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2 October 2014

**Name of Cabinet Member:**

Cabinet Member (Policing & Equalities) - Councillor Townshend

**Director Approving Submission of the report:**

Executive Director, People

**Ward(s) affected:**

Earlsdon

**Title:**

**Report in response to a petition concerning a property in Earlsdon Ward**

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**Is this a key decision?**

No

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**Executive Summary:**

This report provides a response to a petition received on 3 July 2014 signed by 71 individuals who live in the Earlsdon Ward. The petition requested the City Council take action in relation to local residents' concerns regarding the poor condition of a property in Earlsdon Ward and the impact it is having on the surrounding neighbourhood.

This report details the measures that Officers are taking to address the residents' concerns

**Recommendations:**

The Cabinet Member is recommended to:

- (1) Endorse the action already taken and planned to address the conditions at this property.
- (2) Request a further report to be submitted to the Cabinet Member in four months detailing progress made at this property.

**List of Appendices included:**

None

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No,

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

**Report title:**

Report in response to a petition concerning a property in Earlsdon Ward

**1. Context (or background)**

- 1.1 A petition consisting of 71 signatures was received on 03 July 2014 from residents who live in Earlsdon. The petition requested the City Council take action in relation to local residents' concerns regarding the poor condition of a specific property in this ward. The specific issues highlighted in the petition were:
- The long term accumulation of excessive amounts of building materials at the property
  - The placement of CCTV cameras overlooking adjacent properties
  - The erection of an unsightly 2m wire fence to the front and rear of the property
- 1.2 In recent years the Council has taken a variety of enforcement actions and whilst these have achieved a degree of success, the condition of the property has once again deteriorated. A more concerted approach to the owner and the property is now underway.

**2. Options considered and recommended proposal**

- 2.1 The conditions at this particular property are well known to the City Council and whilst enforcement action has been taken, lasting improvements have not been achieved. The following measures are now being taken with the aim of finding a permanent solution.
- 2.2 **Accumulation of excessive building material and erection of metal fencing.** The occupier of this specific property has over a number of years acquired a significant quantity of building materials which are now stored on the property. The Planning Enforcement Team have recently sought and obtained permission from Planning Committee to serve a notice under Section 215 of The Town & Country Planning Act. This Notice has compelled the owner to carry out the following measures:
- a. Removal of all sand, gravel, aggregates and spoil and other excavated materials which cannot be reasonably considered as pertaining to the works currently being undertaken on the Land, and reinstate the original prevailing ground levels across the Land.
  - b. Removal of all building materials and equipment which cannot be reasonably considered as pertaining to the works currently being undertaken on the Land.
  - c. Reinstall the window and doorway to the front elevation of the dwelling house using materials similar to those used predominantly on the exterior of the existing dwelling house; and remove from the Land all waste and / or rubbish and or unused building materials resulting from the works required by this Notice.

If the owner refuses to complete the work then the Council can prosecute the individual for 'non-compliance' and / or choose to carry out the 'works in default'. The Council would then seek to recover the money from the owner and place a legal charge on the owner's property to protect the Council's interest.

- 2.3 **CCTV erected by the owner of the property.** With regards to the use of CCTV, in general it is regulated by the Data Protection Act 1998. However, the use of cameras for limited

household purposes is exempt from the Act, even if the camera overlooks the street or other areas near the home. There are other grounds on which the domestic use of CCTV could be challenged, for example if its use amounted to harassment under the Protection from Harassment Act 1997. The relevance of the legislation would depend on the specific circumstances.

- 2.4 A Case Worker from the Council's Community Safety Team has been in contact with the lead petitioner regarding the siting of the CCTV. As a result of that meeting the Community Safety Team and Police will be looking to address potential concerns regarding what images the CCTV cameras are capturing and will advise as appropriate.

**3. Results of consultation undertaken**

None

**4. Timetable for implementing this decision**

The Section 215 Notice was served by Officers on 3<sup>rd</sup> September 2014, and subject to no appeal against the Notice being lodged at the Magistrates' Court beforehand, takes effect on 5<sup>th</sup> November 2014. The Notice requires compliance within four months from the date the Notice takes effect.

**5. Comments from Executive Director, Resources**

In the event of non-compliance of any Notices served, there will be a financial implication with regard to the authorisation of legal proceedings and any works in default carried out by the Council. The potential extent of this is difficult to predict, depending on the outcome, any appeal etc. However, full regard will be made to the Code for Crown Prosecutors, issued by the Director of Public Prosecutions. The cost of any potential prosecution and 'works in default' will be paid from within existing budgets.

**6. Other implications**

None

**6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

- 6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular service contributes to two of the Council's key objectives.

**6.2 How is risk being managed?**

None

**6.3 What is the impact on the organisation?**

None

**6.4 Equalities / EIA**

None

**6.5 Implications for (or impact on) the environment**

See 6.1.1

**6.6 Implications for partner organisations?**

None

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