on Licensing, noise and/or lighting nuisance, construction disturbance, rubbish/deposit of waste etc.
 - (ii) Building Control Surveyors on breaches of planning and/or Building Regulations and Dangerous structures,
 - (iii) Highway officers on highway safety matters, display of Advertisements, sale of motor vehicles from the public highway.
 - (iv) Trees & Landscape officers on a variety of unauthorised Tree work, failure to undertake landscaping (Planning conditions/Legal Agreements).
 - (v) Land Charges - ensuring Enforcement related information is recorded and made available as required.
 - (vi) Conservation Officers regarding Listed buildings and Conservation Area Enforcement
 - (vii) Council Tax Collection/Business Rates and Benefit Fraud investigations
 - (viii) Private Sector Housing Team
 - (ix) External Partners for which assistance requested/notified as considered appropriate:
 - Police
 - Inland Revenue
 - Customs & Excise
 - Environment Agency
 - Housing Associations

- HM Land Registry
- DVLA, and Vehicle Inspectorate (VOSA) - all of which are contacted in circumstances considered appropriate.

Alleged unauthorised residential use of Outbuildings.

Contact details for the Services/Teams to be informed upon receipt of complaints/involvement in subsequent investigation:

1. Private Sector Housing:

wporter@hillingdon.gov.uk and/or chikson@hillingdon.gov.uk (Technical Admin Team)

Telephone: ext 7437 or 4189

Alternatively: [_PSHTeamHousing@hillingdon.gov.uk](mailto:PSHTeamHousing@hillingdon.gov.uk)

2. Investigation Team:

benefitsfraud@hillingdon.gov.uk

For urgent checks/case discussions contact Garry Coote, Fraud Investigations Manager, email gcoote@hillingdon.gov.uk

Telephone: ext 0369.

3. Hillingdon Homes:

Dependant upon the location of the premises in question:-

HHCommunityHousingHayes or

HHCommunityHousingRuislip or

HHCommunityHousingUxbridgeAndYiewsley@HillingonHomes.ltd.uk

(Awaiting telephone contact details)

4. Planning Enforcement:

MRaven@hillingdon.gov.uk (Maureen Raven, Technical Support officer - direct line: (01895) 558126) or

Alternatively: Planning@Hillingdon.gov.uk

Residents' & Environmental Services Policy Overview Committee Review
Planning Enforcement – Construction and Use of Detached Out-Buildings
February 2010

5. Borders Agency

John Gascoigne (Immigration officer for Hillingdon)

john.gascoigne@homeoffice.gsi.gov.uk

Telephone: - 07768 777204.

Andy Kemp (immigration officer for Harrow)

andy.kemp@homeoffice.gsi.gov.uk

Telephone: - 07799 583215

NB. John and Andy work closely, share/exchange intelligence providing cover in one another's absence- all E-mails to be addressed to both officers.

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'BEDS IN SHEDS' IN HILLINGDON: PROGRESS REPORT

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	Jales Tippell, Residents Services
Papers with report	None.

1. HEADLINE INFORMATION

Purpose of report	The report explains what progress has been made by officers to date in dealing with what has become known as 'bed in sheds', or the use of outbuildings as residential accommodation. The report seeks Cabinet approval for the approach set out for dealing with 'beds in sheds'.
Contribution to our plans and strategies	The recommendations will assist the planning process to realise the objectives of the Sustainable Community Strategy.
Financial Cost	The Council has employed an experienced prosecutions lawyer on a temporary contract to join our legal team and provide a fast track approach to deal with problem bed in sheds cases. This position is funded from existing money received from DCLG to combat the 'beds in sheds' issue. There is an opportunity to extend the duration and scale of the resources available to tackle this issue through a further funding bid to DCLG.
Relevant Policy Overview Committee	Residents' and Environmental Services.
Ward(s) affected	All Wards

2. RECOMMENDATIONS

That the Cabinet:

1. Notes the content of the report, and progress made.
2. Endorses the approach taken, including the inter departmental forum involving Planning, Enforcement, Private Sector Housing, Legal Services and Corporate Communications to exchange views, intelligence and to work corporately & closely in dealing with unauthorised outbuildings.
3. Notes the submission of a bid application to the Department for Communities and Local Government to respond to the 'beds in sheds' issue.

Reasons for recommendation

This report updates Cabinet on the approach being taken to combat the problems in relation to 'beds and sheds' and seeks approval for officers to continue with this hard hitting, fast track approach to deal with problem cases.

Alternative options considered

The Cabinet could decide to discontinue the focussed work on 'beds in sheds' and deal with these cases in the same way as other breaches of planning control. Given the scale of the issue and harm caused, this would not be in the best interests of the local communities or the Council.

Comments of Policy Overview Committee(s)

The Residents' and Environmental Services Policy Overview Committee (RESPOC) undertook a review in 2009/10 on planning enforcement and "homes" in back gardens.

3. INFORMATION

Supporting Information

Background

1. The phenomenon of landlords renting out accommodation in properties not designed for human habitation has recently received wide coverage in the media. However this has long been a concern within the London Borough of Hillingdon and indeed there was a Motion from full Council in 2009 (5 November 2009) which noted:

- Strong public concern about the beds in sheds issue.
- Problem is not helped with Permitted Development rules.
- Council was pleased that officers for Planning Enforcement, Private Sector Housing and the Councils Tax collection teams are working together on this issue.
- The Issue were to be given full scrutiny through Overview and Scrutiny.
- The Cabinet Member for Planning & Transportation would look at this issue in depth and then take appropriate action.

2. The issue was subsequently examined by RESPOC in February 2010, which:

- Identified difficulties with enforcement legislation.
- Highlighted the importance of networking and information sharing of best practice.
- Noted the potential to use technology for cross checking and monitoring.

3. The unauthorised conversion of outbuildings into separate units of residential accommodation, known as 'beds in sheds', show a total disregard to planning law. They tend to be built in the back gardens of residential properties and rented to tenants. They normally provide inadequate accommodation for people, due their size and quality, because they offer small spaces and overcrowded and cramped living conditions. There is often little or no garden area or privacy for occupiers. They can pose a danger to peoples' health because the physical structures are also often problematic in terms of structural instability, illegal wiring and lack of insulation, natural light and water supply. London Fire Brigade statistics released in October

2012 show that since 2009 there have been 16 fires, 3 fire deaths and 7 serious fire injuries at incidents specifically involving 'beds in sheds' properties.

4. The over intensification of the use of housing land has adverse environmental impacts on local communities and can harm community relations by creating numerous tensions between neighbours. This can be due to increased noise and disturbance; loss of privacy; poor visual impacts; pressure on parking; increased traffic; refuse storage; and increased pressures on local facilities such as health, schools etc, which is detrimental to the overall amenity and character of the area. The unauthorised nature of the accommodation creates a shadow housing market which can be used by illegal workers and in some cases there are associated issues involved relating to benefit and mortgage fraud. Rogue landlords end up targeting vulnerable tenants and placing them in overcrowded or poor quality accommodation. Vulnerable tenants can be afraid to raise issues with the local authority or be unaware of their rights.

5. This issue of 'beds in sheds' affects many areas in the country, although London is especially affected because the problem is being driven by high rents, high demand for rented accommodation and an acute and worsening lack of affordable housing supply in the Capital. Based on observations during the HMO survey and counts in a number of streets in Hayes, estimates suggest between 2,000 and 3,000 such structures may exist in the Borough. The structures do not however tend to show up in Census figures.

6. The Government has recognised that action needs to be taken particularly in relation to 'rogue landlords'. In May 2012, the former Housing Minister, Grant Shapps, convened a group of officials (called a 'National Taskforce') from his department, the UK Border Agency, and some of the most seriously affected local authorities to discuss good practice and what further actions might be needed to tackle the problem. Following the convening of this group in mid 2012, the Department for Communities and Local Government (DCLG) announced that it would be allocating £1.8 million of funding (re-allocated from the Homelessness Grant) to be shared between nine local authorities to help them with their enforcement work, namely Brent; Ealing; Hillingdon; Hounslow; Newham; Peterborough; Redbridge; Slough; and Southwark.

The approach taken by London Borough of Hillingdon

7. The DCLG guidance, 'Dealing with Rogue Landlords - A Guide for Local Authorities' which was published in August 2012, clearly shows Government dissatisfaction with the problem and aims to assist local authorities in dealing with the issue. The guidance suggests tackling the worst offenders, i.e. rogue landlords with multiple properties and focussing on cases where there are multiple breaches of legislation across a number of departments and agencies.

8. By June 2012, Hillingdon Council had put together a dedicated and cross-cutting team of officers, including officers in planning enforcement, private sector housing, legal services and corporate communications, to develop a clear strategy to tackle the 'beds in sheds' issue in a comprehensive way and in order to ensure it does not develop into a larger problem in the future. The Team is tasked with co-ordinating robust, fast track enforcement processes, which pursue individual cases from investigation all the way through to prosecution, and to publicise such actions to prevent new cases arising.

9. In Hillingdon, the focus has been on dealing with all the reported and known cases of 'beds in sheds' and taking robust enforcement action to conclusion, through prosecution and direct action as appropriate. The key strategy has been to reduce the number of unauthorised 'beds in sheds' through achieving a change in public behaviour by taking a hard

hitting enforcement approach and publicising prosecution successes, which would be sustainable in the long term (and not simply cease when funding is exhausted).

10. To facilitate this work, a new dedicated Prosecution Solicitor (experienced in both planning and housing prosecutions) has been appointed on a temporary basis to join our legal team and provide a fast track approach to deal with problem cases. The role is funded from money received from DCLG to combat the 'beds in sheds' issues. DCLG funds have also been used in developing the associated communications strategy and to fund specialist legal advice for court hearings when appropriate.

11. As a result of this work, individuals may find that they stand to lose housing benefits if it is found that they are not eligible and others may find that they owe Council Tax. The Council will also work with partner agencies, including Her Majesty's Revenue and Customs and the UK Border and Immigration Authority, to tackle the problem of tax avoidance and illegal immigrants.

12. Because of the concentration of 'beds in sheds' in the capital, different boroughs have used various innovative and effective methods to deal with them. Newham has used the Proceeds of Crime Act to confiscate sums from landlords with previous criminal records and this approach is also being actively pursued by the London Borough of Hillingdon.

13. The approach taken by Hillingdon is consistent with the guidance produced by DCLG advocating wide ranging use of legal powers to deal with 'beds in sheds' cases.

Progress to date

14. Over the last 6 months the Council's dedicated team of officers have investigated well over 100 complaints relating to 'beds and sheds' cases. Following initial investigations, cases are prioritised. There are currently 61 priority cases which are being dealt with rigorously. These cases are accorded high priority because they include one or more of the following types of cases:

- those involving rogue landlords (i.e. where individuals are known to have multiple properties accommodating unauthorised occupied outbuildings);
- those where there are multiple breaches of legislation across a number of departments and agencies);
- those where there are geographical concentrations of 'beds in sheds' which are giving rise to significant local problems.

15. In the last 6 months the Council has issued 17 Enforcement Notices, initiated 7 prosecutions, and defended enforcement action at appeal on 5 occasions. In 8 separate cases, the owners have taken appropriate action themselves to remedy the situation as a result of this enforcement action.

16. Enforcement action is often thwarted by the unscrupulous behaviour of landlords who ensure that all signs of residential use are removed at the unauthorised premises prior to any scheduled visits by council officers. Council officers in Housing, Planning Enforcement, Corporate Fraud and Council Tax departments have therefore been proactively working together with the Metropolitan Police and the UK Border Agency to carry out raids in different parts of Hillingdon, where appropriate. In the last few months the following raids have been successfully carried out:

- *On 20 August 2012, there was a raid on an illegal and unlicensed HMO with an outbuilding in Hayes for the second time. Officers found 6 males in the outbuilding and 9 males in the main house that were connected to a local landlord living a few streets away and an estate agent based in Southall. Officers are taking enforcement actions against both the owner and estate agent for failing to comply with the HMO requirement and obtain a licence. Planning enforcement officers had previously served enforcement notices on the owner regarding both the authorised use of the house as a HMO and the outbuilding.*
- *On 23 November 2012, there was a raid on an illegal HMO towards the boundary of West Drayton and Uxbridge. Officers found 7 people consisting of 4 families including a new born baby in the main house which was split into 2 self-contained units. Officers also found a family of 3 in the outbuilding, which was also on Housing Benefit. The property and outbuilding did not have any fire protection for the tenants and were both in very poor condition. Officers are in the process of taking action to prosecute the owner of this property.*
- *On 18 February 2013, there was a raid on an illegal HMO in Hayes and officers found 15 people in the main house and 3 in the outbuilding. The tenants comprised separate families and were of different nationalities. Some families even had very young children and a couple of the tenants were on Housing Benefit. The house has no fire safety measure and did not meet the current HMO standards. This will involve the prosecution of the landlord for failing to obtain an HMO licence and breaches of the Management of HMO (England) Regulations 2006. A Committee report has been submitted recommending that a planning enforcement notice be served concerning the unauthorised use of the property.*
- *On 28 February, there was a raid on an illegal HMO in Hayes and officers found 15 people in the main house and 6 in the annex, all as individual tenants. Both buildings were found to be in very poor condition without any fire safety measures and seriously lacking basic amenities. Planning enforcement notices and housing prohibition order will be served on the owner to prohibit the use of this address as an HMO in long term until the all requirements are complied with. Private Sector Housing is seeking legal advice regarding prosecution of the landlord for failing to obtain an HMO licence and breaches of the Management of HMO (England) Regulations 2006.*

17. Officers are working closely with the DCLG and the other eight local authorities who were allocated funding to help them with their enforcement work, with a view to sharing best practice. Slough are looking to pilot an innovative approach which entails repeatedly fining a landlord for not having a valid Energy Performance Certificate, which is required by law for places where people live. The fine is £200 a day, which would make it very expensive for people to continue using the outbuilding. The process also appears to be a faster way of penalising the unauthorised use than using planning or HMO legislation. At this stage, it has been agreed that the other eight boroughs await the outcome of Slough's pilot scheme before deciding whether to consider emulating this approach and if so, how best to implement it.

18. The work of the 'beds in sheds' team has been publicised through a number of press releases highlighting court success stories, which have been widely covered in local and trade publications including the Uxbridge and Ealing Gazette, Hillingdon Times, Inside Housing and 24Housing. The work has also been showcased through the Council's residents' magazine

Hillingdon People, with a full page spread in the September/October edition 2012 and a news item in the January/February 2013 edition.

19. The press releases and coverage about court successes relating to 'beds in sheds' include the following:

- **20 July 2012 – Council sets up task force to tackle 'beds in sheds'**

Jamal Uddin of Gloucester Road, London, was ordered to pay £15,377 for using an outbuilding as accommodation following a Hillingdon Council investigation. Uddin was told by the council that he must stop renting the shed in the garden of Turnpike Lane, Uxbridge, after the local authority received a tip-off by a resident who was also a local council Street Champion.

Rupa Sodha, was fined £3,500 and costs of £2,079 for illegally re-developing a house in Princes Park Parade, Hayes, into seven self-contained flats.

- **31 July 2012 - Five-figure fine for flouting planning laws**

Harnek Singh Brar, of Brookside Road, Hayes, was ordered to pay a total of £14,325 for unlawfully using his garage as two separate 'beds in sheds'.

- **31 August 2012 - Hefty fine for planning breach**

Rajesh Kalra, of Ickenham Road, Ruislip, was found guilty of unlawfully extending his property at Uxbridge Magistrates' Court on 13 August 2012. He was fined £3,000 and ordered to pay costs of £5,900.

- **24 September 2012 - Hefty fine for planning breach**

Mr Surendra Sah, Hermon Grove, Hayes, was fined £3,500 for having an unlawful outbuilding at court on Wednesday 19 September. He was also ordered to demolish the building and pay costs of £1,124.

- **12 November 2012 - Council wins planning battle**

Mr Surendra Sah, of Hermon Grove, Hayes has demolished the outbuilding at the rear of his property following a court prosecution at Uxbridge Magistrates' Court in September and subsequent intention of direct action by the Council.

- **10 December 2012 - Hillingdon Council continues its crackdown on Beds in Sheds**

Mr Xuhua Chen, of Hunters Grove, Hayes was fined £3,000 and ordered to pay the Council's legal costs of £1885.95 for failing to demolish an illegal outbuilding in his back garden.

20. Since the 'beds in sheds' team was launched in summer 2012, there have been interview requests from various national and regional media such as BBC's Inside Out, The One Show, Inside Housing magazine and Evening Standard.

21. Based on the work to date, officers consider that the approach that they have taken over the last six months is cost effective and is yielding positive outcomes. It is likely to deter people from providing 'beds in sheds' in the future and therefore is considered to be a sustainable way of dealing with the issue.

Potential additional funding from the DCLG

22. On 28th February 2013, the Council received an invitation from the DCLG to submit an application for a share of £790k of additional funding to tackle 'beds in sheds' in 2013/14. The invitation was sent only to the nine authorities already receiving grant support from the DCLG. The DCLG stated that the applications would be judged on the following criteria:

- The area's need – scale of the problem;
- How areas will use the additional funding – a clear plan over and beyond the mainstream services and;
- The outcome likely to be secured by areas provided with additional funding.

23. Officers have submitted a bid application for funding to meet the DCLG's deadline of 13th March 2013. The bid is to enable funding for:

- retention of the dedicated Prosecution Solicitor for a further year to deal with 'beds in sheds' cases;
- other associated legal costs involved in taking enforcement action, including prosecution and proceeds of crime cases
- the appointment of temporary officer resources to investigate and take appropriate enforcement action on individual cases; and
- to develop the associated communications strategy.

Financial Implications

The cost of the prosecutions lawyer (employed on a temporary contract through an agency) is currently being met through £150k of unringfenced Preventing Homelessness Grant received from DCLG to combat the 'beds in sheds' issue. Cabinet in July 2012 approved the use of this funding and delegated authority to authorise any expenditure for the purposes set out in the report to the then Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services, in consultation with the Leader of the Council and the Cabinet Member for Finance Property and Business Services.

There is an opportunity to extend the duration and scale of the resources available to tackle this issue through a further funding bid to DCLG.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The effect of the recommendation will be to ensure there is dedicated resource to prosecuting problems 'beds in sheds' cases, ensuring there is a focus on actually taking the enforcement action to conclusion, through prosecution. By means of the adoption of a well publicised and hard hitting enforcement approach, the number of 'beds in sheds' cases should, over time, reduce, as the public are discouraged from erecting and occupying unauthorised outbuildings.

The approach taken by Hillingdon is consistent with the guidance produced by DCLG advocating wide ranging use of legal powers to deal with beds in sheds cases and is in the best interests of achieving the Councils objectives, as set out in the Sustainable Community Strategy.

Consultation Carried Out or Required

None at this stage.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting the progress to date in tackling 'beds in sheds' within the Borough. If successful, the bid submitted to DCLG for additional funding will provide resources to extend both the duration and scale of action on this issue.

Legal

The Council, as local planning authority, has powers under Part VII of the Town and Country Planning Act 1990 to enforce planning control within its area and this includes the power to take enforcement action against unlawful self contained dwellings (so called 'beds in sheds').

Corporate Property and Construction

There are no local authority property implications resulting from the recommendations set out in this report.

Relevant Service Groups

This is a cross-Council and cross-agency initiative involving many different service areas.

6. BACKGROUND PAPERS

NIL.

Residents' & Environmental Services POC Review - Using Our Water: Improving Efficiency and Developing Long-Term Strategies

Recommendations	Updates
1. That the Cabinet Member for Finance, Property & Business Services considers asking officers to facilitate regular meetings with Affinity Water, Council leisure centre operators and the Greater London Authority to share best practice, foster stronger partnerships and develop a strategic approach to reducing the water usage of the Council and its partners.	The Compliance Team will lead on this area and set up regular meetings with all stakeholders to develop a strategy for the LBH.
2. That the Cabinet Member for Finance, Property & Business Services requests officers to liaise with schools to pass on information regarding water-saving measures and encourage small-scale initiatives to reduce usage.	The Compliance Team will lead on this and communicate via the schools forum.
3. That Cabinet commend the work already undertaken by officers to receive detailed billing data from Affinity Water and commit to pursuing this until it is agreed as a long-term measure.	Officers met with Adam White Account Manager at Affinity Water on 26 th November 2014. The structure of Affinity's billing system meant that producing a comprehensive overview of Hillingdon's water usage would take longer as the sites are not set up under a parent account. An initial report was received from Affinity in December 2014. Officers identified that the report from Affinity did not contain a complete list of the Authorities Accounts. An exercise is in progress to use this information to build the database of the Authorities water accounts and meters on the Council's Energy Management software. This involves a comparison of Affinity data, water invoices paid on the financial system Oracle, and then a gap analysis with Asset data on the Energy Management software. Site details, Account numbers, meter size, VAT status and meter serial numbers are being recorded. This is an essential task as the Council will need to have a comprehensive and accurate list of its water portfolio in preparation for the deregulation of the water market in April 2017. (As of 16/06/2015 details of 123 accounts and meter details have been entered into the Energy

	<p>Management software.)</p> <p>Currently Affinity cannot provide billing data in an electronic format that could be uploaded into the software to produce consumption data. Officers have provided Affinity with information on the electronic invoice formats used by the Council's gas and electricity suppliers so that Affinity can develop their systems in line with current best practice. It is likely that Affinity will develop these systems in time for water deregulation in April 2017.</p> <p>Officers attended a presentation on Water Deregulation on 15th May 2015 by Laser (The Council's Energy Buying group) Laser is preparing an OJEU compliant framework that is anticipated to be complete in advance of the market opening. Contact has been made with Matt Hull at Laser who is leading on Water deregulation.</p>
<p>4. That the Cabinet Member for Finance, Property & Business Services considers that, once data is provided, officers undertake a comprehensive audit of the Council's water usage and produce a league table highlighting key users across the estate with a view to identifying areas for efficiencies.</p>	<p>In order to be most beneficial this audit should be undertaken once the data gathering task is complete so that prioritisation can be determined correctly. Laser have indicated that they can assist with reviewing the water portfolio to identify incorrect tariffs, potentially leakage, incorrect VAT application etc. Completion of this task will ensure that the Council's water portfolio is in good shape in preparation for tendering for Water Deregulation.</p>
<p>5. Notwithstanding the provision of detailed billing data from Affinity Water, that the Cabinet Member for Finance, Property & Business Services requests officers to investigate the viability of gradually upgrading to smart metering across the Council's estate as a means through which to monitor real-time water usage and report findings back to the relevant Cabinet Members in due course.</p>	<p>It would be advantageous for the Council to adopt AMR (Automatic Meter Reading) meters at the commencement of Water Deregulation in April 2017. The reason for this is that the cost of AMR and data access will fall as Water companies use this as one of the 'added value' services to attract customers. At this point there should also be standardisation of meter technology.</p>

<p>6. As part of the budget planning process, that the Cabinet Member for Finance, Property & Business Services requests officers to investigate the use of a borehole at the Rural Activities Garden Centre as a spend-to-save project and report findings back to relevant Cabinet Members in due course.</p>	<p>Subsequent to the drafting of the recommendations by the committee it was determined that it would not be expedient to implement a borehole at this site at this point in time. This decision was informed by an agreement with Affinity Water that they improve the mains water pressure available at the site which was a cheaper and more efficient option than a borehole. The recommendation was therefore not accepted by Cabinet, and so has not progressed any further.</p>
<p>7. That the Cabinet Member for Planning, Transportation & Recycling considers the inclusion of the following areas in the Local Plan Part 2:</p> <ul style="list-style-type: none"> a) Stronger and clearer policies on sustainable drainage in the Borough including the use of at-source collection; b) Water conservation policies relating to a wider range of planning developments than just major developments. 	<p>The Councils Flood and water management Officer has actively updated the Local Plan Part 2 Policies. There is clearer and stronger emphasis on sustainable drainage and at source collection. The policies now have a number of references to 'all new development' (with exclusions being conversions rather than major developments).</p>
<p>8. That the Cabinet Member for Planning, Transportation & Recycling considers that officers investigate the viability of amending, as an interim measure, policy EM1 point 11 to remove the word "major" thereby making it applicable to a wider range of planning developments in the Borough.</p>	<p>A number of practical issues merged with altering the policy stance in the already adopted Part 1 Local Plan. The emphasis has therefore been placed on making sure the views of RESPOC are reflected in the detailed Part 2 Policies. It should also be noted that the Flood and Water Management Officer has successfully requested details of the whole water cycle impact on non major developments where she has thought it desirable to receive such information as part of planning submissions since the RESPOC review in any case.</p>

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FORWARD PLAN

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REASON FOR ITEM

The Committee is required by its terms of reference to consider the Forward Plan and comment as appropriate to the decision maker on key decisions that relate to services within its remit (before they are taken by Cabinet or Cabinet Member).

OPTIONS OPEN TO THE COMMITTEE

- To comment on items going to the Cabinet or Cabinet Members for decision.
- Or to note the items and decide not to comment.

INFORMATION

1. The Forward Plan for the following months has been published. Those items that are within this Committee's remit are shown on the attached version of the Forward Plan. The Committee may wish to consider and comment on these items.
2. Committee Members are requested to send in any questions they have regarding the attached Forward Plan or on any reports going to the next meeting of Cabinet, and to notify any officers that they would like to attend to give advice.

SUGGESTED COMMITTEE ACTIVITY

- To consider whether there are comments or suggestions that the Committee wishes to make that will aid Cabinet's decision making.

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Ref Decision Further information

Council Departments: RS = Residents Services CYPs = Children and Young People's Services ASCS= Adult Social Care Services AD = Administration FD= Finance

Cabinet meeting - 18 June 2015

Ref	Decision	Further information	Ward(s)	Final decision by Full Council	Cabinet Member(s) Responsible	Officer Contact for further information	Consultation on the decision	NEW ITEM	Private Decision?
49	Grant of a lease to occupy workshop and yard accommodation at Harlington Road Depot	This report will seek Cabinet authority to let property located on Harlington Road Depot for use as a workshop and yard in relation to vehicle and plant inspection, servicing, maintenance and repair to the Councils fleet of vehicles.	Brunel		Cllr Jonathan Bianco	RS - Susan Williams-Joseph		NEW	Private (3)
50	Appropriation of land at The Closes Recreation Ground, West Drayton	This report seeks authority to appropriate land from Green Spaces to Highways use.	West Drayton		Cllr Jonathan Bianco	RS - Michele Henington		NEW	Private (3)
39	Contract extension of environmental enforcement service	Cabinet approval will be sought to extend by 12 months the contract awarded to NSL Ltd to provide an environmental enforcement service.	All		Cllr Jonathan Bianco	RS - Ed Shaylor			Private (3)
41	A Framework Agreement for the Provision of Countryside and Agricultural Services	Cabinet will be asked to consider the formation of a framework agreement to undertake a range of countryside maintenance and agricultural services in the Borough.	All		Cllr Jonathan Bianco	RS/FD - Adrian Batten / Victoria Coady			Private (3)
42	New Playground Installation Framework	Cabinet will be asked to consider the formation of a framework agreement to undertake all new installation works in relation to playgrounds across the Borough.	All		Cllr Jonathan Bianco	FD - Victoria Coady			Private (3)
43	New Outdoor Gyms Installation Framework	Cabinet will be asked to consider the formation of a framework agreement to undertake all new installation works in relation to outdoor gyms across the Borough.	All		Cllr Jonathan Bianco / Cllr Douglas Mills	FD - Victoria Coady			Private (3)

Ref Decision Further information Ward(s)

Council Departments: RS = Residents Services CYPs = Children and Young People's Services ASCS= Adult Social Care Services AD = Administration FD= Finance

Cabinet meeting - 23 July 2015

Final decision by Full Council	Cabinet Member(s) Responsible	Officer Contact for further information	Consultation on the decision	NEW ITEM	Private decision?
38	Local Plan - Part 2 Cabinet will consider the Local Plan - Part 2: Draft Development Management Policies, Sites Allocation and Designations and the Policies Map following the outcome of a further round of consultation, before the Local Plan is submitted to the Secretary of State for examination.	All			
		Cllr Keith Burrows	Various consultees		
		RS - James Gleave			
		Date TBC			

Cabinet meeting - 24 September 2015

45	Hayes Village and Harlington Village Conservation Area Appraisals Following consultation, Cabinet will be asked to approve the Hayes Village and Harlington Village Conservation Area Appraisals for planning purposes.	Various			
		Cllr Keith Burrows	Local consultation		
		RS - Sarah Harper / Mark Price			

Work Programme and Review Topics for the Next Municipal Year

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REASON FOR ITEM

This report is to enable the Committee to review meeting dates and forward plans. This is a standard item at the end of each agenda.

MEETINGS

25 Jun 2015 Venue: CR4	Major Review 1 – discuss potential review topics for first major review
	Update on implementation of recommendations from past reviews
	'Beds in Sheds' – Enforcement and Impact
	Trading Standards Update
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions
29 Jul 2015 Venue: CR5	Major Review 1 – consideration of scoping report
	Consideration of Budget Planning Report for Residents Services 2015/16
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions
23 Sep 2015 Venue: CR5	Major Review 1 – First witness session
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions
15 Oct 2015 Venue: CR6	Major Review 1 – Second witness session
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions
12 Nov 2015 Venue: CR3a	Major Review 1 – Third witness session
	Review 2 – agree potential review topic for single meeting review
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions
19 Jan 2016 Venue: CR5	Review 1 - consideration of draft final report
	Review 2 - consideration of scoping report
	Annual Safety at Sports Grounds Report
	Budget Report for consideration
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions
24 Feb 2016 Venue: CR4+4a	Review 2 - witness session
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions

23 Mar 2016	Review 2 - consideration of draft final report
Venue: CR5	Update on the Council's and other bodies' responses to flooding in the Borough
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions

27 Apr 2016	Consideration of topics for major reviews for the next Municipal Year
Venue: TBC	Update on implementation of recommendations from past reviews
	Work Programme – review the annual work programme
	Cabinet Forward Plan – review forthcoming decisions

FUTURE REVIEW TOPICS

At the last meeting the committee suggested 'Beds in Sheds' and their impact on Council Services as a major review topic and Fly Tipping, Street Cleaning and Street Furniture Street Scene, and Utility Boxes as minor review topics. A report regarding 'Beds in Sheds' is on this agenda, whilst the other suggestions will be explored further later in the year.

Members are welcome to suggest any further topics they have either for a review or an information update.

Members have also asked for a significant amount of information relating to flooding, which is included in the work programme later in the municipal year. Since the last meeting the Chair has also asked that an update on Trading Standards be added to the agenda for this meeting.

OPTIONS OPEN TO THE COMMITTEE

1. To note dates for meetings
2. To make suggestions for future working practices, reviews, and updates.