

REF: ES/121

LONDON BOROUGH OF BRENT

EXECUTIVE

DATE: 28 MAY 2003

FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

NAME OF WARD WEMBLEY CENTRAL

PETITION CONCERNING DESTRUCTION OF GREEN AREAS 57-83 EALING ROAD

1.0 SUMMARY

1.1 The Council has received a petition relating to “the destruction of green areas 57-83 Ealing Road”. The petition contains 141 signatures and more than the required 50 have been identified as residents of the Borough. This report responds to the issues raised in the petition and recommends a way forward.

2.0 RECOMMENDATION

2.1 That in response to the petition the Executive agrees:

2.1.1 Not to ask any Member body to investigate the issues referred to which were dealt with through the Corporate Complaints Procedure in August 2000;

2.1.2 To note that the planned work in the area has been completed; and

2.1.3 To instruct officers to review the treatment of the former shrub beds, once the grass in the beds has become established, in consultation with local residents and in line with the usual standards for highway land throughout the Borough, and to implement any agreed further improvement work.

3.0 FINANCIAL IMPLICATIONS

3.1 Costs of the work to date have been met from existing budgets, and further planting, if agreed, can be met from 2003-04 budgets. Total costs are estimated at £20K comprising £10K from revenue and £10K from Section 106 Ealing Road Environmental Improvements.

4.0 STAFFING IMPLICATIONS

4.1 None

5.0 ENVIRONMENTAL IMPLICATIONS

5.1 The original scheme addressed an existing environmental problem and was planned to bring about an improvement. Any further remedial work agreed can be expected to bring further improvement.

6.0 LEGAL IMPLICATIONS

- 6.1 Under Standing Order 68, a petition with more than 50 valid signatures which does not concern a specific decision which is planned to be made, must be referred to the Executive, unless the subject matter of the petition falls within the terms of reference of a Council committee or sub-committee. The latter is not considered to be the position here, so the petition must be referred to the Executive.
- 6.2 The Council has a duty as highway authority to assert and protect the rights of the public to the use and enjoyment of any highway (section 130 of the Highways Act 1980). There is also a duty under the same section to prevent so far as possible the obstruction of any highway.
- 6.3 There is though a specific power to plant trees shrubs and plants and lay out grass verges on publicly maintainable highway and to erect guards or fences to protect these or do anything else which is expedient for their maintenance or protection (section 96 of the Highways Act). However, such trees etc must not be planted or laid out so as to hinder anyone's reasonable use or to be a nuisance or injurious to an owner or occupier of adjoining premises (section 96(6)).

7.0 DETAIL

The petition

- 7.1 The Council has received a petition in the following terms:

"We, the undersigned , who are members of the Electorate Register and well wishers, would ask:

1. *that the Council arranges a meeting of the Council and Scrutiny or any other appropriate Committee to investigate and hear our on-going concerns since 1985 (particularly as documented in letters of 21/09/96, 17/07/98, etc);*
2. *that the Council and Department of Environmental Services do not proceed with any further remedial work in the area of dispute until all matters concerned have been heard, debated and discussed at the earliest meeting of the Council;*
3. *that a constructive and mutually agreed upon decision to re-establish shrubs, trees and bushes be made to replace those that have been uprooted by the Department of Landscape and Parks;*

The Council is responsible for the destruction of our local environment and the costs and inconvenience to tax-payers. This matter demands honesty, prompt action and sympathy of our Council"

- 7.2 The petition contains 141 signatures. More than 50 of these are valid signatures. The petition does not concern a specific decision planned to be made so, in accordance with Standing Order 68 (e) (iii), the petition is being brought to this meeting as the next convenient meeting of the Executive.
- 7.3 Of the petitioners, approximately 25 live in the immediate vicinity of the site in question, a further 25 in the wider Ealing Road area and the balance in other parts of the Borough and beyond.

Background

- 7.4 The petition concerns an area of highway land between a service road for the properties at 57-83 Ealing Road and Ealing Road itself. The service road itself is public highway as is the area of land in question. The land has been maintained as shrub beds for a number of years. Appendix A is a plan of the site.
- 7.5 The condition of the shrub beds had deteriorated over a number of years as a result of lack of maintenance and replanting, damage caused by vehicles and accumulations of rubbish. These in turn had led to concerns about excessive drinking, urination in the beds, possible drug dealing and drug taking. The fact that the shrubs were high and screened the properties behind led to residents' concerns over a high incidence of burglary, crime and fear of crime.
- 7.6 In earlier years up to 1999 some residents had asked that the Council provide no parking signs, road humps and lockable bollards on the service road and to fence off the shrub beds with steel fences leaving openings for residents. The request was refused primarily because closing off parts of the public highway for private use was seen as inappropriate.
- 7.7 The refusal, concerns about the shrub beds, and other matters, became the subject of a complaint which was not upheld by the Chief Executive at Stage 3 of the Complaints Procedure in a reply dated 3 August 2000. Concerns up to that date have been thoroughly investigated at the highest level. The complainant had the opportunity to take these matters to the Ombudsman but did not do so. The Council has, therefore, regarded the matters prior to 3 August 2000 as closed.
- 7.8 The Landscape Team in the Planning Service looked at the concerns about the site and options for improving it during the second half of 2002. A variety of options were considered, together with the costs of undertaking the work and the costs of future maintenance. The conclusion was reached that, taking all these factors into account, clearance of the site and grassing over it was the best solution.
- 7.9 This proposal was the subject of a letter of consultation, with two plans, on 1 November 2002 to all residents of 57-83 Ealing Road and the three Ward Councillors. The consultation letter is Appendix 2. Three responses were received, one supporting the proposal, one opposing it and one which led to a site meeting when issues to do with the road were discussed. Officers concluded that there was little concern about or opposition to the proposal as a solution to the acknowledged problems of the site.
- 7.10 In view of residents' previously expressed concerns, when a revenue under spend in mid March 2003 made it possible to undertake the work it was decided to proceed. Residents were written to on 24 March 2003 informing them that the scheme would be going ahead and setting out in detail what was to be done. No comments were received and the work began on 26 March.
- 7.11 A complaint was made on 13 April 2003 about the work carried out. That complaint received a reply on 17 April 2003 from the Director of the Planning Service at Stage 1 of the Corporate Complaints Procedure which also dealt with issues raised in other correspondence. The complaint was not upheld and the decision was made to complete the re-instatement, allow the grass to become established and then to review the situation again.

- 7.12 A further complaint on 23 April rejecting the conclusion of the Stage 1 complaint is currently being considered, with other correspondence, at Stage 2 of the Complaints Procedure.

Response to the petition

- 7.13 In considering response to the petition it is felt significant that the history of the site and concerns about it have been considered at the highest level through the Corporate Complaints Procedure. Officers would not recommend that a Member body such as full Council or Scrutiny undertake an investigation into matters that have been dealt with in that way, that date back several years, and that could have been put to the Ombudsman at the time, had the complainant so wished.
- 7.14 An officer decision to complete the work that had been the subject of consultation was made to ensure the site was brought to an acceptable standard and to avoid possible loss through aborting the contract work. The work was completed on 16 May 2003 and no further work is planned at present.
- 7.15 Officers consider that a review of the site once the grass is established will allow an acceptable scheme to be agreed through further consultation. Officers recommend that the parameters for such a review should be that the Council's normal standards for treating areas of highway land should guide the development of such a scheme.

8.0 BACKGROUND INFORMATION

Details of Documents:

- 8.1 Planning Service file relating to the scheme.
- 8.2 Any person wishing to inspect the above papers should contact Michael Read, Assistant Director (Policy & Regulation), Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Telephone: 020 8937 5302

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