

PETITIONS & REPRESENTATIONS BOARD
Thursday 27 January 2020
At 6.00 pm

PRESENT: Councillors A. Hussain (Chair), Abid (Vice-Chair), Akbar, D. Chapman, Simmons, Skepelhorn and Taylor

OFFICERS PRESENT:	Rachel Doyle Christine Davy Steve Battlebury Sarah Barker	Facilities Manager (item 5.1 only) Traffic Safety & Regulation Manager Greenspace Manager Team Manager Planning & Environment
	Angela Fraser Nuzhat Uddin	Democracy & Scrutiny Team Leader Trainee DSO

IN ATTENDANCE

Ward Councillors

Councillor Malcolm for agenda (item 6.4)
 Councillor Moles
 Councillor Young (item 6.3)
 Councillor T. Saleem agenda (item 5.1)

Members of the Public

APOLOGIES: Councillors

		ACTION:
1	MINUTES (REF: 2.1)	
	Resolved: That the minutes of the meeting held on 12 August 2019 be agreed as true record and the chair be authorised to sign them.	
2	PETITION – NO PUBLIC TOILET FACILITIES AT LUTON BUS INTERCHANGE (REF: 5.1)	
	The Chair agreed to take the above as an urgent item of business due to the petition received after the agenda was published and despatched.	
	The Chair invited the Lead Petitioner to state the reason for the petition who was absent from the meeting. Councillor T. Saleem W, ard councillor informed the Committee the lead petitioner was an elderly gentleman who had raised concerns on the lack of public	

		ACTION:
	<p>conveniences at the bus interchange. Which was especially apparent for regular users of the bus interchange such as older people and members of the public with small children who found it difficult without such facilities. The lead petitioner was a pensioner and a regular users of the bus interchange and concerned about the lack of accessible public conveniences in that area.</p> <p>The Chair invited the Facilities Manager to respond who informed the committee the bus interchange was developed by the Council's Planning and Transport Department as part of the guided busway opening in 2013, and no public toilet facilities had been included in the scheme.</p> <p>The Travel Centre was built two years later by the Council and opened in 2015, which comprised of a Starbucks café, a rest room for Arriva bus drivers and a public travel information centre. The building is 100% leased to a third party and all services are delivered by the third party.</p> <p>There are two public toilets located within the Travel Centre included in the Starbucks leased area. These toilets are mainly for Starbucks customers, staff whose place of work in the travel centre and Arriva bus drivers. The toilets are not considered public toilets within the lease agreement.</p> <p>She further informed the Committee that Councillor Keens had previously raised concerns about the lack to public toilet facilities at the bus interchange and also former Kelvin Hopkins MP.</p> <p>The petition was signed by eleven people addressed to Councillor T. Saleem and submitted to the council on 10th January 2020 requesting the need for public toilets within the bus interchange area.</p> <p>Discussions held with Starbucks last year resulted in one of the toilets changed from a key code operation to radar key. Which is a standard key used across the country for disabled toilet access and is common for disabled members of public to have their own key or those with certain medical conditions. The radar key is left at the Travel Centre Information desk for use in emergency use. The Council has an unofficial understanding with Starbucks that in an emergency if asked they would allow access to the toilet.</p> <p>Public toilets is to be considered as part of the Bute Street/train station development by the Department of Transport, GRT and Network Rail development which could take five years or more. She recommended the committee support a feasibility study for a new public toilet facility at Luton bus interchange, and to note that no funding was available at the moment but if the feasibility study proved favourable could be considered as part of a future capital programme bid.</p>	

		ACTION:
	<p>Cllr T. Saleem commented that the one toilet in Starbucks was only available through the use of a radar key on request and members of the public were not aware of its use in emergencies or its location.</p> <p>Cllr Taylor commented on the recommendation to support a capital programme bid for public toilets stating that over the years the council had closed such facilities due to being subject to vandalised and anti-social behaviour. He enquired whether some agreement with Starbucks could be made to use their toilets if the council contributed a small amount towards maintenance and up keep.</p> <p>The Officer replied previous discussions with Starbucks regarding access to their toilets for public use resulted in the radar key option available only on request. Starbucks main concern was if the toilets were opened for public use they would be vandalised which had been the case in the past and had to fund the repairs. The bus interchange area is a hotspot area for anti-social behaviour for begging and rough sleepers and Starbucks do not want to encourage further anti-social behaviour in that area. The radar key is available for emergencies only.</p> <p>Cllr Skepelhorn commented that the nearest public toilet facilities was the Mall which was quite a distance for the elderly and those with young children. The train station had toilet facilities, which was only accessible via the platform and enquired whether discussions could be held with network rail for those facilities to be used by bus interchange customers.</p> <p>The Officer agreed to ask the question but was mindful of not upsetting the people working at the station. She informed the Committee there was a disabled toilet on platform 5 at the station which again was only accessible with the use of a radar key.</p> <p>Cllr Abid commented on the closure of public toilets across the town and enquired whether discussions had been held with other businesses in that area for use of their public toilet facilities as an alternative.</p> <p>Cllr Chapman commented on the nearest business to the bus interchange was the Hat Factory, and enquired of the possibility of using their toilet facilities as a short term fix.</p> <p>Resolved: (i) That the a feasibility study for a new public toilet facility at Luton bus interchange be supported.</p> <p>(ii) That the Officer continues discussions with Starbucks to find a short term solution.</p> <p>(iii) That the Facilities Manager inform the petitioners of the outcome.</p>	

		ACTION:
3	PETITION – SUSPENSION OF RESIDENTS PARKING SCHEME IN ERIN CLOSE LUTON (REF: 6.1)	
	<p>The Chair invited the Network and Safety Manager to present the report (Ref 6.1).</p> <p>The Committee was informed that the last meeting Members requested residents of Erin Close be consulted on the option to remain with the current scheme(Monday to Saturday 8am to 6pm) or change the scheme to Monday to Saturday 8am to 8pm. The removal of the scheme was not put forward as an option because residents had expressed concern about the amount of non-residents parking which had been substantiated through observation. Removing the scheme would result in an increase in non-residents parking again.</p> <p>All residents of Erin Close received a letter and questionnaire totalling 46 properties, in September last year and given up to 18 September 2019 to respond by email or by the free post. Only 10 responses were received and the analysis of those responses found as follows:</p> <ul style="list-style-type: none"> • 4 agreed the scheme to remain from Monday to Saturday 8am to 6pm; • 1 agreed for the scheme to change from Monday to Saturday 8am to 8pm; <p>Other comments made:</p> <ul style="list-style-type: none"> • 4 stated there was a problem; • 2 strongly disagreed with charges; • 1 for Monday to Friday 8am to 6pm and; • 5 preferred the scheme be scrapped <p>Ward councillors and the Portfolio Holder reviewed and agreed the results and noted residents did not wish the scheme times to be extended to prevent non-residential parking later in the evening to allow them to return from work and park.</p> <p>Currently there are 35 live resident permits issued in Erin Close. Removal of the scheme would costs £2500 and that figure includes advertising traffic regulation orders and signs removal. No refund would be made to residents with permits already purchased should the committee decide the removal of the scheme. She recommended the Committee support the continuation of the scheme or request the Executive to remove the scheme altogether.</p> <p>The Chair invited the Lead Petitioner Ms K. Smith to present the petition. She said the proposal to extend the parking hours was a distraction and the questionnaire failed to offer the option of removal of the scheme, which was deliberate. Parking problems for residents of Erin Close remained and one vehicle was parked in a dangerous state and had been there since last October, blocking entry into the Close as there is no barrier. The correct positon for the Council is to remove the scheme</p>	

		ACTION:
	<p>altogether which would have been a decision made by the majority of residents had it been an option. The permits recently issued in Erin Close help improve the situation and asked that the Committee make a decision on the beneficial options for resident rather than that which suits the Council.</p> <p>Cllr Taylor enquired about enforcement in the area and asked how many parking tickets were issued and advised the Officer was unsure but confirmed the area was regularly patrolled by enforcement officers.</p> <p>Cllr Taylor commented on the parking scheme was original put in at the request of residents who now wanted it removed and the questionnaire responses were low and did not reflect that position.</p> <p>The Lead petitioner replied the reason for the low response from resident was because they were unsure and confused on how to respond to the questions asked.</p> <p>The Committee instructed the Officer resend the questionnaire to all residents of Erin Close and Erin Court to include the removal of the scheme option and to report the results back to future meeting for a decision to be made.</p> <p>Resolved: (i) That the receipt of the petition be noted.</p> <p>(ii) That the Officer be instructed to resend the questionnaire to all residents of Erin Close and Erin Court to include the removal of the scheme option and to report the results back to a future meeting for a decision to be made.</p> <p>(iii) That the Service Director, Public Realm inform the petitioners of the outcome.</p>	
4	<p>PETITION – TRAVELLERS SETTING UP CAMP ON THE GREEN LITTLEFIELD ROAD (REF: 6.2)</p>	
	<p>The Chair invite Mr Nowosad the Lead petitioner to present the petition. He informed the Committee he wanted the council to do something to prevent travellers entering the green on Littlefield Road. He said the disruption caused by the travellers meant he could not sleep which was the case for many of the residents and wanted the anti-social behaviour by travellers coming onto the green to stop.</p> <p>Ward councillor Moles further added that the situation with travellers occurs every 6 weeks and today noticed travellers on Crawley Green Road. The council previously placed installed wooden stumps to prevent travellers from entering open space areas and enquired whether these were expensive to put in. The Lead petitioner also suggested the council make a small bank around the area to stop travellers from coming onto the green as an alternative option.</p>	

ACTION:

The Chair invited the Officer to respond who informed the Committee a petition signed by 89 residents living in Littlefield Road regarding travellers setting up camp on the open space was received. The open space was currently protected by a low knee rail and metal lockable bollards which allows access for maintenance.

There had been 4 traveller encampments on the open space in the period September 2018 to September 2019 incurring costs totalling £7,993.22 to the council. On each occasion, the council made use of its powers under the Criminal Justice and Public Order Act 1994 to move the illegal encampment on.

The Government was in the process of undertaking consultation on measures to criminalise trespassing when setting up an unauthorised encampment in England and Wales. The consultation closes in March 2020 and mean changes to the Criminal Justice Public Order Act 1994 to allow the Police to deal with illegal encampment more effectively and restrict their return to previously occupied land for longer periods.

To removal of existing wooden knee rail and replace with a stronger metal knee rail similar to those in other areas of the town would cost £11,200 and there was no guarantee it would deter travellers as where they had been placed illegal encampments still occurs.

The suggested option for bunding the whole areas would incur costs for maintenance and up keep.

Cllr Simmons suggested the Officer look at doing both as an interim measure as the outcome of the consultation was unlikely any time soon.

The Officer replied the council's climate change agenda was looking at mass tree planting an action that could be considered.

Cllr Skepelhorn suggested the Officer look at contributions from new homes fund in that area and contact Gary Roberts who would be able to help with funding for the bunding and railing options mentioned earlier.

Resolved: (i) That the report be noted (Ref 6.2) and no action is taken at this time while the outcome from the government preventative measures is awaited.

(ii) That the Officer be instructed to look at alternative short term measures such as bunding and mental railings to deter traveller encampments in the area. The Officer to contact Gary Roberts regarding the use of new homes funding for the short-term measures to go ahead.

(iii) That the Service Director, Public Realm instructed the petitioners of the outcome.

5	<p>PETITION – COUNCIL TO PROVIDE SKATEBOARD PARK IN BRAMINGHAM (REF: 6.3)</p> <p>The Chair invited the Lead petitioner Mr I. Bastiasi to present the petition who was absent from the meeting. Ward Councillor Young presented the petition on his behalf. He said that there were few facilities in the Bramingham ward for young people and lead petitioner was only 14 years old and keen for the area to have a skateboarding park, which was now an Olympic sport. He asked the Committee to accept the recommendations put forward in the report.</p> <p>The Chair invited the Officer to present the report (Ref 6.3). The Greenspace Manager said a petition had been received containing 99 signatories requesting a skateboard park in Bramingham Ward.</p> <p>The Council currently had two dedicated skateboard parks within the borough located at Wigmore Valley Park and Manor Road Park. The skateboard park at Wigmore Valley Park was the largest of the two attracting users from across the town and scheduled to be replaced and upgraded facility in 2020 as part of the New Century Park development. The skateboard park at Manor Road was smaller neighbourhood park facility and externally funded.</p> <p>There was no budget for a new or replacement play equipment or facilities; and no new plans to provide a new skateboard facility with the Bramingham ward at the current time or any customer feedback to date to support a skate park was required.</p> <p>Skateboard park can generate noise and anti-social behaviour and usually situated away from residential properties. The Bramingham area had two open space areas (Great Bramingham Park and Little Bramingham Park) surrounded by residential properties and not regarded suitable.</p> <p>A skateboard facility in that area were as follows:</p> <ul style="list-style-type: none"> • A regional facility similar to the facility planned at Wigmore Valley Park - £350k • A local neighbourhood facility similar to Manor Road Park £75k • A local neighbourhood facility but on a smaller scale to the Wigmore Valley Park £150-£200k <p>The address contained in the petition suggests a more regional facility for the north of the town which are best place in district parks as they had more capacity and opportunity to incorporate this type of facility without impacting on local residents. The two district parks to the north of the borough are Leagrave Park and Lewsey Park, which could accommodate this type of facility.</p> <p>Resolved: (i) That the Green Space Manager be instructed to undertake a feasibility study and wider consultation with the local community/park users as evidence of the need for such a facility be approved.</p>	
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	<p>(ii) That the Green Space Manager be instructed to investigate potential sources of external funding to support a bid to the Council's capital programme for 2021-22.</p> <p>(iii) That the Service Director, Public Realm be instructed to inform the petitioner of the outcome.</p>	
<p>6.</p>	<p>PETITION – REQUEST FOR AN ARTICLE 4 DIRECTION ON HMOS IN THE HIGH TOWN AREA OF LUTON (REF: 6.4)</p>	
	<p>The Chair invited the lead petitioner Mrs M. Allen who requested Mr D. Bundle speak on her behalf. Mr Bundle said he was a member of Friends of High Town who had submitted the petition to introduce an Article 4 Direction to limit the number of HMO properties in the area by 10%.</p> <p>Friends of High town were concerned about the high number of HMOs in the area which affected the local community, its amenities and its well-being, the quality of life of local residents affected by poor standards of accommodation, reduction in environmental quality, increase noise complaints, anti-social behaviour, loss of single family dwelling houses, increase in crime levels and car parking pressures.</p> <p>Friends of High Town work closely with the council, ward councillors and council staff and recognise Luton's housing need requirements. The petition was not regarded as a stance against HMOs but request the committee consider an Article 4 Direction as a possible solution to limit the number of HMOs in the area.</p> <p>The matter of HMOs was discussed at the Overview and Scrutiny Board in August last year where further information was requested on the implementation of an Article 4 Direction to apply to the whole of the town or named parts.</p> <p>PC Charlie Groh, a Police Community Officer in High town further added that 143 HMOs in High town had been set up over a six-month period and a large proportion of those were in Edward Street. Calls to the Police were a regular occurrence to deal with mental health and anti-social behaviour and one property in particular visited 86 times in Edward Street. Residents say it is a seasonal problem with anti-social cannabis smoking preventing residents from open windows during summer period, and the large number of HMOs in that area encourages issues such as anti-social behaviour.</p> <p>A Member enquired whether calls were specifically from houses in multiple occupation or related to a specific property and advised the majority of calls usually related HMO properties.</p> <p>A Member enquired about Police powers under Anti-Social Behaviour legislation, which gave authority to close some properties and asked if it was used. PC Groh replied the Police had the power to apply temporary closure notices and then apply to the Magistrate Court for a 3 or 6-month notice, which was not permanent. The Police could</p>	

also use civil injunction or criminal behaviour orders and look to revoke the HMO licence from landlords which were other measures available.

Ward Councillor Malcolm commented on the HMO situation in High town was at breaking point and it was now time to act. He further added the Committee had received a lot evidence to supplement the report and recognised the landlord licensing scheme would have an impact. He reiterated that he was not arguing for no HMOs in the area but wanted the numbers limited.

He was concerned there was no concrete timescale in report and suggest a trial Article 4 Directive alongside the landlord licensing scheme.

The Policy Manager inform the Committee Planning were working with private sector housing to come up with a solution. The issue had been raised at a meeting of the Overview and Scrutiny Board who requested further information on the implementation of an Article 4 Direction for all or named parts of the town due to be reported back later in the year.

The Council was aware of the presence of building that had been converted into flats lawfully and unlawfully which can be associated with the concerns raised in the petition.

An project group was set up to collate evidence required to allow for a decision on the potential for an Article 4 Direction to be made, and delayed due to lack of resources with relevant departments.

If an article 4 direction is introduced it would apply from the date that it comes into effect, to new applications for a change of use only. An article 4 direction in High town would not necessarily reduce the number of existing HMOs but could lead to a reduction in the growth of HMOs in the future. The council needs to determine the approach to take in determining planning applications and reviewing policy on HMOs through the Luton Local Plan review. Introducing an Article 4 Direction requires a planning application to be made for change of use and there was no guarantee planning consent would be granted.

The points raised in the High Town petition does not provide evidence to demonstrate a link between HMOs and the Article 4 Direction would also not address many of the concerns raised because they are not directly related to or controlled by the planning system.

A Member enquired when the report to OSB would be ready and advised Officer that would be subject to discussions with the Democracy Team for an appropriate date.

A Member enquired whether the selective licensing scheme would help with rouge landlords and advised it would and was a good data source coming from licensing team and support that route.

<p>Resolved: (i) That a review of the council's policy with regard to HMOS be noted is currently underway.</p> <p>(ii) That the Board note a project group has been set up to collect data and report back to the Overview and Scrutiny Board a date yet to be identified and shortly after that meeting a report to the Executive.</p> <p>(iii) that the Service Director, Planning and Economic Growth inform the petitioners of the outcome.</p>	
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(Note: The meeting ended at 7.50pm)