

Minutes

COUNCIL

18 November 2021

Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge



HILLINGDON
LONDON

Councillor Roy Chamdal (Mayor)
Councillor Becky Haggar (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: Shehryar Ahmad-Wallana Ian Edwards John Morgan Lynne Allen Tony Eginton John Morse Teji Barnes Scott Farley Susan O'Brien Jonathan Bianco Duncan Flynn John Oswell Mohinder Birah Janet Gardner Jane Palmer Wayne Bridges Martin Goddard Kerri Prince Nicola Brightman John Hensley Sir Ray Puddifoot MBE Keith Burrows Henry Higgins John Riley Alan Chapman Allan Kauffman Paula Rodrigues Farhad Choubedar Kuldeep Lakhmana Raju Sansarpuri Judith Cooper Eddie Lavery David Simmonds CBE Philip Corthorne Richard Lewis Jagjit Singh Peter Curling Heena Makwana Colleen Sullivan Darran Davies Michael Markham Jan Sweeting Nick Denys Stuart Mathers Steve Tuckwell Jazz Dhillon Carol Melvin David Yarrow Jas Dhot Douglas Mills Janet Duncan Richard Mills</p>
	<p>OFFICERS PRESENT: Fran Beasley, Tony Zaman, Raj Alagh, Lloyd White, Mark Braddock and Nikki O'Halloran</p>
32.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence had been received from Councillors Arnold, Bliss, Deville, Graham, Hurhangee, Milani, Money, Nelson, Radia, Seaman-Digby and Stead.</p>
33.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meeting held on 9 September 2021 be agreed as a correct record.</p>
34.	<p>DECLARATIONS OF INTEREST (<i>Agenda Item 3</i>)</p> <p>There were no declarations of interest.</p>
35.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor thanked those who had attended the various Armistice Day services across the Borough. He also thanked those who had attended the tree planting ceremony which had taken place in memory of former Councillor Neil Fyfe.</p>

The Mayor had attended the Lord Mayor's Show and had met with residents and local groups. Over the coming weeks, he would be attending a number of events to switch on Christmas lights.

The Mayor had had his Covid-19 booster vaccination this week and encouraged everyone to do the same.

36. **PUBLIC QUESTION TIME** (*Agenda Item 5*)

5.1 QUESTION FROM MR TONY ELLIS OF KEWFERRY ROAD, NORTHWOOD TO THE CABINET MEMBER FOR PUBLIC SAFETY & TRANSPORT - COUNCILLOR RILEY:

Would the Council pass a by-law prohibiting the use of garden machinery after 6pm on weekdays, after 1pm on Saturdays and all day on Sundays?

Throughout the summer we residents in Northwood have been unable to enjoy our gardens in the evenings and weekends because of the noise of garden machinery. Commercial gardeners and residents alike use lawnmowers, saws and leaf blowers until late into the evening on weekdays, Saturday afternoons and all-day Sundays creating a cacophony of noise, making it impossible for neighbours to sit and enjoy the peace of their gardens.

I also believe that the use of garden machinery outside of these hours is in contravention of the Human Rights Act as the noise prevents our enjoyment of our gardens.

Councillor Riley advised that, as Mr Ellis was not present, he would provide him with a written answer, as below:

Human Rights Act

I accept that I am not strictly following the order of issues set out in your question but I would like to deal with this particular issue first as there is a simple answer to it.

The Human Rights Act only applies to public authorities, such as the Council, and to all other bodies, whether public or private, performing public functions. Therefore, the Act cannot be enforced against residents or commercial gardeners unless of course they are performing a public function which is highly unlikely.

Byelaws

A local authority has the power to make byelaws under the Local Government Act 1972.

There is a prescribed statutory process which a local authority must follow which involves, inter alia, consultation and seeking approval to the byelaws from the Secretary of State. This is not a quick process which can take many months to finalise.

There are a number of fundamental legal principles which govern the making of byelaws which I will briefly summarise as follows. Byelaws must:

- *be proportionate and necessary.*
- *not have an unnecessary, excessive or disproportionate effect on individuals or*

businesses.

- *comply with the rule that they cannot be made where alternative legislative means already exist.*

With regard to this third principle, I have been advised that the Council already has statutory powers available to deal with noise nuisance which negates the need for new byelaws to be made. The Environmental Protection Act 1990 empowers local authorities to take enforcement action against individuals and businesses if they are satisfied that they are causing a statutory noise nuisance. Such action includes bringing prosecutions in the Magistrates Court which is precisely the manner in which Byelaws can be enforced.

However, the Council needs to exercise care in considering enforcement action, particularly in the circumstances which you have outlined in your question. Residents do have the right to maintain their gardens, especially in the summer months, and for those who work full time or have otherwise busy lives, it is not unreasonable for them to be gardening in the weekday evenings and weekends. The Council would need a very strong legal justification to curtail such activities which would be likely to be viewed by any court as an unreasonable interference with peoples' homes and their right to maintain them. Indeed, the Council may itself face claims that it is itself in breach of the Human Rights Act.

A further difficulty which the Council would encounter is that there is specific legislation [the Control of Pollution Act 1974] in force which allows local authorities to restrict the times when construction activities can take place. Such activities often take place throughout the day on weekdays and even weekends. Garden activities take place over much shorter periods of time and therefore it would be disproportionate to attempt to restrict the times when these activities occur through the means of non-specific legislation.

Permitted manufacturing standards of garden equipment

Finally, I will set out some general information for you in relation to garden equipment which I hope you will find helpful.

Garden equipment and machinery must be manufactured in accordance with a range of product regulations which govern the safety, suitability and noise emissions. There are regulations which require the product to be manufactured in such a way that the noise emissions do not go above the permitted limit. The Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 (as amended) set out the maximum decibel level of garden equipment although it should be noted that these regulations may only be used to take action against the manufacturer for non-compliance and not the individual user.

This legislation requires relevant equipment to carry a 'guaranteed sound power label' which shows that the equipment has been manufactured in accordance with the permitted decibel levels in the legislation.

The extract below from the 'Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001: Great Britain', shows the permitted noise levels for garden equipment:

Type of equipment	Net installed power P in kW Electric power P_{el} ^a in kW	Permissible sound power level in dB/1 pW
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	Mass of appliance <i>m</i> in kg Cutting width <i>L</i> in cm	as from Stage I 3 January 2002	as from Stage II 3 January 2006
Lawnmowers, lawn trimmers / lawn edge trimmers	<i>L</i> £ 50	96	96
	50 < <i>L</i> £ 70	100	98
	70 < <i>L</i> £ 120	100	100
	<i>L</i> > 120	105	105

These regulations are enforced by the Office of Product Standards and Safety and not the Council.

37. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES** (*Agenda Item 6*)

i) URGENT IMPLEMENTATION OF DECISIONS

The recent urgent decisions taken were noted.

(ii) PLANNING COMMITTEES

Councillor Edwards moved, and Councillor Bianco seconded, the recommendation as set out on the Order of Business and it was:

RESOLVED: That the 'Minor Applications Planning Committee' be re-named as the 'Borough Planning Committee' with immediate effect.

iii) CHANGES TO COMMITTEE MEMBERSHIPS

Councillor Edwards moved, and Councillor Bianco seconded, the recommendations as set out on the Order of Business and it was:

RESOLVED: That the following change to committee memberships for 2021/2022, as proposed by the Conservative Group, be approved:

- Borough Planning Committee – Councillor Tuckwell to replace Councillor Morgan.
- Audit Committee – the appointment of Councillor Sullivan as a substitute Member.

(iv) NORTH WEST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (NWL JHOSC) MEMBERSHIP

Councillor Edwards moved, and Councillor Bianco seconded, the recommendations as set out on the Order of Business and it was:

RESOLVED: That:

- a) Council agrees to join the NWL JHOSC;
- b) Councillor Nick Denys be appointed as the London Borough of Hillingdon representative to the NWL JHOSC; and
- c) the Head of Democratic Services, in consultation with the Chief Whip of the relevant party, be given delegated authority to appoint further Members and / or substitute Members to the Committee should they be requested by the JHOSC.

38. **APPOINTMENT OF INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE** (*Agenda Item 7*)

Councillor Edwards moved, and Councillor Bianco seconded, the recommendation as set out on the Order of Business and proposed a vote of thanks to the outgoing Chief Executive, Dr Fran Beasley. Following debate (Councillors Curling and Puddifoot), it was:

RESOLVED: That Mr. Tony Zaman be appointed as Interim Chief Executive and Head of Paid Service of the Council from 1 January 2022 and a vote of thanks be given to Dr Fran Beasley for her outstanding service during her time as Chief Executive.

39. **MEMBERS' QUESTIONS** (*Agenda Item 8*)

8.1 QUESTION SUBMITTED BY COUNCILLOR TUCKWELL TO THE CABINET MEMBER FOR ENVIRONMENT, HOUSING & REGENERATION - COUNCILLOR LAVERY:

“Can the Cabinet Member please provide an update on the progress that has been made by the Council to minimise the disruption to residents from the HS2 utility works?”

Councillor Lavery advised that the Council had raised significant concerns about the disruption caused by the HS2 utility works in 2014, 2015 and 2016 and that it had remained an ongoing concern since Royal Assent of the HS2 Act in 2017. These concerns had been accepted as part of the HS2 Legal Agreement signed by the Secretary of State for Transport, HS2 Ltd and the Council and it had been agreed that HS2 would work with the Council to minimise disruption.

HS2 Ltd had put together a programme of utility works that had been predicated on the need to launch a tunnel boring machine from the West Ruislip Portal by the end of April 2022. These utility reinforcement and replacement works would start at Ickenham High Road in January 2022 and would proceed from west to east with a series of road closures. Some of the road closures (including a lane closure in Ickenham Road and full road closure of West End Road) would run concurrently for several weeks.

The Council had made it clear to HS2 that these planned road closures would be in direct conflict with the Legal Agreement and were unacceptable given the significant disruption and gridlock they would create for residents and businesses. Officers had presented options that would reduce the impact of the work such as the removal of street furniture on Ickenham Road to maintain two lane running under roadwork conditions and to reduce to a single lane closure in West End Road. The Council had also requested that the launch of the tunnel boring machine be delayed to enable more time to programme the works.

The position that HS2 Ltd had put the Council in was very disappointing. Officers, the Leader of the Council and Cabinet Members had been working hard to reach an amicable solution and provide appropriate migration with closures being successive rather than concurrent. Should HS2 Ltd fail to deliver a suitable solution, the Council would need to consider its options. Although HS2 could not be stopped, it should not be delivered at any cost to the residents.

The Council had also required HS2 Ltd to embark on a full communications plan to ensure that residents and business were fully informed of the impacts. Officers had already liaised with the emergency services and RAF Northolt.

There was no supplementary question.

8.2 QUESTION SUBMITTED BY COUNCILLOR MORGAN TO THE CABINET MEMBER FOR ENVIRONMENT, HOUSING & REGENERATION - COUNCILLOR LAVERY

“What steps did the Council take to ensure the provision of a first-class waste and recycling service during the pandemic?”

Councillor Lavery advised that, in March 2020, the Government had issued advice to keyworkers to wash hands and maintain a two metre distance. As this distance had been impossible for waste staff to maintain when working in a dustcart, the crew had sat two metres apart in a minibus which followed the dustcart around. This ability to segregate the crew and allow for two metre distancing had ensured that the staff and all of the Council’s weekly services had been protected and maintained when other boroughs had been forced to stop services due to staff absences at a time when waste volumes had been increasing.

The Waste Business Continuity Plan had been updated to split the waste team into two sections within the depot to ensure continued management provision. A range of actions had been taken which had resulted in the Waste Team having a lower sickness absence level than in 2018 and being recognised at the Local Authority Recycling Advisory Committee Celebration Awards, winning the national 2020 Team of the Year category. On 6 October 2021, the Team won another award for their partnership working with the NHS to recycle used syringes and reduce the risk to staff.

By way of a supplementary question, Councillor Morgan asked how the service would be maintained over the Christmas period.

Councillor Lavery advised that, this Christmas, the Council would be maintaining a full waste service as the crews had agreed to work through the bank holidays. As such, all collection days would remain unchanged.

8.3 QUESTION SUBMITTED BY COUNCILLOR R.MILLS TO THE CABINET MEMBER FOR ENVIRONMENT, HOUSING & REGENERATION - COUNCILLOR LAVERY

“Can the Cabinet Member please update Council on the result of this year's London in Bloom competition?”

Councillor Lavery advised that Hillingdon had won a Gold Award in the ‘Large City’ category this year, beating Ealing and Lambeth. The Gold Award was a significant achievement and represented the Council’s commitment to putting residents first with high quality green and public spaces.

The Borough had also won the following awards: Harmondsworth Village – “London Village” category; Eastcote – “Large London Village” category; The Friends of Eastcote House Gardens– “Our Community” and “Walled Garden” categories and rated as outstanding in the “It’s Your Neighbourhood” category; Eastcote House Gardens – “Park of the Year” category; Lesley Crowcroft, Chair of The Friends of Eastcote House Gardens had been given the “Outstanding Achievement” award; and Long Meadow in Eastcote had won silver gilt in the “Large Conservation” category.

By way of a supplementary question, Councillor R Mills asked how many Green Flags

the Borough had secured this year.

Councillor Lavery advised that, for the ninth year running, Hillingdon had retained its title as the UK's greenest borough after it was once again awarded the most Green Flags nationally. The total number of Green Flags had increased from 60 to 63 with the addition of Colham Green, Sipson Meadow and Dean Park.

8.4 QUESTION SUBMITTED BY COUNCILLOR MAKWANA TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE - COUNCILLOR PALMER:

"I note that the Council has been awarded the Early Permanence Quality Mark. How has this been achieved and what does this mean for Hillingdon?"

Councillor Palmer congratulated Kudakwashe Kurashwa in the Council's Children's Services team on winning the Gold Award for Team Leader of the Year at the annual Social Worker of the Year Awards.

Early permanence was an umbrella term used when talking about certain types of adoption placements for babies or toddlers. It included adopting a child through Fostering for Adoption (FfA) and Concurrent Planning placements. Both schemes enabled a child in care under the age of two to find foster carers who were ready and willing to adopt them later if the courts decided that they could not be cared for permanently by their birth family.

Through the pandemic, social workers had worked tirelessly to maintain service levels. The Fostering Panel had adapted to an online setting and placements had continued.

The Quality Mark was awarded by the Centre for Early Permanence. To achieve this, evidence had been required of excellent practice in relation to children who were likely to be adopted. The aim was to avoid unnecessary changes of carer for children in their early years to support good development and attachment. This had been achieved by matching children with specially trained carers who were both foster carers and adopters. Although a child might be likely to be adopted, the work was carried out in parallel to the work undertaken to reunite children with their families.

Hillingdon's practice had been found to meet all of the quality standards for this award: from the identification of children suitable for early permanence, through to finding and matching carers, to the swift decision making involving the Council's legal team, the Hillingdon adoption team and the court team. The assessors had felt that early permanence had been championed by senior managers and that Hillingdon had an impressive learning culture and approach to be fully child centred.

No other London authority had achieved the full quality mark, with many only 'working towards it'. Hillingdon had given children a strong and stable start and had set the bar for other local authorities to follow.

There was no supplementary question.

40. **MOTIONS** (*Agenda Item 9*)

9.1 MOTION FROM COUNCILLOR DUNCAN

Councillor Duncan moved, and Councillor Sweeting seconded, the following motion:

That this Council believes planning works best when developers and the local community work together to shape local areas and deliver necessary new homes and other developments and, therefore, calls on the Government to protect the right of communities to object to individual planning applications.

Following debate (Councillors Lavery and Tuckwell), the motion was put to the vote and it was:

RESOLVED: That this Council believes planning works best when developers and the local community work together to shape local areas and deliver necessary new homes and other developments and, therefore, calls on the Government to protect the right of communities to object to individual planning applications.

9.2 MOTION FROM COUNCILLOR MATHERS

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

That the 2021 United Nations Climate Change Conference, also known as COP26, held in Glasgow has been a stark reminder to us all that more needs to be done to avoid the climate change crisis which, without strong action, will have dire effects on current and future generations.

This Council agrees that strong action must be taken locally to reduce carbon emissions and that the Council can do more to achieve carbon zero in the borough than that set out in our current climate change action plan.

Therefore, the Council agrees to update the climate change strategy to include a commitment to:

- ensure that all the Council's procured services are carbon zero by 2035;
- support and work with businesses and organisations towards making the entire borough zero carbon by 2050;
- review the Council's investment strategy within the next 12 months to give consideration to climate change impacts in the council's investment portfolio.

This Council also commits to increasing its accountability and transparency on climate change action by:

- proactively including young people in the process, ensuring that they have a voice in shaping the future;
- publicly reporting on the level of investment in the fossil fuel industry that our pensions plans and other investments have;
- holding an annual 'people's assembly' with residents and relevant organisations to discuss and shape revisions to the climate change action plan.

Councillor Lavery moved, and Councillor Edwards seconded, an amendment to the motion to:

- a) amend the first bullet point in the third paragraph by the insertion of the words in italics below to read as follows:
 - 'ensure that, *where practical and cost effective*, all the council's procured services are *net* carbon zero by 2035.';
- b) amend the second bullet point in the third paragraph by the insertion of the word in italics below to read as follows:
 - 'support and work with businesses and organisations towards making the

- entire borough *net* zero carbon by 2050'; and
- c) amend the second bullet point in the fourth paragraph by the replacement of the words '*pensions plans and other investments*', with the words '*investment plans*'. The amended bullet point then to read:
- 'publicly reporting on the level of investment in the fossil fuel industry that our investment plans have.'

Following debate (Councillors Morse and Simmonds), the amended motion was put to the vote.

The amendment was carried.

The substantive motion was put to the vote and it was:

RESOLVED: That the 2021 United Nations Climate Change Conference, also known as COP26, held in Glasgow has been a stark reminder to us all that more needs to be done to avoid the climate change crisis which, without strong action, will have dire effects on current and future generations.

This Council agrees that strong action must be taken locally to reduce carbon emissions and that the Council can do more to achieve carbon zero in the borough than that set out in our current climate change action plan.

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- publicly reporting on the level of investment in the fossil fuel industry that our investment plans have;
- holding an annual 'people's assembly' with residents and relevant organisations to discuss and shape revisions to the climate change action plan.

The meeting, which commenced at 7.30 pm, closed at 8.37 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.