



HILLINGDON
LONDON



Petition Hearing - Cabinet Member for Community, Commerce & Regeneration

Date: THURSDAY, 1 OCTOBER
2015

Time: 6.00 PM

Venue: COMMITTEE ROOM 3A -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

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

Cabinet Member hearing the petitions:

Councillor Douglas Mills (Chairman)

How the hearing works:

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

Local ward councillors are invited to these hearings and may also be in attendance.

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

Published: Wednesday, 23 September 2015

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Putting our residents first

Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

- 1 Declarations of Interest in matters coming before this meeting
- 2 To confirm that the business of the meeting will take place in public.
- 3 To consider the report of the officers on the following petitions received.

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

	Start Time	Title of Report	Ward	Page
4	6pm	Petition Report: 68a Minterne Waye, Hayes	Yeading	1 - 8
5	6.30pm	Petition Report: Fairdale Gardens, Hayes	Townfield	9 - 14

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PETITION REPORT: 68A MINTERNE WAYE, HAYES

Cabinet Member(s)	Councillor Douglas Mills
Cabinet Portfolio(s)	Community, Commerce and Regeneration
Officer Contact(s)	Ed Shaylor
Papers with report	Appendix A: Location Map Appendix B: Picture of Location Appendix C: Similar Location Further Along Minterne Waye

1. HEADLINE INFORMATION

Summary	<p>This report seeks to respond to a petition received by the Council about deterring individuals who do not live in the area from antisocial behaviour, littering, fly-tipping and general nuisance to the residents that live close to 68A Minterne Waye Hayes.</p> <p>Residents' request is for the installation of a mobile CCTV camera, to monitor the road in front of 68A Minterne Waye, Hayes which is a cul de sac which is frequented by non residents who congregate in their cars, cause anti social behaviour and general nuisance to residents.</p> <p>Residents' have requested that a lamp column is erected in the road in front of 68A Minterne Waye as no lamp column exists there.</p> <p>The petition has 41 valid signatories (Yeading Ward).</p>
Contribution to our plans and strategies	This report contributes to the Safer Hillingdon Partnership Plan.
Financial Cost	£250 (for temporary mobile CCTV) £3,450 (estimated cost for a lamp column)
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Yeading

2. RECOMMENDATIONS

Meeting with the Petitioners, the Cabinet Member:

1. notes the views and concerns of the petitioners;

2. considers the installation of temporary CCTV from time to time to detect or deter crime and disorderly behaviour as it occurs, as permanent CCTV around Minterne Way is not a practical solution to the problem; and
3. considers that a lamp column is erected in the road opposite 68A Minterne Way, Hayes to illuminate this area to make it less attractive for cars to congregate there.

Reasons for recommendations

The Council has a number of mobile CCTV cameras that can be deployed for up to 12 weeks at a time in response to residents' concerns about crime and disorder. Not only can these cameras collect evidence to support the police and/or the local authority to carry out enforcement and prosecution work, they can provide useful information about levels of crime in an area if any future applications are made for permanent CCTV or other crime prevention measures.

Providing street lighting would deter non residents from congregating at this location. There is a similar road layout further along Minterne Way which benefits from lamp columns; however, there is currently no provision for this within the Street Lighting budget.

Alternative options considered / risk management

The possibility of fixed permanent CCTV has been considered, but the costs are considerable and, when installing CCTV, the Council has to consider necessity, proportionality and the likelihood of intrusion into the privacy of people not connected with the disorderly behaviour.

The deployment of temporary CCTV would enable an assessment to be made as to whether the problem is a temporary one, capable of resolution, which would avoid some of the problems associated with a permanent installation.

Policy Overview Committee comments

None at this stage.

3.INFORMATION

Supporting Information

A petition of 41 signatures has been submitted to the Council from residents who live in Minterne Way, Hayes, in which the lead petitioner describes the problems as follows:

"Individuals who do not live in the area regularly arrive in their cars, parking in the road in front of 68A Minterne Way, Hayes late in the evening causing anti-social behaviour, littering, fly-tipping and noise nuisance. Residents feel they are attracted to this location because it is out of the way and there is no street lighting."

A Community Safety Officer has visited the lead petitioner to discuss other steps that could be taken to support residents in making their neighbourhood safer. The lead petitioner has been given details of the local Neighbourhood Policing team and the Council's "out of hour's team" to report anti social behaviour and noise nuisance to.

Financial Implications

The cost of installing a temporary CCTV camera is estimated at £250. This can be met from the existing Community Safety budget.

The cost of installing and connecting a street light column, based upon the standard charges from Scottish & Southern Electric, would be £3,450. There is no provision for it within the current Street Lighting budget, but it could be placed onto the waiting list for future installation, funded from approved capital funding.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

Temporary CCTV will provide reassurance to residents; it could also have some deterrent effect on low level anti social behaviour and assist with any enforcement activity that may take place.

Consultation Carried Out or Required

Consultation has been conducted with the lead petitioner, local police and London Borough of Hillingdon Street Lighting service.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting the cost of recommendation 2 will be met from existing revenue budgets and recommendation 3 will be funded from the Street Lighting capital budget, which is fully Council resourced.

Legal

The delegation to oversee initiatives in relation to CCTV and community safety rests with the Cabinet Member for Community, Commerce and Regeneration as set out in Article 7.08 paragraph (e) 1 of the Council Constitution. Section 1 of the Localism Act 2011 provides local authorities with the power to do anything an individual can do, provided it is not prohibited by other legislation and the works recommended under this report would fall within the range of activities permitted by Section 1. Section 17 of the Crime and Disorder Act 1998 requires the Council to consider crime and disorder implications when exercising its functions.

Any installation of CCTV cameras (whether permanent or temporary) must be in accordance with the Information Commissioner's Office CCTV Code of Practice. In particular, this will require a balancing exercise in respect of the intrusion into the privacy of large numbers of law abiding people by recording their movements as they go about their day-to-day activities, against the nature of the problem sought to be addressed, i.e., in this case, anti-social behaviour. This will include consideration of whether a better or more proportionate solution to the problem exists, perhaps in this case by way of the street lighting alone. The Council's CCTV Code of Practice and the Home Office Guidance on Covert Surveillance should also be considered when implementing any CCTV schemes.

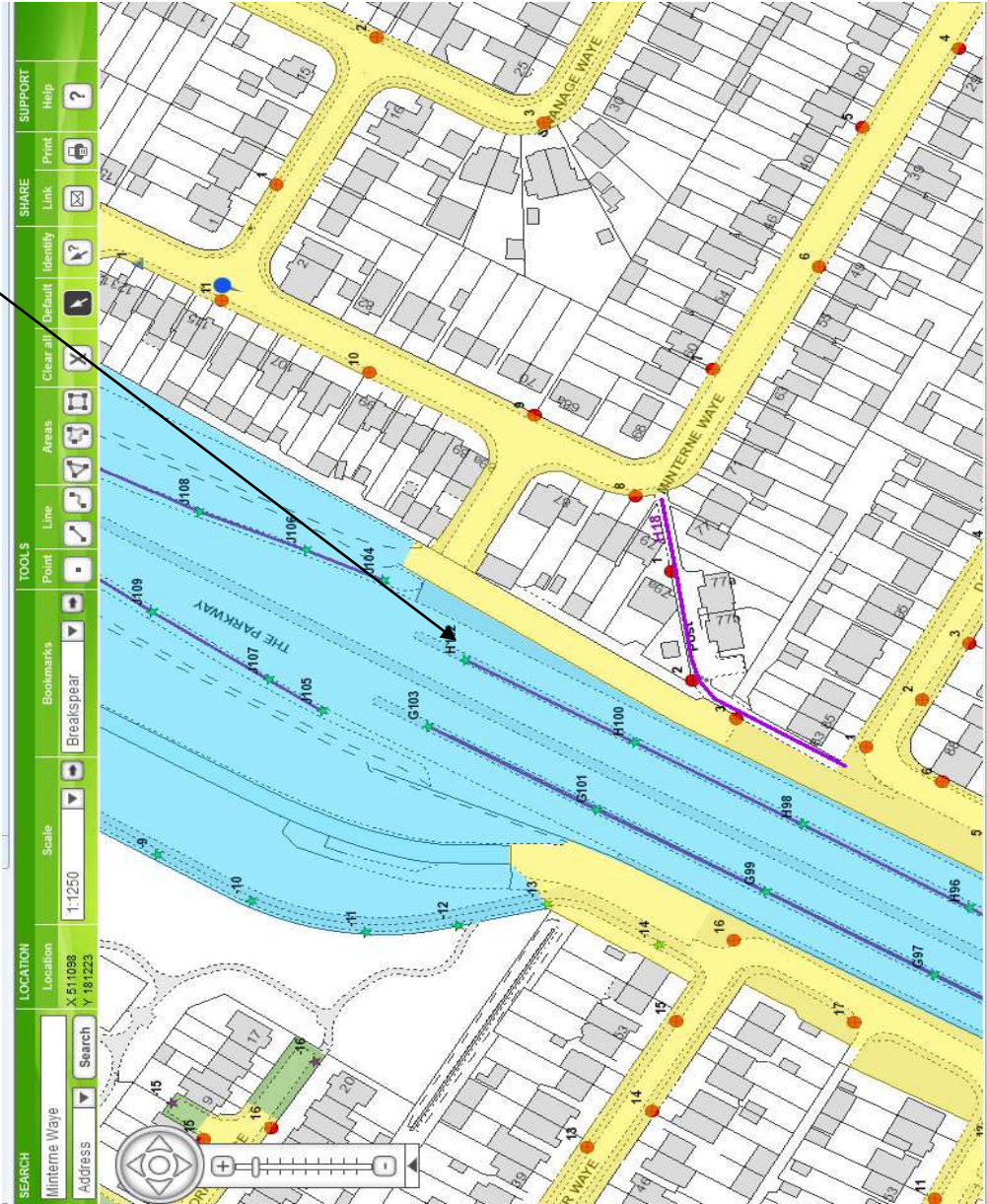
If CCTV is to be installed appropriate signage must be placed in accordance with the above mentioned guidance and codes of practice. Any recorded material should be stored in a way that maintains the integrity of the information. This is to ensure that the rights of individuals recorded by surveillance systems are protected and that the information can be used effectively for its intended purpose.

Section 97 of the Highways Act 1980 states that the Council (as a local highway authority) may provide lighting for any highway. Section 41 of the same Act places a duty on highway authorities to maintain highways maintainable at public expense. This implies that, whilst the Council does not have to provide lighting on the highway, where it does it is required to maintain it.

6. BACKGROUND PAPERS

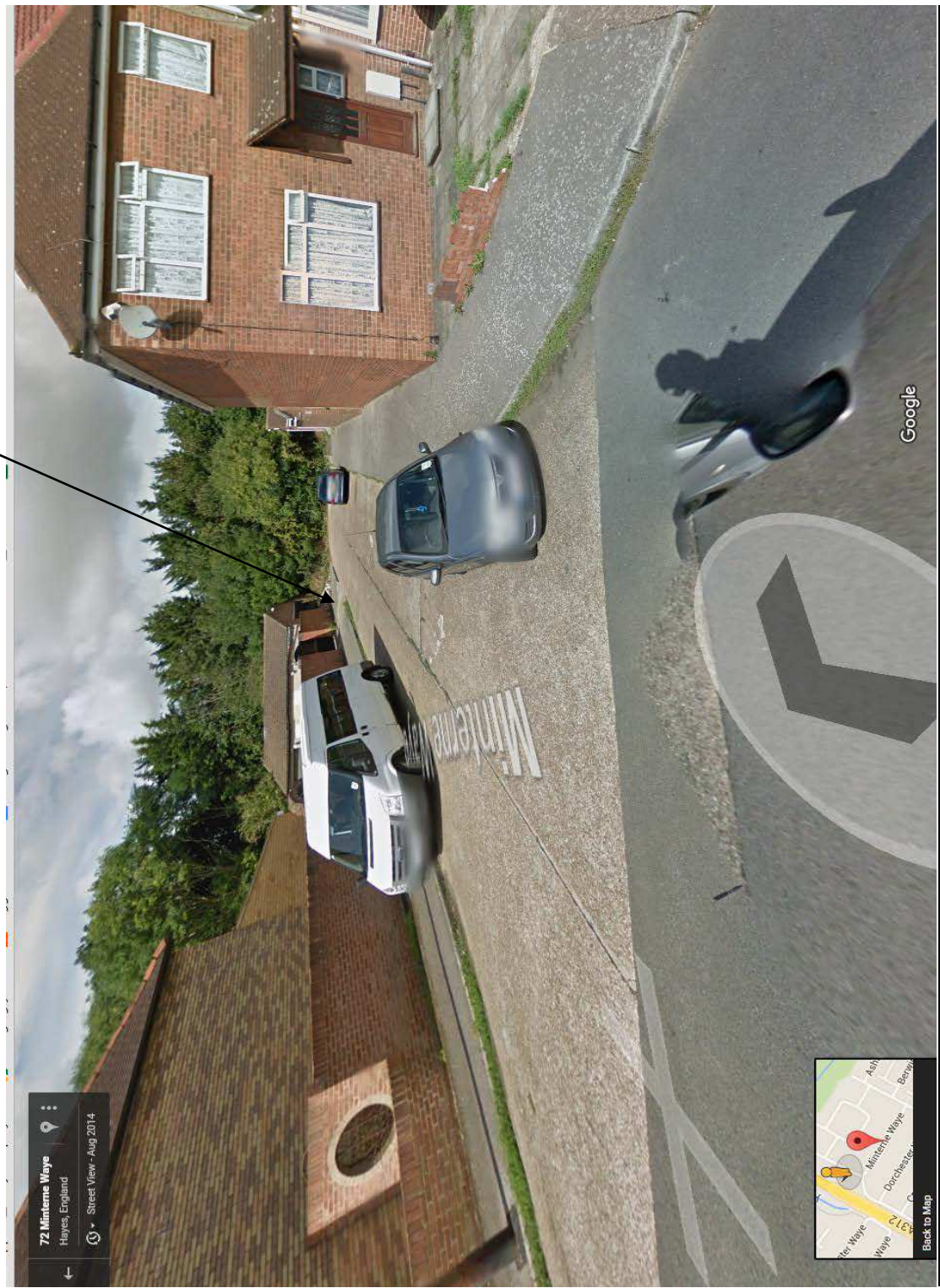
NIL.

Proposed location for street light

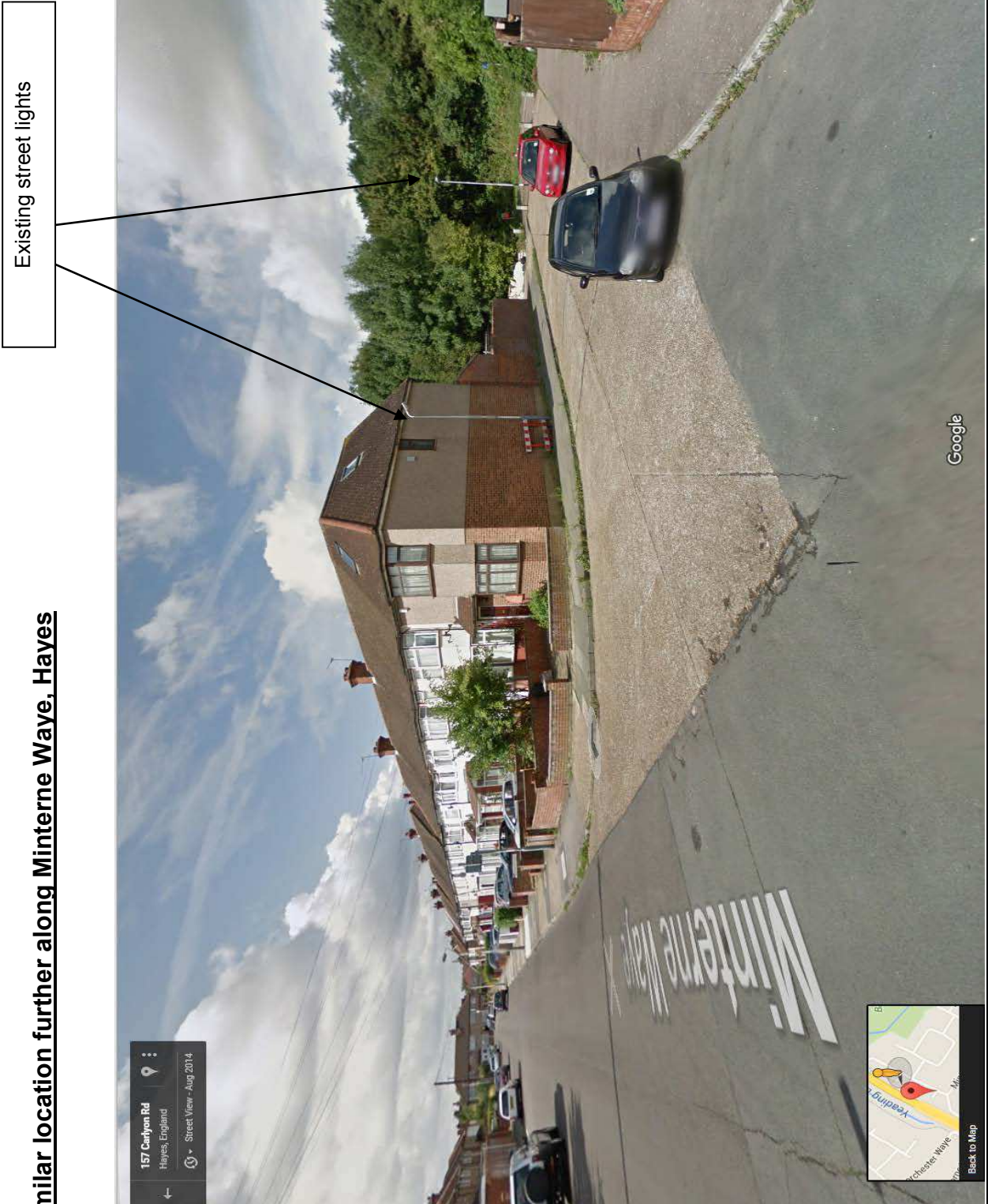


Appendix B: Picture of Location

Proposed location for street light



Appendix C: Similar location further along Minterne Way, Hayes



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PETITION REPORT: FAIRDALE GARDENS, HAYES

Cabinet Member(s)	Councillor Douglas Mills
Cabinet Portfolio(s)	Community, Commerce and Regeneration
Officer Contact(s)	Ed Shaylor
Papers with report	Appendix A: Location plan Appendix B: Copy of letter to residents

1. HEADLINE INFORMATION

Summary	This report seeks to respond to a petition received by the Council regarding a request for a "No Ball Games" sign to be placed at the cul-de-sac of Fairdale Gardens, Hayes in Townfield Ward.
Contribution to our plans and strategies	Putting our Residents First: Our People. This report contributes to the Safer Hillingdon Partnership Plan.
Financial Cost	Nil.
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Townfield

2. RECOMMENDATIONS

Meeting with the petitioners, the Cabinet Member:

1. notes the views and concerns of the petitioners;
2. discusses with petitioners whether the letter about "Playing Ball Games" delivered to addresses in Fairdale Gardens has been effective in addressing the reported concerns;
3. notes the efforts by a Council officer to try to address the petitioners' concerns through regular contact and discuss other options if the letter "Playing Ball Games" does not alleviate the problem before the petitioners meet formally with the Cabinet Member;
4. advises petitioners that the Council "No Ball Games" signs would be very difficult to enforce and therefore might be counter-productive;
5. informs residents that other legislation can be used that gives police and local authorities powers to deal with persistent ball games, played recklessly; and leading to the risk of damage, which will be considered as anti-social behaviour.
6. instructs officers to request that the Police Local Policing Teams patrol the area from time to time.

Reasons for recommendations

To address the concerns of the residents of Fairdale Gardens Hayes.

Alternative options considered / risk management

No ball games signs could be erected, as requested by petitioners, but this is not recommended due to the risk that many similar requests for signs could come from other roads in the Borough, enforcement would be difficult and therefore would be unlikely to deal with the under-lying problem.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

A petition of 23 signatures has been submitted to the Council from residents who live in Fairdale Gardens, Hayes in which the lead petitioner describes the problems as follows:

"Very young children, some of whom may not be aware of road safety are playing during most evenings and weekends at the bottom of a busy cul de sac, namely Fairdale Gardens. The children are not being supervised by their parents. Cars regularly drive quickly and turn around at the bottom of Fairdale Gardens and don't always see the children who sometimes appear from behind parked cars. Parked cars are regularly hit with the ball and the children also retrieve the ball from residents' gardens."

A Community Safety officer has visited some of the petitioners to discuss the problem and consider other options. The officer has written to parents of children in Fairdale Gardens Hayes. In this letter (copy attached at Appendix B), they were advised that the Council had received complaints about children playing ball games on the highway and advised that the ball games are causing a nuisance to other residents. Parents were therefore asked to consider finding somewhere more appropriate for ball games to be played.

Financial Implications

There are no financial implications associated with the recommendations to this report. However, if the purchase of a 'no ball games' sign is subsequently required, the cost can be met from existing community safety budgets.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The letter may have a deterrent effect on this low level anti social behaviour and assist with any enforcement activity that may take place.

Consultation Carried Out or Required

Consultation has been conducted with some of the petitioners and the Police Ward Officer for Hayes Town Centre.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the Financial Implications set out above.

Legal

There are no special legal implications with the Cabinet Member meeting and discussing with petitioners their request for a "No Ball Games" sign to be placed at the cul de sac of Fairdale Gardens, Hayes and to consider recommendations 1 and 3 to 6 above.

A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the policy and factual issues are still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Many nuisance activities on the Highway are covered by the Highways Act 1980, including the playing of ball games to the annoyance of a user of the highway which is prohibited under Section 161(3) of the Act. Conviction in a court could lead to a fine or an appropriate alternative if in a youth court.

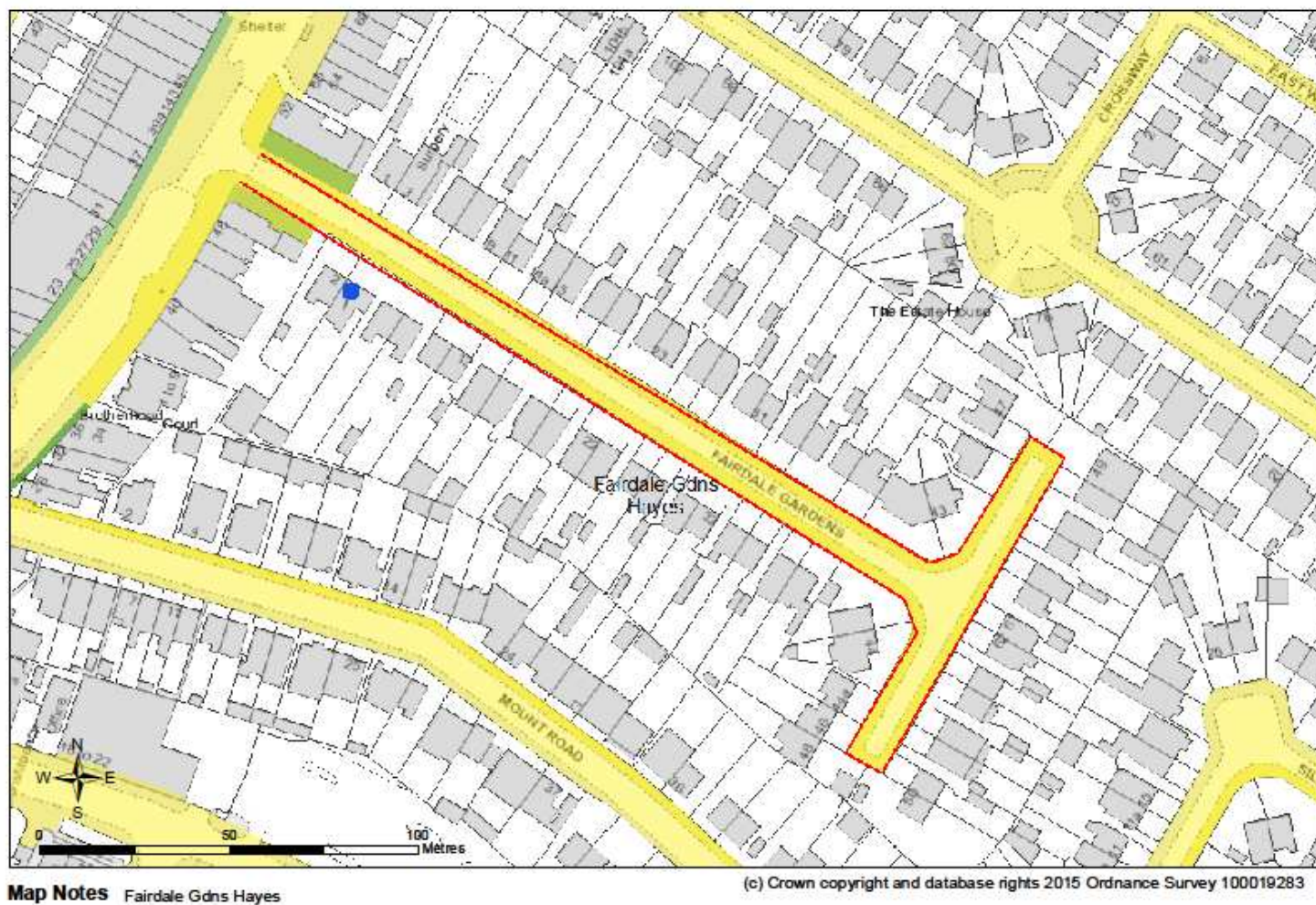
As it is a general requirement, there are no signs needed for enforcement and there are no prescribed signs within the "Traffic Signs Regulations and General Directions 2002" that can be erected on the Highway.

Should there be a decision that further measures are to be considered, then the relevant statutory provisions will have to be identified and considered.

6. BACKGROUND PAPERS

Nil.

Appendix A - location map



PART I – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with Petitioners – 1 October 2015

Appendix B - Copy of letter

The Occupier

Our Ref:FB/Community Safety

Date: 25th August 2015

Dear Sir/Madam,

Re: Playing Ball Games

The council has received complaints alleging your child, and their friends are causing a nuisance to other residents in the area, by playing ball games on the highway, namely **Fairdale Gardens Hayes**. As part of my investigation I write to draw your attention to the matter.

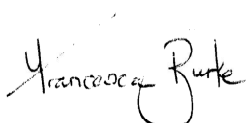
I must advise you that the law does state that playing football, or any other game on a highway to the annoyance of a user of the highway, he or she is guilty of an offence and is liable for a fine.

Further, please be aware if the ball games cause nuisance to residents they may take civil action in the county court for damage to their property. Similarly, the police may also take action if the ball games lead to any damages caused deliberately or recklessly.

Whilst we understand that young people and their parents may wish to benefit from outdoor play and ball games, the highway is not designed for the activities complained of. If your child is involved I trust you will ensure that he or she refrains from playing ball games in the area stated in the future. I am hopeful that further action by our team will not be necessary and that you will share in the council's desire in maintaining a clean, safe and pleasant environment.

If you have any queries or would like to discuss this letter please do not hesitate to contact me on 01895 558612.

Yours Sincerely,



Francesca Burke
Community Safety Officer

Community Safety Team

Residents Services

T.01895 558612

Email: fburke@hillingdon.gov.uk

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INVESTOR IN PEOPLE

PART I – MEMBERS, PUBLIC AND PRESS