



Residents and Environmental Services Policy Overview Committee Review Scoping Report 2015/16

The Council's approach to the problem of hoarding

BACKGROUND TO THE REVIEW

National Context

Hoarding is a recognised Mental Disorder, which has the potential to impact upon the families and neighbours of sufferers. The Council seeks to help hoarders manage their properties in a clean and safe condition, and where possible clearance and cleaning can be arranged by consent.

However, where consent can only be reluctantly obtained, the Council has a range of powers to deal with the effects of the disorder.

The powers for councils to deal with hoarding relate mostly to the exterior of properties, but not exclusively:

- Part 3 of the Environmental Protection Act 1990 provides powers for local authorities to require the abatement of a range of problems including 'any premises in such a state as to be prejudicial to health or a nuisance' and 'any accumulation or deposit' which meets the same test. The key test here is that the nuisance is experienced by another person or property to such an extent that statutory intervention is necessary. Examples would be smells, flies, pests, putrefaction etc
- Section 215 of the Town and Country Planning Act 1990 provides the power to require the owner or occupier of land which is adversely affecting the amenity of an area to return it to an appropriate condition. Land 'adversely affecting the amenity of an area' is generally held to mean land in full view of the public. Whilst this covers front gardens of properties, it may not cover hoarded goods in rear gardens that cannot be viewed from public areas, and will not cover goods stored within houses or outbuildings hidden from view.

- Anti Social Behaviour Crime and Policing Act 2014 allows a new flexible order known as a Community Protection Order to be served on an occupier, to prevent anything which is causing a significant and continuing harm to the neighbourhood, such as where land is defaced by litter or refuse so as to be detrimental to the locality.

With regards to the interior of properties, the following powers apply:

- Section 83 (aa) of the Public Health Act 1936 can require the cleansing of a premises which are either in such a 'filthy or unwholesome condition as to be prejudicial to health or are verminous'. Unwholesome is defined as "unhealthy" or "hazardous"
- Prevention of Damage by Pests Act 1949 can require the removal of harbourage for rodents and for pest control treatment, where pests have been or could be encouraged by hoarded material
- Housing Act 2004 and the associated Housing Health and Safety Rating Scheme (HHSRS) can require the owner or occupier of premises to remove hazards which are assessed on a sliding scale of seriousness, for example fire hazards or "domestic hygiene pests and refuse". Although the hazards are normally assumed to arise from the physical structure of the premises, Department of Communities and Local Government wrote to the Deputy Assistant Coronor in 2012 (in response to an enquiry about local authority powers to intervene with hoarders following a fatal fire in Derby) confirming that the Housing Act and HHSRS can be used to deal with the contents of properties to the extent that they are a "deficiency". The relevant standard for fire safety is that there should be "an adequate, appropriate and safe means of escape".

Hillingdon's Current Approach

In 2014 Hillingdon set up a "Vulnerable Persons Panel" chaired by the Fire Service and attended by a range of practitioners including LBH Social Care, Residents Services ASB Investigations Team and mental health services. The panel has met about 12 times and about 30 cases have been considered. Clearance work has been taken in some cases, but the gaps identified so far are a suitable budget for clearance where the person has no funds, and access to counselling to prepare the person for and deal with the aftermath of the "loss" of possessions, even if to an objective eye it is no more than rubbish. To the hoarder all the possessions appear to have some value and provide security otherwise missing in their life. Planning Enforcement have only had very limited involvement in dealing with hoarding to date, as neither legislation nor the practicalities of enforcement action support a larger role, especially when combined with the time consuming process of taking a report to Planning Committee.

TERMS OF REFERENCE

The following Terms of Reference are proposed:

1. To understand the prevalence of Hoarding in the Borough, and its impact on residents;
2. To understand, consider, and recommend improvements to, the Council's approach to resolving Hoarding Cases including identifying staff and budgetary resources to do this work;

3. To understand the relationship between Council officers dealing with hoarding and Mental Health Service providers.

INFORMATION & ANALYSIS

It is proposed that the review be broken into two key themes, in order that it is managed efficiently and covers all aspects of the review. The structure is offered as a broad outline in order to ensure that all key aspects of the review are covered. Members are welcome to revise this structure and to add additional themes as they see appropriate.

Setting the context

It is proposed that members will consider the problems created by hoarding, and understand the context in which enforcement action is undertaken. Dealing with Hoarders is acknowledged as being a complex issue and members will wish to understand the challenges faced in doing so before reviewing the existing approach in Hillingdon. Members will also at this stage wish to understand the extent of the problem in Hillingdon.

The Present Approach and its Effectiveness

Once members have a good idea of the problems caused by hoarding, and the difficulty of managing these, it is proposed that Hillingdon Council's current approach to enforcement be considered. Members will need to look at what action is taken by officers, how effective this action is in resolving the issue and preventing it from recurring. Members will at this stage be able to consider where improvements to ways of working could be made, and identify any gaps in service provision.

WITNESS, EVIDENCE & ASSESSMENT

The table below sets out the possible witnesses that could be invited to present evidence to the Committee. Members are reminded that this is not an exhaustive list and that additional witnesses can be requested at any point throughout this review.

Meeting	Action	Purpose / Outcome
RESPOC: 29 July 2015	The scoping report will be presented to the Committee. Members will have the opportunity to agree and/or propose alternative witnesses/topics.	Information and analysis
RESPOC: 1 st Meeting - 23 September 2015	Witness Session 1 Setting the Context LBH Adult Social Care Anti Social Behaviour Investigation Team External expert witness	Evidence and enquiry
RESPOC: 2 nd Meeting - 15 October 2015	Witness Session 2 Reviewing the Present Approach Fire Service Planning Enforcement Mental Health Service Anti Social Behaviour Investigation Team	Evidence and enquiry
RESPOC: 12 November 2015	Agree Final Report and Recommendations	Consider Draft Final Report
Cabinet: TBC	The draft final report will be presented to Cabinet by the Chairman of the Committee.	Cabinet may approve, amend or reject as many of the report's recommendations as it wishes.

ASSESSMENT

As is standard practice for a Policy Overview and Scrutiny Committee review, once a report's recommendations have been agreed by the Cabinet, officers will be asked to begin delivering the necessary changes. The monitoring of officers' work is a fundamentally important aspect of the Committee's work and, as such, regular reports on progress can be requested by Members and a full update report will be added to the future work programme of the Committee.

RESOURCE REQUIREMENTS

This review will be undertaken within current resources. The plan set out above will be co-ordinated and delivered by Democratic Services. The additional resource of staff time required to present, collect and format evidence for witness sessions will also need to be considered.