



# Havering

LONDON BOROUGH

## TOWNS & COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE AGENDA

7.30 pm

Wednesday  
21 December 2011

Town Hall, Main Road,  
Romford

Members 9: Quorum 3

### COUNCILLORS:

**Conservative Group**  
( 5)

**Residents' Group**  
( 2)

**Labour Group**  
( 1)

**Independent  
Residents' Group**  
( 1)

Frederick Osborne  
(Chairman)  
Wendy Brice-  
Thompson  
Osman Dervish  
Garry Pain  
Keith Wells

Linda Hawthorn  
(Vice-Chair)  
Ray Morgon

Paul McGeary

Michael Deon Burton

**For information about the meeting please contact:  
Richard Cursons (01708 432430)  
E-mail: [richard.cursons@havering.gov.uk](mailto:richard.cursons@havering.gov.uk)**

## **What is Overview & Scrutiny?**

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

They have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns of the public.

The committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations.

Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research and site visits. Once the topic group has finished its work it will send a report to the Committee that created it and it will often suggest recommendations to the executive.

## **Terms of Reference**

The areas scrutinised by the Committee are:

- Regulatory Services
- Planning and Building Control
- Town Centre Strategy
- Licensing
- Leisure, arts, culture
- Housing Retained Services
- Community Safety
- Social and economic regeneration
- Parks
- Social inclusion

## AGENDA ITEMS

### 1 **APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### 2 **DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

### 3 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### 4 **MINUTES** (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of 20 October 2011 and to authorise the Chairman to sign them.

### 5 **SHELTERED HOUSING IN HAVERING**

Presentation to the Committee

### 6 **REPORT OF THE LIVING AMBITIONS TOPIC GROUP** (Pages 5 - 16)

The Committee is asked to consider the attached report

### 7 **REPORT OF THE PLANNING ENFORCEMENT TOPIC GROUP** (Pages 17 - 26)

The Committee is asked to consider the attached report

### 8 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Ian Buckmaster**  
**Committee Administration and**  
**Member Support Manager**



# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
TOWNS & COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE  
Town Hall, Main Road, Romford  
20 October 2011 (7.30 - 8.45 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group** Fred Osborne (Chairman), Wendy Brice-Thompson, Osman Dervish, Garry Pain and Keith Wells

**Residents' Group** Linda Hawthorn (Vice-Chair) and Ray Morgon

**Labour Group** Paul McGeary

**Independent Residents  
Group**

Councillor Lesley Kelly was also present

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

**5 MINUTES**

The minutes of the meeting held on 5 July 2011 were agreed as a correct record and signed by the Chairman.

**6 OPTIONS FOR THE FUTURE OF THE HOUSING MANAGEMENT SERVICE**

Committee members received a presentation on the future of Homes in Havering (HiH) from Paul Ryrie, Interim Consultant for Housing and Public Protection.

Members were advised that Cabinet had taken the decision to consult with tenants and leaseholders on the future of HiH.

HiH was an Arms Length Management Organisation (ALMO) set up to manage council homes in 2006. ALMOs were an alternative to transferring homes to housing associations and a way to secure extra funding to improve homes to meet the Decent Homes standard.

During the past five years HiH had achieved many successes including:

- A “two star” inspection result in 2009
- Assisted the Council to secure £62.7million Decent Homes funding
- A thriving resident movement with tenants involved in decisions about housing services
- Improved standards of housing service

Members noted that the Council was now consulting with tenants and leaseholders for two main reasons: firstly the new Government had changed the rules on council housing finance. Money for Decent Homes works could now be provided to councils both with ALMOs and to those without and it was also five years since the Council last asked tenants how they wanted their housing service to be provided.

The Government had set down rules about consultation and tenants had to be consulted on all important matters concerning the management of their housing. Consultation on the future of an ALMO should be thorough, as it was when the Council consulted on setting it up in the first place and tenants’ views had to be sought in a variety of ways.

Cabinet had decided in September 2011 to consult residents about whether to continue with HiH or to bring the housing service back into the Council’s management. The consultation would be led by the Council, not HiH.

The plan was to provide information to residents about what the options would mean by December this year. Between December and February 2012 the Council planned to find out what residents thought by holding events and inviting them to fill in a questionnaire, the findings from which would be reported back to Cabinet for final decision.

The Council would use the HiH newsletter “*At the Heart*” to provide residents with information and intended to use meetings and events which were already planned as much as possible to consult with residents. There would also be independent advice available.

If the residents chose to bring the service back in house many things would **not** change: rents, landlords responsibilities, Decent Homes improvements, tenancies and rights including the Right to Buy.

The Council had to follow the Government’s rules about consulting and was not allowed to make a decision until it knew the residents’ views so the people who would be deciding on the future of HiH were the residents themselves.

Members noted that following the decision one of two things would happen. The Council would either renew the management agreement with HiH, or the Council would begin the process of bringing housing management back into its structures. This would be a long term project, and the Council would consult again about what sort of housing service the residents wished to have.

In reply to a question from members Councillor Lesley Kelly, Lead Cabinet Member for Housing, replied that there was a savings implication if the service was brought back in house but that ultimately it was the resident's decision on which option was chosen.

Members thanked officers for their presentation and **AGREED** to note its contents.

## 7 **SHELTERED HOUSING IN HAVERING**

At officers' request the Committee **AGREED** to defer this item until the next meeting.

## 8 **QUEENS THEATRE**

Committee members received a presentation on the work of the Queens Theatre from Thom Stanbury, Stage Manager of the Queens Theatre.

Members noted that the theatre was owned by the Council and operated as a charity, the Havering Theatre Trust Limited, which was established in 1953.

The theatre's mission was to transform lives by producing and presenting high-quality professional theatre at affordable prices for audiences from Havering and from outer East London and Essex.

The theatre's producing work was complemented by an extensive Education and Outreach programme for all ages, by a diverse guest programme including professional promotions and hires to community groups, and by programming in the foyer space.

Each year the theatre produced and presented seven main in-house productions, a traditional pantomime, a touring Theatre in Education production and a community theatre.

Members noted that the theatre visited both infant and secondary schools performing to over 8,000 children each year. The theatre also had a matinee club for older people that had over 500 members.

During 2010/11 over 60,000 people saw one of the theatre's productions and each production had an average attendance of 75% which was higher than the national average.

During the same period the Trust's income was £3m of which nearly three quarters was made up from box office income, trading income and other income. The remainder was given through grant-aid from the Trust's funding partners: the London Borough of Havering, Arts Council England and by London Councils.

Members thanked Thom for his presentation and **NOTED** the contents.

9 **COMMITTEE'S WORK PROGRAMME 2011/12**

The Committee **NOTED** the details of the proposed work programme for the Committee for the forthcoming year.

10 **NAPIER & NEW PLYMOUTH HOUSES**

Members were advised that officers were currently drawing up costings to either refurbish or possibly demolish Napier and New Plymouth Houses in South Hornchurch.

Members noted that both blocks were in need of major re-investment to bring them up to Decent Homes standard.

It was suggested that members may wish to visit the blocks to see for themselves what works were needed and it was **AGREED** that a site visit for the Committee be arranged where members could meet with officers and discuss the proposals.

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**Chairman**





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MEETING	DATE	ITEM
<b>TOWNS &amp; COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>21 December 2011</b>	<b>6</b>

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## **REPORT OF THE CHIEF EXECUTIVE**

**SUBJECT: REPORT OF THE TOWNS & COMMUNITIES OVERVIEW  
AND SCRUTINY COMMITTEE: LIVING AMBITIONS TOPIC  
GROUP**

### **SUMMARY**

This report contains the findings and recommendations that have emerged after the Topic Group scrutinised the subject selected by the Committee in July 2010.

The environmental, equalities & social inclusion, financial, legal and HR implications and risks are addressed, where appropriate, within the topic group's report.

This report is resubmitted to the Committee in a slightly revised and expanded form following initial feedback from Cabinet members. Should Members agree the recommendations shown below, it is intended to submit the report to Cabinet at its meeting in February 2012.

### **RECOMMENDATION**

That Members:

1. Agree and endorse the report of the Living Ambitions Topic Group (attached).

2. Decide whether to refer the recommendations of the Topic Group to Cabinet.

**REPORT DETAIL**

At its meeting on 6 July 2010, the Towns & Communities Overview and Scrutiny Committee agreed to continue with a topic group to review the Living Ambitions strategy.

Attached therefore is a copy of the Topic Group's report. The report includes details of the scrutiny work undertaken by Members in reaching the recommendations set out.

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Cheryl Coppel  
Chief Executive

**Background Papers - None**



**REPORT OF THE  
TOWNS & COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE  
LIVING AMBITIONS TOPIC GROUP**

**1.0 BACKGROUND**

- 1.1 At its meeting on 6 July 2010, the Towns & Communities Overview and Scrutiny Committee agreed to continue a topic group to scrutinise the Council's Living Ambitions section of the Havering Sustainable Communities Strategy.
- 1.2 The following Members formed the topic group at its outset: Councillors Linda Hawthorn (Chairman) Wendy Brice-Thompson and Garry Pain. Councillor Fred Osborne also joined the group for part of its scrutiny.
- 1.3 The topic group met on three occasions and carried out a total of five site visits.

**2.0 SCOPE OF THE REVIEW (Agreed 28 July 2010)**

- 2.1 To focus on specific activities and programmes available for younger people that are provided by Culture and Leisure services and to establish that these activities and programmes have, where possible, specific learning outcomes.
- 2.2 These activities and programmes would include:
  - Sports Development Team (coaching)
  - Libraries Services (literacy and reading groups)
  - Havering Music School
  - Parks Apprenticeship Scheme

**3.0 FINDINGS**

**3.1 Health and Sports Development Service**

Officers explained that the aim of the Health and Sports Development Service is to provide opportunities for all members of the community to participate in sport and physical activity allowing each individual to achieve their full potential.

The Health and Sports Development Service works in partnership with a wide variety of organisations including NHS ONEL, Sport England, Governing Bodies of Sport, Pro Active East London, Havering Community Sport and Physical Activity Network, local School Sports Collective, voluntary sports clubs and the private sector.

The Health and Sports Development Service provides structured activities for all the community including both universal and targeted activity programmes for adults, children and young people.

The main areas of work are:

- Adult Physical Activity Programmes including seasonal programmes (e.g. 'Spring into Action') targeted physical activity programmes (specific demographics) and the Healthy Walks Scheme
- Physical Activity Referral Scheme (in conjunction with NHS ONEL)
- Sports activities for children and young people including holiday sports programmes, football coaching in schools and the MEND programme
- Co-ordination of teams for Inter-borough events e.g. Balfour Beatty London Youth Games, Panathlon and 5 Your Way
- Events e.g. 'Here Come the Girls' (activity day for women and girls) and 'Havering Active for All' (inclusive sports day)
- Promotion of 'Inclusive and Active 2' (the Mayor's sport and physical activity strategy for disabled people in London)

### **3.2 Libraries Services**

The Topic Group visited Hornchurch Library and spoke to members of the reading group. There were 14 reading group members present.

Reading groups have been in existence for many years but they have recently enjoyed an enthusiastic revival in many public libraries and the media in general. Indeed, many groups in Havering have proved very successful and been oversubscribed. Library based groups aim to provide a fun and relaxing environment where readers can enjoy and share each other's opinions and experiences of books. Refreshments were provided at the Hornchurch Library group and everyone was welcome.

The reading group members were very enthusiastic and explained that they were like-minded people, who were able to socialise, read books

that they might not have done otherwise and then discuss the book at length.

The reading group were very supportive of the services that the library provided and their only concern was of any danger of the group closing down.

Other points raised during the visit included

- Sometimes the group needed large print books and these were not always available in sufficient numbers to allow the visually impaired members of the reading group to each have their own copy of the group's current book (see recommendation 4.1).
- On occasion members needed to keep the books for longer than was permitted by the library.
- There used to be a member of staff in attendance but now the group was co-ordinated by members. While this was in accordance with national initiatives such as "The Big Society" and reading group members appreciated this, they felt that there were still times when further support was needed from the library service itself (see recommendation 4.2).

### **3.3 Music Schools in Havering**

The Topic Group made two visits to music schools in the borough.

#### Havering Music School

The school has over 80 full and part time teaching staff who teach over 3,500 pupils per week in primary and secondary schools across the borough.

All primary schools received Wider Opportunities teaching to allow another 2,500 pupils per week access to music lessons. This is a Government programme to allow all primary school pupils who wish to, the opportunity to learn a musical instrument.

Lessons are provided to pupils of all abilities from beginner to advanced on most orchestral instruments plus voice, drum kit, keyboard and piano. In secondary schools the lesson times rotate to avoid pupils missing the same lessons, as music lessons are usually taught during the day.

Pupils can work towards graded music examinations. Exam results count towards university entrance and are valued by employers. Pupils are also encouraged to play in bands, choirs, orchestras and ensembles at evening and Saturday Music Centres.

Classes at the music school include brass, woodwind and percussion where a former pupil was the teacher. Fees vary between £19 and £37 per term according to what was being taught and the length of time spent at the school.

The Topic Group also met with the friends of the music school who helped out in the café who spoke very passionately about the school and how the children enjoyed attending. Both the teachers and the friends of the school were concerned about any possible withdrawal of funding in the future which could force the school to close (see recommendation 4.3).

### Abbs Cross Music School

This music school buys into the Havering Music School services which provide teachers and the instruments needed.

Members observed a viola lesson that only one pupil attended and were impressed by the standard of teaching and noted the advantages of one-to-one tuition.

The pupils started at the intermediate level and worked through the grades from level one to level six with exams taken at regular intervals. All pupils were however accepted to the school regardless of musical ability. School assemblies and an Art Week were used to encourage natural motivation (see recommendation 4.4).

## 3.4 **Parks**

Visits took place to several parks in the borough including Cottons, Harrow Lodge and Raphael. Although not in the original scope of the review, the topic group did also wish to bring to Cabinet's attention the position with the following areas of Parks operations:

Apprenticeship Scheme for the Parks Service  
Inter-Active playsite at Raphael's Park  
The Standard of Park Signage  
Improvements made that have led to a Green Flag award for Cottons Park

### Cottons Park – Green Flag

Improvements noted by the topic group included:

- Resurfaced paths for wheelchair and pushchair use
- The introduction of a totem poles feature dedicated to the memory of people, including four children, killed in a World War 2 bombing near the park
- Ecology features including beds for butterflies and insects and a special planted area where the grass was allowed to grow naturally to encourage the growth of wild flowers

- A wall that had been prone to graffiti had been planted with prickly shrubs in front of it
- The introduction of a skateboard area and play areas for younger people including an outside gym for all
- Signage in the park was considered good as the wording was angled making it easier to read and the wording included a history of the park. The signage was pleasing to the eye and did not include too many “don’t’s”. Members felt signage of this type could be adopted in other Havering parks (see recommendation 4.5).

### Raphael Park – Interactive Playsite

Improvements noted by the topic group included:

- Equipment to suit all ages of children had been introduced including swings and roundabouts and a dedicated roundabout for disabled children
- The installation of various wooden block shapes and tree trunks for imaginative play
- The site had been fenced off in an appropriate way to ensure children’s safety

The signage in the park was however not as good as Cottons Park as there was no history of the park in the wording. The group felt too many of the notices were of a small size and the signage material was easy to graffiti.

A particular problem noted by Members was that there were no toilets located in the vicinity of the play area. Parents explained that they often had no alternative but to use nearby bushes as toilet areas for their children. The topic group was extremely concerned by this and felt that the lack of toilet facilities in this park was in danger of undermining the considerably improved facilities for children that had recently been installed (see recommendation 4.6).

### Apprenticeship Scheme

The Topic Group met with Parks staff who explained that the apprentices undertook several months hands on work followed by college attendance for two months after which they return to work. Members had the opportunity to speak directly with an apprentice at Harrow Lodge Park who gave extremely positive feedback about their experiences since joining the scheme.

Staff suggested that day release to college would be more effective as the current two month release system was quite intensive (see recommendation 4.7).

#### **4.0 RECOMMENDATIONS**

- 4.1 That the Library Service consider increasing the range and stock of large print books available in the libraries.
- 4.2 That support be provided by the Library Service to assist and facilitate reading group members who wish to take on the running of the groups themselves.
- 4.3 That Cabinet ensures that current funding for the music schools is continued as far as is possible.
- 4.4 That Cabinet endorses the “buy-in” system of music school services as seen at Abbs Cross Music School.
- 4.5 To consider changing the signage in the Borough’s parks to match that of Cottons Park and to include the history of the relevant park in all entrance signs.
- 4.6 To consider funding the introduction of new toilets in the vicinity of the interactive playsite at Raphael Park.
- 4.7 That consideration be given to the provision of day release training for the Parks Apprenticeship Scheme.

#### **ACKNOWLEDGEMENTS**

The topic group would like to thank the following people for their assistance with this review:

Margaret Campbell (Sports Development Team)  
Isobel Liebman (Havering Music School)  
Ann Rennie/Ruth Gedalovitch (Libraries/Reader Development Team)  
Simon Parkinson (Head of Culture and Leisure Services)  
Martin Stanton (Havering Parks)

#### **Head of Service Comments:**

#### **Comments from the Head of Culture and Leisure Services.**

The Head of Culture and Leisure Services welcomes the interest shown by the members of the Topic Group and the recommendations that have been



included in their report, where they relate to Culture and Leisure Services (i.e. recommendations 4.1, 4.2, 4.5, 4.6 and 4.7).

In relation to recommendation 4.1 the Library service will actively consider increasing the range and stock of large print books, with associated costs covered from existing budgets. Assuming that there is a demand from library users and there is no detrimental impact on the purchase of other book stock, the Library service will definitely purchase more large print books. In relation to recommendation 4.2 the Library service will give support to reading group members who wish to take on the running of groups themselves.

In relation to recommendation 4.5 the new signage that has been installed in all of Havering's 8 Green Flag parks (including Cottons Park) is the standard that the Parks service aims to achieve in as many of the borough's parks as possible. For example there are plans to install similar signage at Raphael Park, linked to the major restoration scheme that will be progressed in 2012. The provision of new signage in other parks will be subject to the availability of additional funding for such investments.

In relation to recommendation 4.6 new toilets will be installed in the immediate vicinity of the interactive play site in Raphael Park, linked to the restoration scheme referred to above.

In relation to recommendation 4.7 the arrangements have changed since the Topic Group considered this issue and the proposed new arrangements are already in place. The apprentices already benefit from a day release scheme, where they can obtain NVQ level 2 qualifications at Writtle College.

Simon Parkinson  
Head of Culture and Leisure Services  
22.11.11

### **Comments from the Head of Learning and Achievement**

The Head of Learning and Achievement welcomes the interest shown by the members of the Topic Group in the Havering Music School, which sits as part of the responsibilities of the Learning and Achievement Service area.

The service would like to comment about the statement made in 3.3 in relation to the Havering Music School where there is a potentially misleading statement about a possible withdrawal of funding to the Music Service.

For clarification, as part of the Havering 2014 Transformation Programme, services that currently trade with schools have been asked to move towards a full cost recovery model i.e. a model whereby charges to schools and families more fully cover the costs of the service. The Music Service is one of those services. As a result, the Music Service is consulting on a model that suggests making a number of changes to the staffing, the charges to schools and parents, and payments to staff.

The proposals which have just been launched for a 90 day consultation period have been planned to ensure that there is a Music Service for families and schools in Havering. The proposals should give greater flexibility and opportunity to generate additional income providing long term sustainability to the Music Service so that it can build on the very considerable strengths that it already has and give even more young people the types of opportunities that have been afforded to past and current pupils.

In relation to recommendation 4.3, the proposal set out above would ensure that the income currently received for the services provided for the Music School will cover the costs of the service. It is also helpful to note that the Music School also receives government funding and the government currently is planning for this to continue into the future.

In relation to recommendation 4.4, the service welcomes the endorsement of the Topic Group to the arrangements put in place by the Music School for those schools who wish to purchase its support for their pupils.

Mary Pattinson  
Head of Learning and Achievement  
22.11.11

### **Financial Implications and Risks:**

*Clearly the recommendations made in this report need to be seen in the context of the council's financial planning process, and the current adverse financial situation. Specific comments are as follows:-*

#### Recommendation 1

That the Library Service considers increasing the range of stock of large print books available in the libraries.

*The Head of Service reports that this will be done, subject to monitoring of the impact on existing budgets.*

#### Recommendation 2

That support be provided by the Library Service to assist and facilitate reading group members who wish to take on the running of the groups themselves.

*This can be achieved without additional cost.*

#### Recommendation 3

The Cabinet ensures the current funding for the music schools is continued as far as possible.

*The Head of Service reports that proposals are out to consultation on changes to ensure a sustainable Music School in Havering, but moving to a full cost recovery basis. It is also reported the school receives government funding, which is currently scheduled to continue.*

#### Recommendation 4

That Cabinet endorses the "buy in" system of music school services as seen at Abbs Cross Music School.

*The “buy in” system is proposed to continue, and as per comment in paragraph above, proposals are being consulted on which will lead to this being more sustainable.*

Recommendation 5

To consider changing the signage in the Borough’s parks to match that of Cottons Park and to include the history of the relevant park in all entrance signs.

*The Head of Service reports that this is planned for Raphael Park during 2012. Further signage improvement would be subject to resource availability.*

Recommendation 6

To consider funding the introduction of new toilets in the vicinity of the interactive playsite at Raphael Park.

*This will be implemented during 2012.*

Recommendation 7

That consideration be given to the provision of day release training for the Parks Apprenticeship Scheme.

*These arrangements are already in place, from within existing budgets.*

Conway Mulcahy  
Strategic Finance Partner  
12.12.11

**Legal Implications and Risks:**

None

**Human Resources Implications and Risks:**

None

**Equalities and Social Inclusion Implications and Risks:**

None

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**Background Papers List**

None

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MEETING	DATE	ITEM
<b>TOWNS &amp; COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>21 December 2011</b>	<b>7</b>

## REPORT OF THE CHIEF EXECUTIVE

**SUBJECT: REPORT OF THE TOWNS & COMMUNITIES OVERVIEW  
AND SCRUTINY COMMITTEE: PLANNING ENFORCEMENT  
TOPIC GROUP**

### SUMMARY

This report contains the findings and recommendations that have emerged after the Topic Group scrutinised the subject selected by the Committee in March 2011.

The environmental, equalities & social inclusion, financial, legal and HR implications and risks are addressed within the topic group's report.

### RECOMMENDATION

That Members:

1. Note the report of the Towns & Communities Overview and Scrutiny Committee Topic Group (attached);
2. Decide whether to refer the recommendations of the Topic Group to Cabinet.

## REPORT DETAIL

At its meeting on 9 March 2011, the Towns & Communities Overview and Scrutiny Committee agreed to start a topic group to review Planning Enforcement in Havering.

Attached therefore is a copy of the Topic Group's report. The report includes details of the scrutiny work undertaken by Members in reaching the recommendations set out.

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Cheryl Coppel  
Chief Executive

**Background Papers - None**



## REPORT OF THE TOWNS & COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE PLANNING ENFORCEMENT TOPIC GROUP

### 1.0 BACKGROUND

- 1.1 At its meeting on 9 March 2011, the Towns & Communities Overview and Scrutiny Committee agreed to start a topic group to scrutinise the Council's Planning Enforcement action.
- 1.2 The following Members formed the topic group at its outset: Councillors Wendy Brice-Thompson (Chairman) Linda Hawthorn and Garry Pain.
- 1.3 The topic group met on two occasions and carried out two site visits with officers.

### 2.0 SCOPE OF THE REVIEW (Agreed 31 March 2010)

- 2.1 To gain an understanding of the planning enforcement process and in particular the role of enforcement officers.
- 2.2 To consider the impact of the enforcement process on conservation areas within Havering.
- 2.3 To investigate how the enforcement process functions in other boroughs.

### 3.0 FINDINGS

#### Havering's Planning Enforcement Team

- 3.1 All three members of the topic Group spent half a day shadowing a member of the Planning enforcement team.
- 3.2 Members were advised that the enforcement team investigated alleged breaches of planning control including:

unauthorised changes of use or building development

non-compliance with plans or conditions

unlawful advertisements

unauthorised encampments

- 3.3 The Enforcement Team received about 600 allegations each year, by phone, email and in writing. A proportion of these were considered, after investigation, not to be matters that could be dealt with.

The majority of cases were resolved without the need to take formal action. In some cases however, formal action, including legal action was pursued to secure compliance.

- 3.4 The team were sometimes informed of matters that ultimately may not be in the broader public interest to investigate further. Complaints that appeared to be motivated by competition or neighbour disputes would also not be pursued.

However where formal action was necessary, proportionate and expedient, the team aimed to resolve matters by negotiation as a first option rather than take costly or protracted legal action.

- 3.5 When a complaint was made the team would acknowledge and register the complaint within 5 working days, report the complaint to the next meeting of the monitoring committee and, if a site visit was necessary, undertake this within 10 working days

- 3.6 If a breach was identified, the person responsible would be advised what steps were required to remedy the situation and reminded of their right to make a retrospective planning application. Advice would also be given on how likely an approval was on an application. The person would also be given a reasonable period of time for an application to be submitted

- 3.7 At the conclusion of the investigation the team would notify the suspected offender in writing of the action the team proposed to take and the timescales involved. Notification would also be sent to the complainant about the outcome of the investigation.

- 3.8 The aim was to close 80% of complaints within 3 months.

### **Gidea Park Conservation Area**

- 3.9 The topic group met with the Secretary of the Gidea Park Civic Society who felt that the Conservation Policy was not too strict and that consistency was the key to ensuring planning matters were adhered to.

- 3.10 Solicitors and estate agents were supposed to inform new residents of the policy and what could be done regarding improvements to properties. The Conservation Society could only advise. The Planning Department dealt with planning permission and enforcement.



- 3.11 The Secretary met with planning officers on a monthly basis as it was important to keep on top of enforcement otherwise the streetscene could change dramatically. In her view, responses from the Planning Department were usually very expedient.

Updates were being carried out to the Local Development Framework (LDF) Heritage and Supplementary Planning Documents (SPD) policies as these had been drawn up some time ago and needed updating

- 3.12 The Conservation Society had lettered residents recently advising what was required when applying for planning permission. The Secretary pointed out that it was sometimes difficult to explain the policy to residents of Gidea Park as the area was quite affluent, being a garden suburb, and residents wanted to improve their properties.

- 3.13 The Secretary also felt that statutory periods meant that enforcement was a lengthy process but the planners were dealing with all cases in an expedient manner.

- 3.14 Members noted that householders could normally make minor alterations to their houses without requiring planning permission. This was called "permitted development". However, in some areas, notably in Conservation Areas, the Council had removed these "permitted development rights" by making an Article 4 Direction.

- 3.15 Article 4 Directions were made under part of the planning legislation called the Town and Country Planning (General Permitted Development) Order 1995. The effect of a Direction was that planning permission was required for specified classes of works that were carried out on any elevation facing a highway. These were:

making any alteration to the roof - this included replacing the slates or tiles, putting in a rooflight or altering dormer windows (the insertion of dormer windows required planning permission in any event)

removal, replacement or alteration of windows and doors

painting or rendering external brickwork.

Additionally, planning permission was required to alter or erect any type of Boundary Treatment (e.g. walls, fences, gates, etc) which faced a highway.

- 3.16 A workaround of the Gidea Park area had taken place recently as there was a proposal to extend planning article 4. Trees were also controlled by article 4 legislation but not all properties were controlled by the article but the front gardens of properties were.

## Waltham Forest Planning Enforcement

- 3.17 On the 2 August 2011 Topic Group members met with officers from the London Borough of Waltham Forest's Planning Enforcement Team.
- 3.18 Officers explained that the Borough of Waltham Forest was bordered by Chingford to the north, Enfield/Haringey to the west, Redbridge to the east and Hackney to the south.
- 3.19 Officers explained that the following areas were dealt with
- Change of use commercial properties: where the use of a building/site had changed without planning permission
- Change of use residential properties: instances where the use of a residential property had changed without planning permission.
- Domestic extension: building works that had been carried out without planning permission or where planning conditions had not been kept to
- Flat conversion: properties that had been converted into flats without planning permission
- Home of Multiple Occupation (HMO): properties that were used as a HMO without the appropriate licence or planning permission
- Unauthorised advertising advertisements that were displayed without planning permission
- Untidy Land
- High Hedges/Trees
- Unightly satellite dishes etc.
- 3.20 The officers explained that in the past the Council had not been applying the legislation fully and a large enforcement caseload (4500) had accrued. Following a restructure permanent and agency staff had been recruited and the caseload was now in the region of 400.
- 3.20 Officers' duties were to investigate allegations and enquiries making contact with complainants and offenders and to make progress on an enquiry. Officers would negotiate with offenders offering remedial action and advise on submitting retrospective planning permission applications.
- 3.21 Officers would also liaise with other council departments to ensure consistency of approach and make recommendations as to the expediency of taking enforcement action and also check compliance

with enforcement notices and prosecute for non-compliance which meant appearing as a Council witness in the Magistrate Court.

- 3.22 The team was dealing with about 100 cases per month and officers were set a target of clearing up 25 cases each per month. Officers visited properties and if no one was in the officers would leave a card and return a week later with a notice of entry.
- 3.23 52 warrants had been served in the last month and often visits were carried out in association with other agencies. Two people had been prosecuted last month.
- 3.24 The officers explained that genuine mistakes, when applying for planning permission, were usually few and far between but where genuine mistakes regarding applications had been made the team offered support to the applicants.
- 3.25 There were very strict guidelines regarding conservation areas and these were closely adhered to. In the majority of cases where enforcement action had begun then the applicants began to communicate more freely.
- 3.26 The Waltham Forest officers explained that the Council was very supportive towards enforcement action and a direct action budget was made available. The Council had also made resources available such as re-deployable cameras and there had been support for RIPA action. Where enforcement action had taken place and prosecutions had resulted the people prosecuted had in some instances been “named and shamed” in local Council publications.
- 3.27 Members of the Topic Group asked if officer targets meant that officers rushed their work to achieve their targets. The officers explained that the system in fact worked very well and enabled officers to manage their workloads better.
- 3.28 Members were advised that the officers were making some progress regarding prosecutions and were seeking to reclaim the proceeds of crime in some instances but more direct action needed to be taken.
- 3.29 Members noted that the Councillors in the borough had a good understanding of enforcement action and encouraged officers to be more proactive rather than reactive.
- 3.30 There was expected to be a rise in enforcement action in the coming months as the countdown to the Olympics started. Problem areas had been identified as private properties advertising as hotels and the introduction of brothels.
- 3.31 Members noted that officers had undergone training on presenting in court recently which had seen prosecutions rise in the last six months.

## **4.0 RECOMMENDATIONS**

Following discussions the Topic Group agreed that Havering's Enforcement Team worked in an expedient manner and felt that little change was needed to improve the service offered to residents.

In particular the group felt that the Council's website offered clear practical advice to residents seeking clarification on planning matters.

The Topic Group agreed that the following points could be considered in the future.

- 4.1 Ensure that handouts in clear concise English were made available to residents when visiting the Planning offices.
- 4.2 Greater coverage in Council publications such as the Living magazine of planning enforcement action detailing instances of when enforcement action had taken place but **not** naming and shaming of individuals.
- 4.3 Possibility of including advice to residents regarding planning permission within the first Council tax bill that a resident received when moving into a conservation area.
- 4.4 Possibility of introducing a rider on all enforcement correspondence explaining to residents that enforcement could be a lengthy process

## **ACKNOWLEDGEMENTS**

During the course of its review, the topic group met and held discussions with the following people:

Patrick Keyes – Head of Development and Building Control (LBH)  
Simon Thelwell – Planning Control Manager (LBH)  
Bernie Long – Enforcement Planning Officer (LBH)  
Mrs Joyce Leicester – Chairman of the Gidea Park Civic Society  
Councillor Andrew Curtin (LBH)  
Gareth Jones – Head of Enforcement (LBWF)

### **Financial Implications and Risks:**

None

### **Legal Implications and Risks:**

None

**Human Resources Implications and Risks:**

None

**Equalities and Social Inclusion Implications and Risks:**

None

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**Background Papers List**

None

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