

SCRUTINY PANEL: MAINTAINING BALANCED NEIGHBOURHOODS THROUGH PLANNING INQUIRY – FINAL REPORT

RESPONSE TO RECOMMENDATIONS

	Recommendation	Response
	<i>Houses in Multiple Occupation SPD</i>	
i	<p>That the Administration reconsider the HMO SPD thresholds once accurate and soundly based information on housing need and HMO numbers in Southampton, and the tipping point at which communities become unbalanced has been gathered. The Panel recommend that this happens as soon as possible, but no later than September 2015. The Panel believe that working with the universities in Southampton, perhaps through commissioning a specific investigation, e.g. as a student dissertation topic, could be a way forward here. Information gathered could be used in conjunction with the emerging details on location and HMO numbers emanating from the implementation of the Additional HMO licensing scheme in 4 Wards of the city. The Panel ask that a) early consideration be given to Freemantle when determining appropriate thresholds, and b) that a consultative task force is established consisting of council officers, universities, representatives of resident's associations and landlords to monitor progress and to advise on the exercise to accumulate evidence on the supply of, and demand for HMOs.</p>	<p>Accepted.</p> <p>An indicative programme for undertaking this work is as follows:</p> <p>November 2014 – May 2015: Empirical research and data collection, followed by formulation of draft revised HMO SPD. This will include discussions with the two universities.</p> <p>Any proposals for changes to current thresholds will seek to take account of the particular characteristics, demographics and needs of each Ward in the City.</p> <p>June 2015: formal consultation on the draft revised HMO SPD with all stakeholders, including universities, residents groups, amenity groups, Councillors and the public</p> <p>July/August 2015: Any revisions will be undertaken that are appropriate in response to the consultation exercise</p> <p>September 2015: Consideration of the revised HMO SPD by Cabinet</p>

ii	That the Executive give consideration to how the HMO SPD can be amended to reflect the population density of HMO occupants rather than just property density. The Executive may, for example, consider utilising information derived from planning applications since March 2012, from the Additional Licensing Scheme, the location of halls of residence and whether an HMO is C4 or Sui Generis.	This is accepted as one set of considerations to be taken into account in deriving a more rational methodology.
iii	That the Executive amend the HMO SPD to include no new HMOs which would 'sandwich' family homes.	This is accepted as one set of considerations to be taken into account in deriving a more rational methodology.
iv	That greater emphasis be placed on amenity and neighbourhood character when considering HMO applications.	These are already factors in the consideration of applications.
v	That the Council roll out the Additional HMO licensing scheme to areas within wards that have issues with HMOs as soon as legally and feasibly possible, and deals robustly with irresponsible landlords as the scheme moves into the enforcement phase, including prosecuting where appropriate.	Accepted in principle, subject to resource availability
vi	To address issues of the proliferation of To-Let signs the Panel supports the motion approved at the 19 March meeting of Council urging the Executive to make full use of all of the powers available to curb the excessive display of such signs, including consideration of the adoption of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) Regulations, and a rigorous Lettings Board Code as adopted by Leeds City Council and others. The Council could, for example, consider the following easy and inexpensive proposals: a total ban in Conservation Areas, a ban on 'Let By / Sold By' boards, and a moratorium on 'Student Let' boards between (say) August and February.	Accepted in principle – will undertake further research on measures implemented by other LPAs, including Nottingham and Leeds City Councils. The planning enforcement and HMO Licencing teams have been working closely together to progress this, alongside over 50 Lettings Agents and other stakeholders. In 2014/15 to date 260 letting boards have been removed . An additional HMO officer has been recruited in recent weeks, which will help maintain momentum.

vii	<p>Development of new student accommodation benefits the wider market, as it frees up homes that are suitable for families and couples. It is therefore recommended that the Executive:</p> <ul style="list-style-type: none"> a) Engage with the two universities in Southampton and encourages the development of additional appropriate purpose built student accommodation; b) Review the Council's existing policy with a view to adopting the approach whereby the City Council insist that any student numbers are matched by a proportionate increase in purpose-built student accommodation, and by setting a target for the overall number of students living outside of university provided accommodation at each institution. 	<p>Accepted.</p> <ul style="list-style-type: none"> a) It is understood that these objectives are written into both university's plans. However, it is not possible for the City Council to insist on the development of further purpose built student accommodation. However, we can work with the universities to encourage this and to assist with the delivery on appropriate sites and locations b) This will be considered as part of the wider HMO SPD Review, in accordance with the programme and timetable set out in i) above
viii	<p>That the Council seek agreement with letting agencies and the Universities not to offer unlicensed/unapproved student accommodation to let.</p>	<p>Accepted.</p> <p>Early discussions will be held between the City Council and the universities to establish the most appropriate actions for delivering this. Further discussions are then likely to be required with key letting agencies within the City</p>
ix	<p>That the Executive consult with landlords to identify ways of increasing the attractiveness of areas within Southampton in which HMOs are currently significantly underrepresented e.g. by improving transport links.</p>	<p>Rejected – this is a function of the market.</p>
x	<p>If it is legal it is recommended that the Council develops a closer alignment between Planning and HMO Licensing ensuring that an application for an HMO License is only determined after planning permission has been ascertained. If this is currently illegal then the Council should write to the Government recommending a change in the law.</p>	<p>As soon as a planning permission is granted, information is passed to HMO Licensing. This is, therefore, current practice.</p>

	Planning Enforcement	
i	That the planning enforcement action plan is fully implemented, including clear guidance and standards on planning enforcement and the audit plan is completed.	Accepted. A revised and comprehensive Enforcement Policy, resulting from the audit, will be considered by Cabinet on 21 October 2014
ii	That, to act as a deterrent, successful enforcement action is publicised (may be included in Street CRED outcome publicity or through Stay Connected).	Accepted, but on a case-by-case basis.
iii	The Council makes direct representations to the Secretary of State at the DCLG and the Planning Minister requesting: <ul style="list-style-type: none"> a) The introduction of stop notices to stop unauthorised residential uses; b) Shifting enforceability to proof of intent instead of actual occupation; c) Stopping the ability to appeal about a planning decision and a subsequent enforcement notice; d) An additional fee for those who have applied for retrospective planning permission; e) Permission to confiscate rent for unauthorised HMO occupancy; f) Power to charge fees for HMO applications and appeals. 	Accepted.
iv	The Council strengthens checks on established use, with published guidelines.	Rejected, on grounds of cost.
v	The Council makes fuller use of the Proceeds of Crime Act where possible and Section 215 (untidy sites) notices.	Accepted in principle. This will be undertaken where it is expedient and effective so to do so and where resources permit.

	<i>Permitted Development Rights</i>	
i	To raise awareness, the Planning Service provides information to all Councillors about the Permitted Development Rights.	Accepted. An all-Member briefing will be held in late October/Early November 2014
ii	That the Council monitors the impact of PDRs with a view to taking appropriate action if it is considered that they are having a detrimental impact of the city.	The impact will be taken note of on the basis of the Council's normal planning activities.
iii	That the Council makes direct representation to the Secretary of State at the DCLG and the Planning Minister requesting that the Government reconsiders their position regarding including HMOs within the PDRs for residential properties.	Accepted.
	<i>Educate, Engage and Enforce</i>	
i	The Council supports Neighbourhood Plans across Southampton.	Reject – this is a matter for localities.
ii	With Councillors taking the lead, the Council pilots working on a street-by-street basis, with local residents, residents associations and landlords to address the problems associated with HMOs in certain communities.	Accepted – as part of the on-going Street CRED programme.
iii	The Executive review the resources allocated to deliver the Planning Service, particularly for enforcement, to ensure that it is sufficient to deliver the service required by the City of Southampton.	This is done on an annual basis, through the budget setting process. The issue of local fee setting will be raised in the letter to the Secretary of State.

V3

29.09.2014