



HILLINGDON
LONDON

VIRTUAL Council

- Date:** THURSDAY, 10 SEPTEMBER 2020
- Time:** 7.30 PM
- Venue:** THIS IS A VIRTUAL MEETING
- Meeting Details:** Watch a live broadcast of this meeting on the Council's YouTube channel:
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To all
Members of
the Council

Published: Wednesday, 2 September 2020
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Putting our residents first

Agenda

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence | |
| | Please notify the Head of Democratic Services as soon as possible if you are unable to attend the virtual meeting. | |
| 2 | Minutes | 1 - 10 |
| | To receive the minutes of the meeting held on 16 July 2020 (<i>attached</i>). | |
| 3 | Roll Call and Declarations of Interest | |
| | The Head of Democratic Services will ask each Member in alphabetical order to declare that they are present and whether they have any declarations of interest in any matter before the Council. | |
| | Please wait to be called then: | |
| | a) unmute your microphone on your PC / tablet etc (if you are joining the meeting by telephone only, then please either locate the mute button or remain as quiet as possible until called upon to speak), | |
| | b) state your name and if you have any declarations of interest to make, | |
| | c) then please remember to, once again, mute your microphone or telephone. | |
| 4 | Report of the Head of Democratic Services | 11 - 18 |
| 5 | Mayor's Announcements | |
| | 1. To receive the Mayoral Announcements | |
| | 2. The Mayor will call upon the Leader of the Council to make a statement in order to update all Members of the Council regarding the Council's ongoing response to the Covid19 pandemic. | |
| 6 | Proposed and Revised Article 4 Directions To Protect Employment and In The London Borough of Hillingdon | 19 - 34 |
| | To consider making and modifying non-immediate Article 4 directions. (<i>report attached</i>) | |
| 7 | Members' Questions | 35 - 36 |
| | To take questions submitted by Members in accordance with Council Procedure Rule 11 | |
| 8 | Motions | 37 - 38 |

To consider Motions submitted by Members in accordance with Council
Procedure Rule 12

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Agenda Item 2

Minutes

COUNCIL

16 July 2020



Meeting held virtually

Councillor Teji Barnes (Mayor)

MEMBERS PRESENT:

Councillors:	Shehryar Ahmad-Wallana Lynne Allen Simon Arnold Jonathan Bianco Mohinder Birah Lindsay Bliss Wayne Bridges Nicola Brightman Keith Burrows Alan Chapman Farhad Choubedar Philip Corthorne Peter Curling Nick Denys Alan Deville Jazz Dhillon Jas Dhot Janet Duncan Ian Edwards Tony Eginton	Scott Farley Duncan Flynn Neil Fyfe Janet Gardner Martin Goddard Raymond Graham Becky Haggar John Hensley Henry Higgins Allan Kauffman Kuldeep Lakhmana Richard Lewis Heena Makwana Michael Markham Stuart Mathers Carol Melvin Ali Milani Douglas Mills Richard Mills Peter Money	John Morgan John Morse June Nelson Susan O'Brien John Oswell Jane Palmer Kerri Prince Ray Puddifoot MBE Devi Radia John Riley Paula Rodrigues Raju Sansarpuri Scott Seaman-Digby David Simmonds CBE Jagjit Singh Brian Stead Colleen Sullivan Jan Sweeting Steve Tuckwell David Yarrow
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OFFICERS PRESENT: Fran Beasley, Jean Palmer OBE, Paul Whaymand, Tony Zaman, Glen Egan, Lloyd White, Mark Braddock, Morgan Einon, Beth Rainey and Nikki O'Halloran

13. APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Roy Chamdal (the Deputy Mayor), Councillors Judith Cooper, Vanessa Hurhangee and Eddie Lavery.

14. MINUTES (Agenda Item 2)

RESOLVED: That the minutes of the meetings held on 20 February 2020 and 14 May 2020 be agreed as correct records.

15. ROLL CALL AND DECLARATIONS OF INTEREST (Agenda Item 3)

The Head of Democratic Services asked each Member in alphabetical order to declare that they were present and whether they had any declarations of interest in any matter before the Council. There were no declarations of interest.

16.	<p>REPORT OF THE HEAD OF DEMOCRATIC SERVICES (<i>Agenda Item 4</i>)</p> <p>(i) Temporary Suspension Of Council Procedure Rules For The Virtual Council Meeting</p> <p>Councillor Puddifoot moved and Councillor Bianco seconded, the recommendation as set out on the Order of Business and it was:</p> <p>RESOLVED: That, under Standing Order 26.1, the following Standing Orders be suspended for the purposes of holding this virtual Full Council meeting, with immediate effect:</p> <ul style="list-style-type: none"> a) Questions from the Public (Standing Order 10.7) b) Questions by Members (Standing Orders 11.5 and 11.6) c) Recorded Votes (Standing Order 19.4) d) Rules of Debate on Motions (Standing Order 14.5 a-c and Standing Order 14.9 c) e) General (Standing Order 22.1 and 24.1) <p>ii) Urgent Implementation of Decisions</p> <p>The recent urgent decisions taken were noted.</p> <p>iii) Appointment of Council Committees 2020/2021</p> <p>Councillor Puddifoot moved and Councillor Bianco seconded, the recommendation as set out on the Order of Business and it was:</p> <p>RESOLVED: That Councillor Chapman replace Councillor Stead as a Member of the Licensing Committee for 2020/2021.</p> <p>iv) Update to the Council Constitution – Delegation of Powers Under Part 1 of the Business and Planning Bill 2020</p> <p>Councillor Puddifoot moved and Councillor Bianco seconded, the recommendation as set out on the Order of Business. Following debate (Councillor Curling), it was:</p> <p>RESOLVED: That the Deputy Chief Executive, Corporate Director of Resident Services be authorised to exercise the Council's powers under Part 1 of the Business and Planning Bill 2020 (once enacted) in accordance with the following principles:</p> <ul style="list-style-type: none"> • A decision to grant or refuse an application for a Pavement Licence is to be taken by officers. Where a Licence is granted, this is to be for an initial period of 4 months. Subsequent extensions will also be for a 4 month period, with the maximum period of any initial licence and extensions being 12 months. • Any decision to revoke a Pavement Licence is to be taken by officers acting in consultation with the Chairman / Vice Chairman of the Licensing Committee. • The Council to charge an Application Fee of £50 for each Pavement Licence and an Extension Fee of £20.
17.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 5</i>)</p>

The Mayor reported the death of Mr Terry Dicks (a former Councillor (1974 – 1987) and Deputy Leader of the London Borough of Hillingdon and MP for Hayes & Harlington (1983-1997)) and Mr Tim McCarthy (Mayor's Escort 2011-12). A minute's silence was held.

The Mayor advised that she had received updates from children in the Borough in relation to their experiences during the COVID-19 pandemic lockdown. The Mayor praised H4All for the support they had provided to residents during lockdown and the "Skipping Sikh" (Mr Rajinder Singh) who had raised money for NHS charities and become the face of Hillingdon Age UK.

The Mayor had been sending out video messages to a range of recipients. As further requests for video messages continued to arrive, investigations were underway into establishing a video social media platform to keep up with the demand. She had also taken part in St Mary's the Virgin Church in Hayes' flower festival lockdown challenge and had a Zoom meeting with staff at Harefield Hospital who had all supported each other through the pandemic.

The Mayor looked forward to attending events and meeting people face to face over the coming months.

Statement from the Leader of the Council

The COVID-19 pandemic was one of the most dangerous challenges that this world had faced in our lifetime. It was a human crisis with severe health and social economic consequences and, whilst progress had been made in dealing with this disease at a national and local level, it remained necessary for the Council to focus its attention and resources on dealing with this disease as its major priority at this time.

Hillingdon was recognised as being one of the best run councils in the country and its ability to manage finance and business processes had provided a firm base and the practical ability to deal with the pandemic at a council level. The cost of the COVID-19 pandemic was estimated to be £25m in the current financial year. Government funding received and anticipated currently amounted to £22m, leaving a shortfall of £3m. At the end of March 2020, the Council had set aside £5.6m in reserves and, at the Cabinet meeting on 23 July 2020, that sum would be increased to just over £9m and could be used to meet the shortfall if required. Normal Council activity in the first two months of the financial year showed Hillingdon operating at £361k under budget and the year end balances were anticipated to be over £28m.

The Leader of the Council encouraged Members not to be complacent as there was still much to do. However, given media coverage of councils on the brink of financial collapse, it was important to let residents in Hillingdon know that the Council was still financially stable.

The physical and mental health and wellbeing of all residents and Council staff had been (and would remain) the Council's priority. There had been much, well deserved, praise for NHS workers and carers. In Hillingdon, both Council and private sector care workers had been outstanding. To ensure the continuity and stability of bed based home care and outreach care for our residents, the Council had used funding provided by the Government to support both Council and private facilities with front line staff receiving a 10% salary uplift for the period April to June 2020. The Council had also provided more than £2m of PPE to care homes in the Borough.

The Council had created a Community Hub to help those residents that were shielding or at risk with deliveries of food or prescription medicines or for those who

just needed to speak to someone. Over 100 members of staff, mainly from the libraries and business assurance teams, helped to provide this service.

Hillingdon's parks and open spaces had remained open and well maintained since the start of the pandemic. These facilities had been extremely important in enabling all residents to have some form of exercise in the open air. The Leader of the Council paid special thanks to the Green Spaces team who had continued to work well over the last four months.

Although outdoor playgrounds and gyms had been closed, they were now being inspected and reopened with appropriate signage. The majority of playgrounds would be open by the end of the week, with outdoor gyms to follow.

The Borough's weekly waste and recycling service had continued throughout the lockdown period, with many residents expressing thanks and gratitude to the staff involved. These staff had dealt with an exceptional amount of waste and recycling as residents had cleared out everything from their wardrobes to their gardens.

Libraries were now reopening in a controlled manner with seven libraries dealing with book lending and a further seven allowing limited access to IT equipment. All libraries were being provided with protective screens, PPE, signage and equipment for cash free transactions to allow them to open more fully on a phased basis.

Throughout the lockdown period, the Council had provided all schools with free PPE and social distance markings outside of the schools. All Hillingdon schools would reopen in September.

One of the anticipated consequences of the lockdown had been an increase in the number of domestic abuse cases reported and sadly this had come to pass. In the period March to mid-July 2019, there had been 32 reported cases. In the same period this year, there had been 76 – a 138% increase. The Leader of the Council was grateful to Councillors Palmer and Gardner for the support they provided victims of domestic abuse and for the amazing staff team in Hillingdon that also provided support to these victims. All forms of abuse, including racial and homophobic abuse, were not acceptable in Hillingdon.

Trying to assist businesses to get through the lockdown period and beyond had again seen Council staff performing very well. Finance staff had paid out more than £41m in support grants to local businesses and the Licensing and Food Safety teams had assisted over 1,200 shops and hospitality sector businesses to reopen (providing assistance with risk assessments and pavement markings. Across the Borough, the Council had been putting up lamppost banners urging support for local high streets and shopping parades.

There had been 291 deaths attributed to COVID-19 in Hillingdon. Of these deaths, 216 had been in hospital, 48 in care homes and 27 in the community. Although the death rate had dropped significantly recently, it was important not to become complacent. Infection was still occurring and only last week Hillingdon had gone from having one of the lowest rates of infection to the highest in London due to a number of staff at Hillingdon Hospital testing positive. As of 16 July 2020, the ambulance service had resumed at Hillingdon Hospital and, with the exception of a small cohort of patients, the hospital was returning to normal service. Hillingdon now had the 10th highest rate of infection in London with three cases per 100,000 residents.

Accordingly, going forward, it would be important to remain vigilant and focussed on

the health and wellbeing of all of Hillingdon's residents and prioritising all ages. It was important to recognise the unique severity of the current situation, refrain from the traditional political knock about activities and campaigns and concentrate all of the Council's efforts on dealing with COVID-19 and its consequences for all residents.

18. **PUBLIC QUESTION TIME (Agenda Item 6)**

The Mayor read out all four questions from the public as follows:

6.1 QUESTION FROM MR KIRAN DAURKA OF HARLINGTON ROAD, UXBRIDGE TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

"Given recent events and the proper discussions now on-going around the UK, why does this borough not commit to raising awareness about race issues as part of a dedicated Black History Month? Does the Council not agree that black lives matter too?"

The Leader of the Council advised that he would provide the questioner with a written response which would appear in the minutes.

[The response sent to the questioner after the meeting was as follows: In my statement to Council [minuted earlier under Mayor's Announcements] I said "for the avoidance of doubt all (other) forms of abuse racial and homophobic abuse are not acceptable in Hillingdon either." Accordingly, going forward we will need to remain vigilant and focussed with the health and wellbeing of all residents of all ages being our priority.

'Our People, Our Heritage, Our Environment' are the principles that we ask Hillingdon residents at Council elections to elect us to deliver and by a large majority they do. Again, for the avoidance of doubt this does mean all of Our People and all of Our Heritage.

Once again, thank you for your question and the opportunity to clarify the position of Hillingdon Council.]

6.2 QUESTION FROM KIRI KANKHWENDE OF HEMMEM LANE, HAYES TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

"In light of the recent Black Lives Matter protests across the world and the country, which have highlighted the ongoing issue of structural racism and the need for education, a deeper understanding of UK history and context, would the Council consider reinstating Black History Month in Hillingdon in addition to diversity celebrations in the borough, considering it as a vital educational resource about racism, justice and equality rather than a 'celebration' of diversity, which is easily done at any time of year and indeed is already marked through Hayes carnival and other events in the borough?"

The Leader of the Council advised that he would provide the questioner with a written response which would appear in the minutes.

[The response sent to the questioner after the meeting was as follows: In my statement to Council [minuted earlier under Mayor's Announcements] I said "for the avoidance of doubt all (other) forms of abuse racial and homophobic abuse are not acceptable in Hillingdon either." Accordingly, going forward we will need to remain vigilant and focussed with the health and wellbeing of all residents of all ages being

our priority.

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Once again, thank you for your question and the opportunity to clarify the position of Hillingdon Council.]

6.3 QUESTION FROM MR ROY STOUT OF MATERIAL WALK, HAYES TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

"Why does the Borough refuse to acknowledge Black History Month despite the diversity of its constituents?"

The Leader of the Council advised that he would provide the questioner with a written response which would appear in the minutes.

[The response sent to the questioner after the meeting was as follows: In my statement to Council [*minuted earlier under Mayor's Announcements*] I said "for the avoidance of doubt all (other) forms of abuse racial and homophobic abuse are not acceptable in Hillingdon either." Accordingly, going forward we will need to remain vigilant and focussed with the health and wellbeing of all residents of all ages being our priority.

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Once again, thank you for your question and the opportunity to clarify the position at Hillingdon Council.]

6.4 QUESTION FROM DR KAINTH OF HAYES TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

"It has come to my attention that Hillingdon does not acknowledge or celebrate Black History Month. Does the Borough not value the rich and diverse population here and does it not recognise that education regarding race and difference promotes unity. Will the Borough introduce Black History Month?"

The Leader of the Council advised that he would provide the questioner with a written response which would appear in the minutes.

[The response sent to the questioner after the meeting was as follows: In my statement to Council [*minuted earlier under Mayor's Announcements*] I said "for the avoidance of doubt all (other) forms of abuse racial and homophobic abuse are not acceptable in Hillingdon either." Accordingly, going forward we will need to remain vigilant and focussed with the health and wellbeing of all residents of all ages being our priority.

'Our People, Our Heritage, Our Environment' are the principles that we ask Hillingdon residents at Council elections to elect us to deliver and by a large majority they do. Again, for the avoidance of doubt this does mean all of Our People and all of Our

Heritage.

Once again, thank you for your question and the opportunity to clarify the position of Hillingdon Council.]

19. **MEMBERS' QUESTIONS (Agenda Item 7)**

7.1 QUESTION SUBMITTED BY COUNCILLOR DUNCAN TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

"As the Government has now confirmed that it will provide postcode information to councils will the Council add regular, local, updated information about the number of Covid 19 cases and deaths in the borough, by ward if possible, to the Council's website? This would give residents much needed, easily accessible, reliable evidence of what is happening in their area, reassure parents that it is safe to send their children to school, older residents that it is safe to shop and warn of any spikes that may occur?"

Councillor Puddifoot advised that he would provide Councillor Duncan with a written response which would be included in the minutes.

[The response sent to Councillor Duncan after the meeting was as follows: Overall, levels of Covid-19 infection remain low in Hillingdon and low overall in London compared to the rest of the country. The Council is taking a strong lead working with the NHS, care providers, the police, schools, local businesses and other partners to ensure our residents are as safe as possible. This includes supporting businesses and schools to put in place effective protective measures, such as social distancing and hygiene requirements, as well as promoting NHS information and advice to residents, in line with government guidance. All schools in the Borough will be ready to extend their opening arrangements from September, in line with Covid-19 guidelines.

Information about infection rates at local authority level is publicly available from Public Health England. As part of our approach we are also closely monitoring every day a range of data from the NHS, including data about the take up of testing and the Covid-19 infection rate across the Borough. This includes postcode level data for test results. Due to strict data confidentiality requirements it is not possible to make postcode information publicly available. Also, due to the low level of infection in Hillingdon it will not be meaningful to publish information at Ward level.]

20. **MOTIONS (Agenda Item 8)**

8.1 MOTION FROM COUNCILLOR CURLING

Councillor Curling moved, and Councillor Nelson seconded, the following motion:

"That this Council recognises that local history and heritage contributes significantly to the borough's 'Feel Proud' initiatives as well as the general promotion of Civic pride in our borough. Council also recognise that history needs to be kept in context, but give an honest account of events, even if it is a negative aspect of our history, and that a truthful, 'warts and all', account of history contributes much more towards our learning and our Civic pride, than re-writing history to either ignore the negative aspects or try to expunge them from existence.

“In more recent times black people have contributed significantly to our nation and our borough. We all owe a great deal of gratitude to the Windrush Generation for the commitment to our society, all of which needs to be recognised and celebrated.

“Council therefore calls on the Cabinet to re-introduce Black History Month, but not just in name and not just as a tokenistic gesture, but as part of our local history and heritage activities to celebrate the significant contribution that black history has made to the borough and how people like local resident William Wilberforce, campaigned for the abolition of slavery.”

Following debate (Councillors Dhillon and Lewis), the motion was put to a recorded vote:

Those voting for: Councillors Allen, Birah, Bliss, Curling, Dhillon, Dhot, Duncan, Eginton, Farley, Gardner, Lakhmana, Mathers, Milani, Money, Morse, Nelson, Oswell, Prince, Sansarpuri, Singh and Sweeting.

Those voting against: The Mayor (Councillor Barnes), Councillors Ahmad-Wallana, Arnold, Bianco, Bridges, Brightman, Burrows, Chapman, Choubedar, Corthorne, Denys, Deville, Edwards, Flynn, Fyfe, Goddard, Graham, Haggard, Hensley, Higgins, Kauffman, Lewis, Makwana, Markham, Melvin, D Mills, R Mills, Morgan, O'Brien, Palmer, Puddifoot, Radia, Riley, Rodrigues, Seaman-Digby, Simmonds, Stead, Sullivan, Tuckwell and Yarrow.

Those abstaining: None.

The motion was lost.

8.2 MOTION FROM COUNCILLOR MATHERS

Councillor Mathers moved, and Councillor Prince seconded, the following motion:

“That the Coronavirus pandemic has changed the way we view the value of key workers in our society. Those working in frontline services to ensure health and well-being have been applauded on many Thursday evenings during our lockdown across the country and continue to be admired by the public.

“That this Council notes our thanks to the incredible effort that all key workers have played and continue to play in keeping our residents safe from Coronavirus, including our own councils staff and those staff who are part of our supply chain in delivering public services in Hillingdon.

“That this Council recognises the important contribution that paid care workers provide in supporting our most vulnerable residents especially during the continuing pandemic.

“That this Council believes in quality care and fair treatment for care workers and notes that 45 local authorities in the UK have shown they take quality social care provision seriously by signing up to UNISON’s Ethical Care Charter. The objective behind the Charter is to establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which do not routinely short change clients and ensure the recruitment and retention of a more stable workforce through more sustainable pay, conditions and training levels. The Charter has been endorsed by both the Communities and Local

Government Select Committee and the British Medical Association.

“The Charter is broken down into three stages to ensure that standards can be achieved for all care provided and/or commissioned through councils in an effective and timely manner.

“Stage 1:

- The time allocated to visits will match the needs of the clients. In general, 15-minute visits will not be used as they undermine the dignity of the clients
- Care workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones
- Visits will be scheduled so that care workers are not forced to rush their time with clients or leave their clients early to get to the next one on time
- Those workers who are eligible must be paid statutory sick pay

“Stage 2:

- Clients will be allocated the same care worker(s) wherever possible
- Zero hour contracts will not be used in place of permanent contracts
- Providers will have a clear and accountable procedure for following up staff concerns about their clients’ wellbeing
- All care workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time)
- Care workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation

“Stage 3:

- All care workers will be paid at least the Living Wage Foundation Living Wage.
- If Council employed care workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay levels throughout the contract
- All care workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients.

“That this Council will therefore:

- Commit to adopting stage 1 of the above charter within 12 months and then adopt the full charter by 2023.
- Convene a review group with representation from providers, local NHS and Trade Union representatives to work on a plan for adopting the full charter.”

Following debate (Councillors Eginton and Palmer), the motion was put to a recorded vote:

Those voting for: Councillors Allen, Birah, Bliss, Curling, Dhillon, Dhot, Duncan, Eginton, Farley, Gardner, Lakhmana, Mathers, Milani, Money, Morse, Nelson, Osswell, Prince, Sansarpuri, Singh and Sweeting.

Those voting against: The Mayor (Councillor Barnes), Councillors Ahmad-Wallana, Arnold, Bianco, Bridges, Brightman, Burrows, Chapman, Choubedar, Corthorne, Denys, Deville, Edwards, Flynn, Fyfe, Goddard, Graham, Hagger, Hensley, Higgins, Kauffman, Lewis, Makwana, Markham, Melvin, D Mills, R Mills, Morgan, O'Brien,

Palmer, Puddifoot, Radia, Riley, Rodrigues, Seaman-Digby, Simmonds, Stead, Sullivan, Tuckwell and Yarrow.

Those abstaining: None.

The motion was lost.

The meeting, which commenced at 7.30 pm, closed at 8.46 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White, Head of Democratic Services on 01895 556743. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) TEMPORARY SUSPENSION OF COUNCIL PROCEDURE RULES FOR THE CURRENT VIRTUAL COUNCIL MEETING ONLY

RECOMMENDATION: That, under Council Procedure Rule 26.1, Council agrees to temporarily suspend the specific Council Procedure Rules set out in this report for the purposes of holding this virtual Council meeting only.

Introduction

1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020 were published on 2 April and came into force on 4 April. They remove the 'place' requirement so meetings can be held virtually. These are temporary national regulations and, unless the Council determines otherwise, will only last until May 2021.
2. To provide for the efficient and effective conduct of virtual Full Council meetings, it is proposed to temporarily suspend parts of the Council's Procedure Rules (Part 4, Schedule A of the Constitution). The proposed suspensions cater for the fact that there cannot be any physical attendance at virtual Council meetings, seek to ensure the meeting runs in a business-like way and, in respect of questions from the public, that technology is not a barrier to those who wish to put their views across and have a response from decision-makers.

Suspension of standing orders

3. Under Council Procedure Rule 26.1, if at least half of the whole number of members of the Council are present, they can vote to suspend Council Procedure Rules with the exception of Rules 19.6 and 20.2 which are detailed later. Article 15 of the Constitution also requires that where parts of the Council Procedure Rules are to be suspended, to give the reasons for this and the duration of the suspension which is set out in this report.
4. For the avoidance of doubt, it is proposed that this is a temporary measure and will, upon both UK Government advice and if the Council determines, be resumed for traditional meetings.
5. It is also important to note that, as an alternative to suspension, Council can amend the Council Procedure Rules. However, there is no ability to immediately amend them because under Council Procedure Rule 26.2, if a motion is proposed and seconded to amend the Rules it will stand adjourned without discussion to the next ordinary meeting of the Council (which would be in November). Hence, the route proposed to effect these changes is temporary suspension.

Proposals

6. In light of the above, the suspension of the following Council Procedure Rules is, therefore, proposed:

- i) **Recorded Votes (Council Procedure Rule 19.4)** – it is proposed to suspend this Rule which provides for a roll call to be entered into the minutes upon 7 Members present demanding it, e.g. before a vote on a motion. Instead a Group Leader will be able to request a recorded vote on behalf of 7 Members of their Group.

For ‘normal’ voting the existing (and remaining) Council Procedure Rule 19.3, allows for the Mayor to take a vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

It is proposed that this affirmation be sought by the Mayor asking both Group Leaders to cast a normal or recorded vote on behalf of their whole Group. The Mayor will then ask if any Member wishes to vote differently to their Group. Time will be allowed for responses – either verbally or by using ‘chat’. Such votes will then be recorded in the minutes in the usual way (by name in the case of recorded votes).

It is important to note that Council Procedure Rule 19.6 cannot be suspended. This does not relate to any collective recorded vote as above, but relates to an individual Member asking that their vote be recorded in the minutes.

- ii) **Rules of Debate on Motions (Council Procedure Rule 14.5 a-c and Council Procedure Rule 14.9 c)** - It is proposed to suspend these extracts of the two Council Procedure Rules to provide for more structured debate in virtual meetings as follows on any motion:

The proposed Order of Members speaking on Motions would, therefore, be:

- i) Mover
- ii) Seconder

NB :If an amendment is to be moved it will be listed on the Order of Business – move to vi) below:

If no amendment is to be moved then:

- iii) Two other speakers from either Group – pre notified by the Whips (the order of speaking to be determined by the Whips Committee)
- iv) Right of reply (mover of motion)
- v) Vote on motion – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

NB: If a pre-notified amendment is to be moved:

- vi) Mover of amendment
- vii) Seconder of amendment

- viii) Two other speakers from either Group - pre-notified by the Whips (the order of speaking to be determined by the Whips Committee)
- ix) Right of reply (mover of amendment)
- x) Right of reply (mover of original motion)
- xi) Vote – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

To assist in this the Chief Whips will liaise with the Head of Democratic Services to provide a definitive list of notified speakers for each item. This will be the list that the Mayor will use to call those speaking, so all Members should be aware of this. However, Points or Order or Points of Personal explanation will still be permitted. If a Member wishes to utilise these then they should indicate to the Mayor verbally or by using the 'chat' facility.

- iii) **General (Council Procedure Rules 22.1 and 24.1)** – Council Procedure Rule 22.1 relates to Members physically signing attendance sheets when they walk into the meeting. It is proposed to suspend this for virtual meetings because of the attendance roll call that takes place. Council Procedure Rule 24.1 relates to physically standing to speak and addressing their statements through the Mayor. As Members will be taking part virtually this will not be required.

Legal Implications

The Local Authorities and Police and Crime Panels [Coronavirus] [Flexibility of Local Authority and Police and Crime Panel Meetings] [England and Wales] [Regulations] 2020, made pursuant to the Coronavirus Act 2020, permit local authority meetings to be held virtually.

The proposal set out in this report, if agreed by full Council, will allow the virtual meeting on 10 September 2020 to run effectively and democratically by permitting members of the public and Members of the Council to fully participate.

The Borough Solicitor can confirm that, subject to certain exceptions which are set out in the body of the report, Council Procedure Rule 26.1 allows the Rules to be suspended by motion or without notice if at least one half of the whole number of Members of the Council are present and vote accordingly. Suspension can only be for the duration of the meeting on 10 September.

BACKGROUND PAPERS: None

(ii) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5 day call-in provided there is agreement from the Chief Executive and the Chairman of the Executive Scrutiny Committee to waive this. All such decisions are to be reported for information only to the next full Council meeting.
2. Since those noted at the 16 July 2020 Virtual Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
14/07/2020	Disabled Facilities Grant 2020/21 (Release No. 3) - works to assist disabled residents at home	Leader of the Council and Cabinet Member for Finance, Property & Business Services
14/07/2020	Housing Revenue Account Major Adaptations to Property 2020/21 (Release No. 4) - works to assist disabled residents at home	Leader of the Council and Cabinet Member for Finance, Property & Business Services
23/07/2020	School Conditions Programme 2020/21 - Appointment of Contractor and Capital Release for Replacement of Modular Classroom Unit at Yeading Infant School (Release No. 3)	Leader of the Council and Cabinet Member for Finance, Property & Business Services
10/08/2020	Transport for London 2020/21 - Bridge Assessment and Strengthening (Release No. 2) - Trout Road Bridge, Yiewsley	Leader of the Council and Cabinet Member for Finance, Property & Business Services
25/08/2020	ICT Corporate Technology & Innovation Programme: Contract Award for resources to support the move to Windows 10 including end user hardware refresh and migration to Microsoft 365	Leader of the Council and Cabinet Member for Finance, Property & Business Services
26/08/2020	Battle of Britain Bunker Enhancement - Controller's Cabin - Release No 1	Leader of the Council and Cabinet Member for Finance, Property & Business Services
2/9/2020	Proposed and Revised Article 4 Directions to Protect Employment Land with the London Borough of Hillingdon (recommend to Council)	Leader of the Council and Cabinet Member for Planning & Transportation
2/9/2020	Battle of Britain Bunker Enhancement - Polish Air Force Exhibition - Release No 2	Leader of the Council and Cabinet Member for Finance, Property & Business Services

Background Papers: Decision Notices

(iii) AMENDMENT TO THE COUNCIL CONSTITUTION – RESIDENT SERVICES SCHEME OF DELEGATIONS

RECOMMENDATIONS That:

- a) the following new delegation in respect of planning functions be approved for inclusion in the Deputy Chief Executive and Corporate Director of Residents Services Scheme of Delegations (referred to in Part 3 of the Council's Constitution):

“All applications to which 42 day or 56 day prior approval constraints apply shall be delegated to the Head of Planning, Transportation and Regeneration, subject to the following conditions:

- a. Where a valid petition has been received and the officer recommendation is contrary to that requested by the petitioners, it shall be referred to the relevant planning committee for determination;
 - b. Where there are 20 or more individual representations in support or objection received and the officer recommendation is contrary to that requested by the supporters or objectors it shall be referred to the relevant planning committee for determination.
 - c. Where there is a petition received and the Head of Planning, Transportation and Regeneration is to make a delegated decision consistent with the petitioners' views, this is done in consultation with the relevant Planning Committee Chairman and Labour lead (or in their absence the Vice-Chairman and nominated Labour committee member). Should there be disagreement by Members concerning the recommendation then it should (if time constraints allow) be referred to the relevant planning committee for decision.”
- b) the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to make any consequential changes required to the Residents Services Scheme of Delegations, so that the above delegation can take primary effect.

Information

1. Under the Head of Planning, Transportation and Regeneration's powers of delegation (of the Residents Services scheme of delegation) it is outlined which type of planning application can be dealt with under delegated authority and which is automatically referred to an Area Planning Committee.
2. It currently states that: '*All telecommunication mast applications where the statutory time constraints allow for determination should be referred to Committee*'. It further states that the following applications should not be referred to Committee: '*All applications to which Paragraph A.4 of schedule 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 applies (42 day prior approval applications) cannot be referred to a Planning Committee (agreed by Council 2/2014)*' - This relates only to prior approval applications for single storey rear extensions.

3. The Government has, since 2013, introduced a number of changes to permitted development rights aimed at deregulating the planning system and stimulating the economy. Recent planning reforms have further increased the number of prior approval processes; there are now 30 different types of prior approval. Nonetheless the Planning scheme of delegation only refers specifically to two prior approval types. Prior approvals can cover a wide range of matters, but in all cases have strict time constraints.
4. For prior approvals what is called a 'deemed approval' is granted if a decision is not made within a specific timescale (42 or 56 days). Deemed approvals mean that approval is automatically granted irrespective of whether the proposals are considered acceptable. With such cases the priority (especially refusals) is to ensure a decision is made within the specified timescale.
5. Telecommunication masts are a particular problem as the relevant legislation requires that the decision notice has to be proven to be received by the applicant within 56 days (with the onus placed on the Council). This means for these prior approval decisions the Council has to issue decisions through the Royal Mail recorded delivery service, where the document must be signed on receipt by the addressee. Officers are finding themselves frequently drawn into disputes with agents of the telecommunication operators, who dispute every aspect of the process and threaten to erect masts if they consider processes are not followed.
6. In order to protect the Council from being drawn into disputes officers are, where possible, sending decision notices by recorded delivery up to a week or more before the applications expire. As telecommunication operators seek to roll out 5G networks it is anticipated that a high volume of mast applications will be lodged over the next couple of years. This is in addition to the many other prior approval categories being brought into use (including the contentious 'additional storey's on existing properties' prior approval category).
7. Recent committee decisions have indicated that officer opinions on the acceptability of 5G masts (and other prior approval application types) are very closely aligned to that of the Members who sit on the Committees. But officers are extremely concerned that the scheme of delegation is requiring reports for all cases, rather than those where a Committee report is in the public interest.
8. It is recommended that the focus of the scheme of delegation should be on the Planning Committees hearing those prior approval cases where officers are recommending approval and there are large volumes of local representation opposing the proposal (whether individual objections or via a petition). In cases where there are no objections at all or where there are objections and officers are recommending refusal, delegated decisions should be made.
9. In cases where there is a petition against a proposal and officers recommend refusal there could be referrals to the Chairman and Labour lead (thus ensuring greater scrutiny of such cases, but without a Committee referral being required). If there are concerns with officer recommendations (if time constraints allow) such cases could then still be referred to Committee.

10. The recommended changes to the scheme of delegation set out at the start of this report address all of the issues raised in this report.
11. Consequential changes may be required to other existing [old] delegations relating to prior approvals within the Residents Scheme of Delegation in order for the proposed new delegation to take primary effect and supersede them. Council is, therefore, also requested to delegate authority for any such changes required. This would not have the effect of amending other matters that are reported to Committee.

Legal implications

The Borough Solicitor confirms that there are no legal impediments to Council amending the Scheme of Delegation as set out in the report. The recommendations fully comply with the provisions of section 101 of the Local Government Act 1972 which authorises the delegation of functions to officers.

Finance Implications

None

Background papers: The Town and Country Planning (General Permitted Development Order 2015) as amended.

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Agenda Item 6

PROPOSED AND REVISED ARTICLE 4 DIRECTIONS TO PROTECT EMPLOYMENT LAND IN THE LONDON BOROUGH OF HILLINGDON

Reporting Officer: Head of Democratic Services

Summary

On 2 September 2020 the Leader of the Council and Cabinet Member for Planning and Transportation recommended to Council the proposed and revised Article 4 directions as detailed in the report below. As the making of an Article 4 direction is a Non-Executive function under section 13 of the Local Government Act 2000, it is for the Full Council to decide whether to make any Article 4 directions.

RECOMMENDATIONS: That:

- a) **The Head of Planning, Transportation and Regeneration be instructed to make and modify non-immediate Article 4 directions (with an intended implementation date of September 2021) to remove permitted development rights for new residential development in designated employment and industrial areas as set out in the report.**
- b) **The Head of Planning, Transportation and Regeneration be authorised to prepare the Article 4 direction and instructed to carry out all necessary consequential arrangements to give effect to the terms of Recommendation 1 which shall include publishing the making of the direction, notifying affected property owners/occupiers and the Secretary of State and seeking representations on the making of the direction.**

Reasons for recommendation

To protect key employment land in the Borough from changes to planning regulations which would allow for some offices and light industrial buildings with protected employment areas to be replaced or extended by residential uses without planning permission. This has significant potential to undermine the remaining employment function of these areas by reducing overall floorspace and is highly likely to impact negatively on those operations which are not compatible with residential amenity. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that approval to make an Article 4 Direction is not a Cabinet function and, therefore, must be carried out by full Council or another appropriate Council Committee.

Alternative options considered / risk management

Members could take the view that the Council's ability to refuse inappropriate prior approvals through the identified determination criteria may be sufficient to prevent potentially harmful development proposals (notwithstanding applicant rights of appeal against such decisions). Alternatively, Members could seek to apply the Article 4 Directions to the Borough as a whole, however, officers would strongly caution such an approach given the need to present strong evidence to justify Article 4 Directions. The Article 4 Direction would have to be agreed by the Secretary of State and the Government has previously refused to agree Council wide Article 4 directions seeking to give blanket protection.

What will be the effect of the recommendation?

It will enable the Council to determine whether an Article 4 Direction should be created. With respect to wider local resident impacts the key implication will be to enable the Council to maintain the right amount of employment floor-space to ensure a prosperous Borough. It is not considered that this will be to the detriment of those residents who would favour additional housing, as the Council will meet its strategic housing targets through allocated housing sites.

Consultation Carried Out or Required

If an Article 4 Direction is implemented then there would need to be extensive consultation within the areas identified for inclusion within the Article 4 Direction.

SUPPORTING INFORMATION

The Government is introducing a new suite of permitted development rights from 1 September 2020 which will allow for new homes to be built in place of or on top of existing commercial buildings without the need for full planning permission. To prevent the rights applying within Hillingdon's protected industrial and employment areas it is proposed that the Council should introduce a series of Article 4 Directions to protect employment land designated in the Local Plan. Revisions to existing Article 4 Directions protecting employment land are also proposed to extend the types of development to which they can apply.

Background

1. From 1 September 2020 the Government will enact new statutory instruments which will remove the need for planning permission for up to 2 two additional storeys on existing commercial buildings where these provide new homes, as well as for the demolition of vacant commercial, industrial and residential blocks to be replaced by new residential units. These new permitted development rights are intended to incentivise these types of development by providing greater certainty to developers. A further set of rights which also allow for the upward extension of existing residential buildings will also be enacted at the same time, but these are not currently included within the proposed Article 4 directions.
2. The new permitted development rights which will be subject to the Article 4 directions proposed by this report are as follows:
 - Part 20 - Class ZA - Demolition of Buildings (C3 purpose built blocks of flats and detached buildings falling with use classes B1a, B1b and B1c) and Construction of New Dwellinghouses
 - Part 20 - Class AA - New Dwellinghouses on Detached Buildings in Commercial (A1, A2, A3 and B1(a) or as a betting office, pay day loan shop or launderette) or Mixed use
 - Part 20 - Class AB - New Dwellinghouses on Terraced Buildings in Commercial (A1, A2, A3 and B1(a) or as a betting office, pay day loan shop or launderette) or Mixed use
3. The need for planning permission under these new rights will be replaced by a system of 'prior approval' which only allows the Council to consider a narrow suite of issues when considering whether or not to allow the proposed development. These include:
 - transport and highways impacts;
 - contamination risks;
 - flooding risks;
 - the design/ external appearance of the building;

- provision of adequate daylight;
 - impact on the amenity of neighbouring premises;
 - impacts of noise from any commercial premises on the intended occupiers;
 - impact on business and new residents of the introduction or increase in residential use in the area;
 - impact on heritage and archaeology; and
 - plans for landscaping;
4. Unlike previous permitted development provisions, these are not time limited and will apply to all B1 uses and detached blocks of flats in the Borough.
5. In addition to proposing these new Article 4 directions, it is also recommended that modifications are made to two of the Council's existing Article 4 directions which were also introduced to protect strategic industrial land within the Borough in 2017. At present the Council has a Direction in place that removes Class P rights for changes of use from light industrial (B1c) to residential in designated industrial locations and Class O rights for changes of use from office (B1a) to residential in key office locations. It is proposed to extend these directions so that these rights are removed from all designated employment areas, to ensure they are consistent with the proposed new Article 4 Directions.
6. In terms of process, to prevent a right to compensation, these Article 4 Directions must be advertised at least 12 months in advance of it becoming operational. These new rights are being introduced very quickly, with just over a month from their announcement to their implementation on 1st September 2020. Consequently, whilst we have sought to propose this new Article 4 Direction to full Council at the earliest opportunity, there will be a period when these rights will be available to landowners before the Article 4 Direction comes into force. However, this time period will be slightly less than the full 12 months as a landowner will not be able to start implementing these rights immediately, as they would first need a prior approval consent which could take up to 56 days. Some significant areas of the Borough, such as those with 3km of an aerodrome and conservation areas, will already be excluded from some of these permitted development rights. Furthermore, permitted development rights have been excluded for buildings constructed after 31st December 1989 and which exceed certain size thresholds. However, it is critical that the Council seeks to progress its proposed and revised Article 4 Directions as quickly as possible.

Proposed New Article 4 Directions

Part 20 - Class ZA - Demolition of Buildings and Construction of New Dwellinghouses

Area to be covered (see also Appendix 1):

a. Strategic Industrial Locations

Uxbridge Industrial Area
 Hayes Industrial Area
 Stonefield Way, South Ruislip
 North Uxbridge Industrial Estates

b. Locally Significant Employment Locations

Summerhouse Lane / Salamander Quay, Harefield
 Stockley Park
 Odyssey Business Park, Ruislip

- c. **Locally Significant Industrial Sites**
 - Packet Boat Lane, Cowley
 - Braintree Road Industrial Area, South Ruislip
 - Covert Farm, Heathrow
- d. **Hotel and Office Growth Locations**
 - Uxbridge Town Centre
- e. **Office Growth Locations**
 - Stockley Park (Also Locally Significant Employment Location)
- f. **Hayes Opportunity Area**

Part 20 Class AA - New Dwellinghouses on Detached Buildings in Commercial (A1, A2, A3 and B1(a)) or Mixed use

Part 20 - Class AB - New Dwellinghouses on Terraced Buildings in Commercial (A1, A2, A3 and B1(a)) or Mixed use

Areas to be covered (See also Appendices 2 and 3):

- a. **Strategic Industrial Locations**
 - Uxbridge Industrial Area
 - Hayes Industrial Area
 - Stonefield Way, South Ruislip
 - North Uxbridge Industrial Estates
- b. **Locally Significant Employment Locations**
 - Salamander Quay, Harefield
 - Stockley Park
 - Odyssey Business Park, Ruislip
- c. **Locally Significant Industrial Sites**
 - Packet Boat Lane, Cowley
 - Braintree Road Industrial Area, South Ruislip
 - Covert Farm, Heathrow

Justification

7. Hillingdon has approximately 350 hectares of designated employment land which is mainly focused on the industrial and commercial areas of the Hayes-West Drayton corridor, Uxbridge, Heathrow and South Ruislip. This includes a number of regionally important Strategic Industrial Locations (SILs) designated through the London Plan totalling around 220 hectares in size. SILs are London's main reservoir of land for industrial and logistics and are safeguarded to accommodate activities which, by virtue of their scale, noise, odours, dust, emissions, hours of operation and vehicular movements, would otherwise create tensions with other land uses, particularly residential development. In addition to SILs, the Local Plan also identifies smaller industrial areas, referred to as Locally Significant Sites (LSIS). Again these have been created to accommodate industrial and logistical uses that are not compatible with more sensitive land uses, particularly residential development.

8. In terms of existing office provision, Uxbridge has an office stock of around 200,000 sqm; the fourth largest concentration in outer London. It is a key centre for the office market in West London. A number of operators have their headquarters or European headquarters in Uxbridge which has cluster strengths of pharmaceuticals and IT companies, business support services and food sectors. Stockley Park is also an important contributor to the local economic prestige of the Borough through its provision of high quality offices. With 175,000 sq.m of office stock, it is the largest concentration of office space in Outer London. The Park is home to IT, pharmaceutical and communications sector businesses as well as many other blue chip companies. Two other locally significant business parks have also been identified in the Local Plan in South Ruislip (Odyssey Business Park) and Harefield (Summerhouse Lane / Salamander Quay).
9. The Council views these areas as its main reservoirs of employment land and a key objective underpinning the Local Plan is to retain the employment uses in these locations as the best quality employment land in the Borough. Policies E1 and E2 of the Local Plan Part 1 identify that the Council will accommodate new jobs during the Plan period by protecting Strategic Industrial Locations and Locally Significant Employment and Industrial Sites, as well as identifying Office Growth Locations. This is supported by policies in the current and emerging London Plan which seek the consolidation of existing office clusters and the retention of industrial capacity at a Borough wide level.
10. In addition to these established employment areas, the Hayes Opportunity Area is identified in the new London Plan as an area of significant growth potential for at least a 1,000 new jobs. Its boundary is the same as that of the Hayes Housing Zone as identified in the Local Plan Part 2. As a key growth area, the Local Plan has already identified those employment areas suitable for release to residential-led development through a series of site allocations. Consequently, the Council considers the protection of the remaining employment land within the Hayes town centre and the surrounding industrial areas as vital for bringing forward the employment growth anticipated within the Opportunity Area.
11. Evidence prepared in support of the new London Plan provides the most recent detailed analysis of industrial and office capacity in the Borough (London Industrial Land Supply and Economy Study, GLA 2016). It identifies a vacancy rate within the Council's designated industrial areas of 7%, indicating a good balance of supply and demand on par with other Boroughs in the sub-region and below the indicative London-wide frictional rate of 8%. There is also evidence presented that Hillingdon has already lost a significantly higher proportion of industrial land than its strategic benchmark indicating the vulnerability of such land to changes of use within the existing framework of planning policies and permitted development rights. Noting the critical importance of these remaining locations to the effective functioning of London's economy, it is vital that they remain safeguarded areas for specific uses. Failure to do so will result in new residential development being located in inappropriate environments and the displacement of noise-sensitive uses to undesirable locations. It is also considered vital to the ongoing economic prosperity of the Borough that the employment function of its designated employment areas are not further undermined by either the unchecked loss of employment land or the introduction of uses with sensitive amenity requirements under the Part 20, Class ZA, AA and AB permitted development rights. Scope will remain outside of these designated areas to allow for changes of use to residential to occur in more appropriate locations.
12. It is recognised that the prior approval process allows for consideration of the impacts of noise on the intended occupiers and the impact of on business from an increase in residential use.

However, the prior approval process would not allow for wider consideration of the impact of the loss or sterilisation of employment land on the wider economy, which is a key component of the recently adopted Local Plan Part 2 policies. The introduction of an Article 4 Direction to retain the ability to assess the full impact of the loss of employment land in designated employment areas is therefore considered to be critical to ensuring the successful implementation of the Council's Local Plan and the effective function of London's economy

Revised Article 4 Directions

Part 3 - Class O - Conversion of B1(a) Offices to C3 Dwellinghouses

Areas to be covered (see also Appendix 4)

Currently applies to:

a. Office Growth Locations

Uxbridge Town Centre
Stockley Park

b. Heathrow Perimeter

To be modified to include:

c. Strategic Industrial Locations

Uxbridge Industrial Area
Hayes Industrial Area
Stonefield Way, South Ruislip
North Uxbridge Industrial Estates

d. Locally Significant Employment Locations

Summerhouse Lane / Salamander Quay, Harefield
Stockley Park
Odyssey Business Park, Ruislip

e. Locally Significant Industrial Sites

Packet Boat Lane, Cowley
Braintree Road Industrial Area, South Ruislip
Covert Farm, Heathrow

f. Hayes Opportunity Area

Justification

13. In terms of the loss of offices to residential, the Council has approved the loss of just over 107,000sqm of office floorspace through the existing prior approval process since it was introduced in 2014. Of this, 17,000sqm has been approved since the Council introduced its Class O Article 4 Direction in November 2017. Whilst the majority of this loss has been from non-designated sites, the Council has continued to lose office floorspace within industrial areas which were not included within the original Article 4 Direction. This includes 1,800sqm from within the Covert Farm LSIL near Heathrow and 1,600sqm from Cowley Business Park in the Uxbridge Industrial Estate SIL. The Council has concerns both about the further loss of such high quality employment land and the potential reverse sensitivity issues arising the

conversion of offices in these locations to residential. Whilst the co-location of noise generating industrial uses and office floorspace is typically considered acceptable, the introduction of residential floorspace is incompatible with industrial uses and has an adverse effect on their productivity and ability to grow. Consequently, it is now proposed to modify and adopt a new Article 4 Direction for Class O development to include all of the Borough's designated industrial areas.

Part 3 - Class PA – Conversion of B1(c) Light Industrial to C3 Dwellinghouses

Areas to be covered (see also Appendix 5)

Currently applies to:

a. Strategic Industrial Locations

Uxbridge Industrial Area
Part of the Hayes Industrial Area
North Uxbridge Industrial Estate

b. Locally Significant Employment Location

Stockley Park

c. Heathrow Perimeter

Part of the Bath Road

d. Locally Significant Industrial Location

Packet Boat Lane, Cowley

To be modified to include:

e. Strategic Industrial Locations

All of the Hayes Industrial Area
Stonefield Way, South Ruislip

f. Locally Significant Employment Locations

Summerhouse Lane / Salamander Quay, Harefield
Odyssey Business Park, Ruislip

g. Locally Significant Industrial Sites

Braintree Road Industrial Area, South Ruislip
Covert Farm, Heathrow

Justification

14. The Council's existing Article 4 Direction for Class PA permitted development rights does not cover all of the Borough's designated industrial land, including the Stonefield Way Strategic Industrial Location. Given the economic importance of these areas as outlined above and to ensure consistency of protection, it is proposed to modify the existing Article 4 Direction to extend it to all areas designated to accommodate industrial uses.

Next Steps

15. The process for making and confirming a non-immediate Article 4 Direction and indicative timetable is as follows:

September 2020

Stage 1 - The Council decides whether to go ahead and introduce a Direction setting a date in the Notice for when the Direction will come into force which must be at least 28 days and no more than 2 years after representations can first be made. The Article 4 Directions are then duly sealed. The Council must give a minimum of 12 months' notice of its intention to introduce or modify an Article 4 Direction and consequently the Direction cannot be confirmed or implemented until September 2021 (Stage 4) - it will remain in draft form until this point.

September/ October 2020

Stage 2 – Publication/Consultation stage. The Council:-

- 1) publishes the notice of the Direction;
- 2) formally consults with general members of the public and the owners and occupiers of every part of the land within the area or site to which the Direction relates over a period of at least 21 days; and
- 3) places notices up on the relevant sites for 6 weeks;

September 2020

Stage 3 – On the same day that notice is given under Stage 2 above, the Council refers its decision to the Secretary of State who has wide powers to modify or cancel a Direction;

September 2021

Stage 4 – Confirmation Stage - The Council cannot confirm the Direction until after a period of at least 28 days from publication/service of the Notice. Once a Direction has been confirmed, the Council must give notice of the confirmation in the same way as it gave notice of the initial Direction, and must specify the date that the Direction comes into force. A copy of the Direction as confirmed must also be sent to the Secretary of State.

Financial Implications

16. The report above outlines the suite of new permitted development rights that came into force from the 1 September 2020 and which allow new homes to be built on top of or in place of existing commercial buildings. The report recommends a series of Article 4 Directions to protect employment land.
17. The wider implications of this change and any specific impact on the Council Collection Fund for both Business Rates and Council Tax is impossible to quantify at this stage. Such impacts might arise from a change or a reduction in the number of commercial operations that could be charged Business Rates being replaced by residential units where Council Tax could be applied.
18. There are some limited direct costs associated with the advertising of the new arrangements that have been estimated at £3k and can be managed from existing Residents Services budgets.

Legal Implications

19. Under Article 4 of the General Permitted Development Order 2015 the Council or the Secretary of State may withdraw specified permitted development rights either in relation to specific sites or across the Borough. An Article 4 Direction may only be made where it is necessary to protect local amenity or the wellbeing of the area. The potential harm that the Direction is intended to address should be clearly identified and the Council must show strong justification for the withdrawal of permitted development rights relating to cases where prior approval powers are available to control permitted development.
20. The report sets out that there are a number of important employment sites in Hillingdon and the Council must be able to show that there is a need to protect these employment sites from permitted development.
21. The right to compensation has been accurately set out in the report.
22. Schedule 3 to the General Permitted Development Order 2015 sets out the process that must be followed prior to making an Article 4 direction, including a minimum consultation period of 21 days and the placing of notices on affected sites for a 6 week period. In addition, the proposed direction must also be sent to the Secretary of State.
23. As the making of an Article 4 direction is a Non-Executive function under section 13 of the Local Government Act 2000, it is for the Full Council to decide whether to make any Article 4 directions.

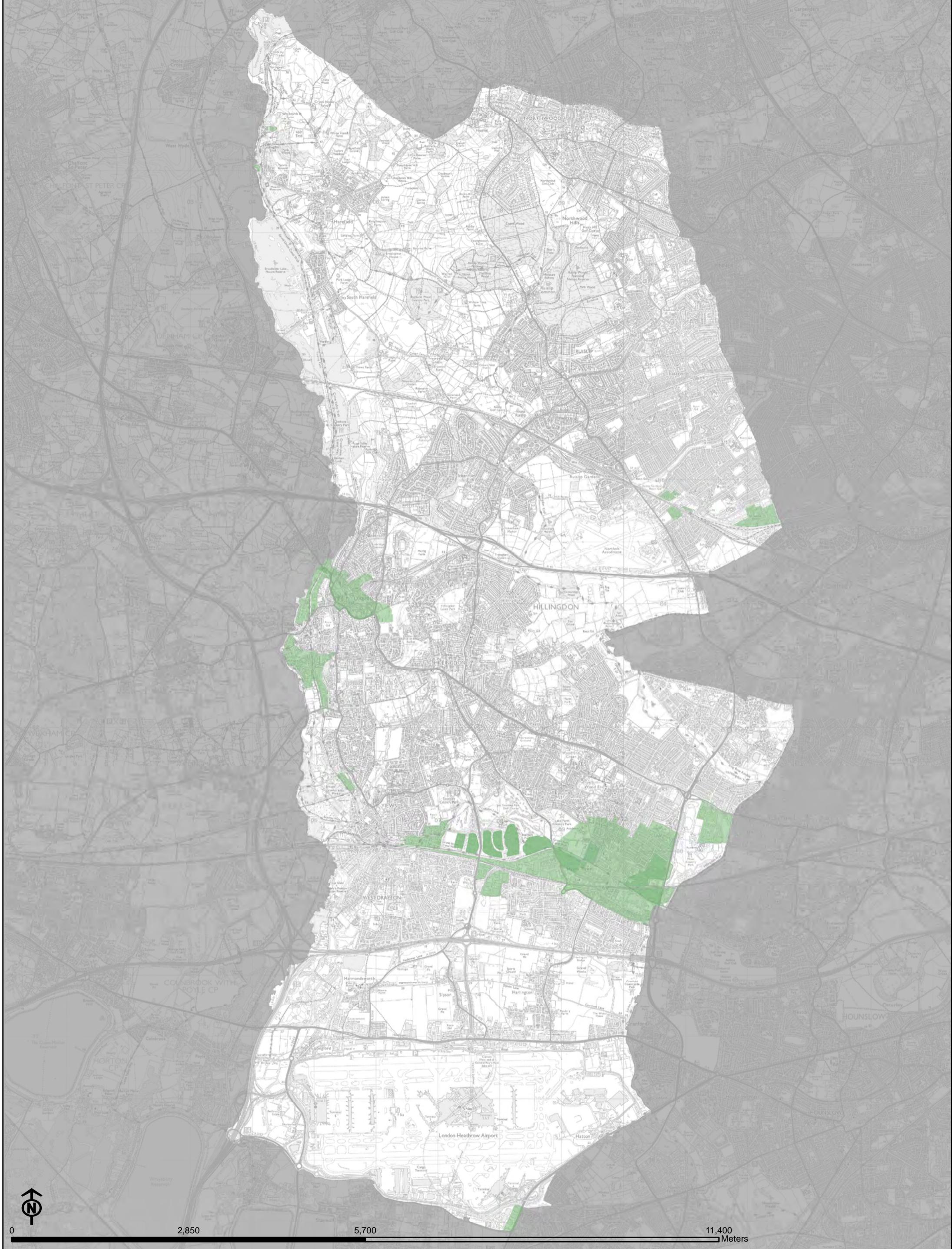
Background Papers: Hillingdon Local Plan; London Plan 2016 and Intend to Publish London Plan 2019; London Industrial Land Supply and Economy Study 2015 -

https://www.london.gov.uk/sites/default/files/industria_land_supply_and_economy2015.pdf.

Appendices (attached):

- Appendix 1 Plan of Areas to be covered by Class ZA Article 4 Direction
- Appendix 2 Plan of Areas to be covered by Class AA Article 4 Direction
- Appendix 3 Plan of Areas to be covered by Class AB Article 4 Direction
- Appendix 4 Plan of Areas to be covered by modified Class O Article 4 Direction
- Appendix 5 Plan of Areas to be covered by modified Class PA Article 4 Direction

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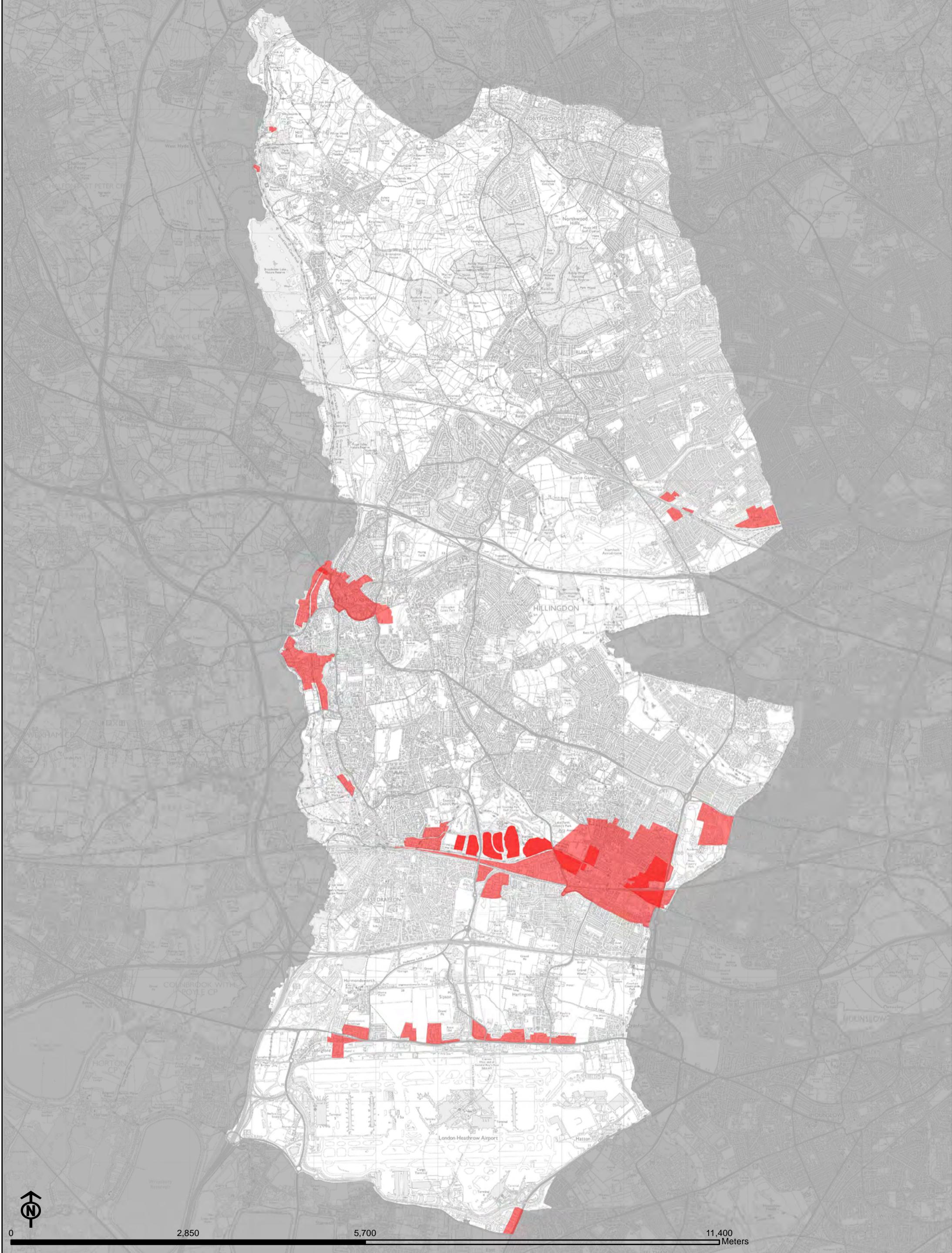
Part 20 - Class ZA - Demolition of Buildings and Construction of New Dwellinghouses
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Part 20 - Class AA - New Dwelling Houses on Detached Buildings in Commercial or Mixed use
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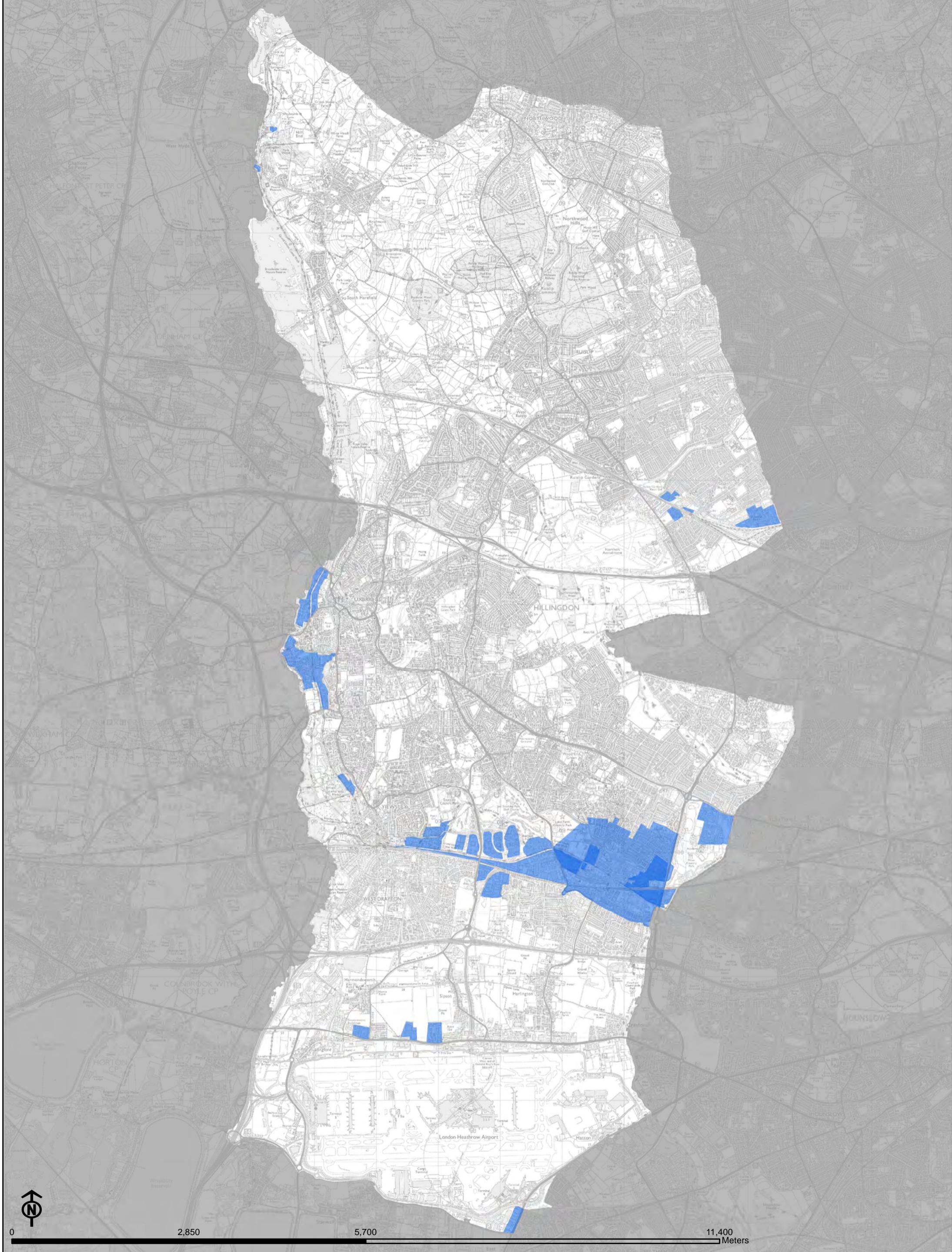


Part 20 - Class AB - New Dwelling Houses on Terraced Buildings in Commercial or Mixed use
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Part 3 - Class O - B1(a) Offices to C3 Dwellings

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Part 3 - Class PA – B1(c) Light Industrial to C3 Dwellinghouses

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QUESTIONS FROM MEMBERS

7.1 QUESTION SUBMITTED BY COUNCILLOR DUNCAN TO THE LEADER OF THE COUNCIL - COUNCILLOR SIR RAY PUDDIFOOT:

At the Council meeting of 4 July 2019 I asked the Leader of the Council why Hillingdon had bought Packet Boat House, a building with known dangerous defects that had been made known to the Leader and officers whilst under construction and before Council purchase. After the Council bought the building and used it to house first time buyers, all residents had to be moved out for safety reasons, whilst still having to pay their mortgages, and the Council was involved in legal action against the seller of the building.

Will the Leader now update us and residents on the outcome of the legal action, what the current position is and how soon residents may be able to return to their homes?

7.2 QUESTION SUBMITTED BY COUNCILLOR BRIDGES TO THE CABINET MEMBER FOR EDUCATION, CHILDREN AND YOUTH SERVICES - COUNCILLOR O'BRIEN:

Could the Cabinet Member please provide an update on the position of school's reopening this month?

7.3 QUESTION SUBMITTED BY COUNCILLOR EDWARDS TO THE CABINET MEMBER FOR SOCIAL CARE, HEALTH AND WELL-BEING - COUNCILLOR PALMER:

Would the Cabinet Member please advise Council on the performance of our social care and domestic abuse services during the pandemic?

7.4 QUESTION SUBMITTED BY COUNCILLOR SULLIVAN TO THE CABINET MEMBER FOR HOUSING AND THE ENVIRONMENT - COUNCILLOR CORTHORNE:

Would the Cabinet Member update Members on the performance of the Waste and Recycling Team during the lockdown period and since restrictions have eased?

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MOTIONS

8.1 MOTION FROM COUNCILLOR SWEETING

That this Council recognises the sacrifice of all from this borough who died in the Great War and who are listed on the memorials and church plaques across the borough, by completing the Council's book of remembrance entitled "We Will Remember Them." This to be accomplished by including in that commemorative book those men who died in that war and whose names are listed on the plaque in St Martin's Church West Drayton. This to be achieved by way of an addendum to the book of remembrance which would then be printed and publicised.



These local men, who fought and died for their country, have, up to now been forgotten by this Council as this plaque which records their names has been completely omitted from the only book published by Hillingdon Council to remember its war dead from the Great War.

We, the living, can correct that and make true the words, "Lest We Forget."

8.2 MOTION FROM COUNCILLOR CURLING

That this Council expresses its deep sorrow at the senseless killing of Tashan Daniel, who was stabbed to death in an unprovoked attack at Hillingdon Underground Station on 24 September 2019. Council notes that Tashan was a very talented young man, who was a keen athlete training regularly at Hillingdon Athletics Stadium with the aim of training for the Olympics. He was also a professional photographer, with a passion for football, athletics and photography.

That this Council also notes that the Tashan Daniel campaign is running a petition on Change.org to get the Hillingdon Athletics Stadium renamed "The Tashan Daniel Athletics Stadium" in his memory and as a lasting tribute and memorial.

Tashan was a much-loved young man, a much cherished friend to many and a well-respected member of the community, he was very much someone that Hillingdon should be very proud of. Council therefore agrees that the stadium should be renamed in memory of, and as a tribute to Tashan Daniel

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