

HMO SCRUTINY REPORT - SCC CABINET RESPONSE

The Council's Cabinet has endorsed, albeit with some qualifications, the great majority of the recommendations of the recent Scrutiny Report on Maintaining Balanced Neighbourhoods Through Planning, to which HRA made substantial representations.

HMO SPD

The Cabinet accepts the recommendation to retain the current 10% and 20% **thresholds** for the time being, pending more detailed investigation of the current situation and tipping points. (At Cabinet the Leader said he expected that a 10% city-wide norm was the most likely outcome.) Research and data collection will be taken place undertaken between November 2014 and May 2015, followed by consultation with RAs etc. on a draft **revised SPD**, to be considered by Cabinet in September 2015.

Population, as well as property, density will be taken into account as one consideration in the review, as will preventing '**sandwiching**'. (The Chair of the Scrutiny Management Committee expressed the view that more use could be made of conditions to limit the numbers permitted under new HMO applications.)

Early and robust roll-out of **Additional Licensing** to areas with HMO issues is accepted in principle, subject to the availability of resources.

Recommendations on '**To-Let**' signs are accepted in principle, with the emphasis on voluntary agreements. Agreement with letting agencies and the universities not to offer **unlicensed/unapproved accommodation** will be sought.

There will be liaison with the universities on bringing forward additional **purpose-built student units**, though the Council cannot force this. 'Oxford' style linkage of university planning applications to accommodation and setting a cap on student numbers 'in the community' will be considered in the context of the SPD review.

Enforcement

The outstanding matters in the Planning Enforcement Action Plan will be implemented and a 'revised and comprehensive' **Enforcement Policy** has been adopted (see below).

Direct representations will be made to Government on **stop notices; enforceability on proof of intent; multiple appeals, additional fees for retrospective applications, HMO applications and appeals; confiscation of rent** for unauthorised occupancy.

Successful enforcement action will be publicised on a case-by-case basis. Fuller use of the **Proceeds of Crime Act** and **Untidy Site Notices** is accepted 'where expedient...and where resources permit'.

Permitted Development

All councillors will be given a briefing on Permitted Development Rights.

Council will make representations to the Secretary of State in favour of withdrawing **Permitted Development Rights** from HMOs.

Educate, Engage and Enforce

Councillor-led **street improvement pilots** to address problems associated with HMOs are accepted as part of the Street Crime Reduction and Environment Drive programme.

Reservations

The recommendation that greater emphasis be placed on **amenity and neighbourhood character** (as evidenced in a number of recent adjudications by the Planning Inspectorate) is sidelined as 'already factors in the consideration of applications'. (However the Leader stated a strong emphasis should be placed on PINS decisions.)

Consultation with landlords on ways to increase the attractiveness of **areas in which HMOs are currently under-represented** is rejected as 'a function of the market'.

The proposal that **HMO licenses** are only determined after planning permission has been granted is side-stepped on the reverse grounds that it is 'current practice' that information on planning approvals is passed to Licensing.

Fuller checks, with published guidelines, on **established use** are rejected 'on grounds of cost'.

Monitoring of **Permitted Development Rights** with a view to further action if shown to be detrimental is reduced to taking note of the impact 'on the basis of the Council's normal planning activity'. (OSMC recommended reconsideration of the use of an Article Four Direction, but the Leader expressed reluctance to act locally as the consultation period could lead to a rush.)

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A review of **resources** for delivering Planning services is, inauspiciously, relegated to the annual budget setting (though local fee setting will be raised with the Secretary of State).

The new **Planning Enforcement guidance document** seems generally sound and constructive, though it arguably sends a worrying message to the less scrupulous in its heavy emphasis on the discretionary nature of enforcement action. Cabinet agreed to AV’s urging that at least the bold be removed from section 4.2. (The Chair of OSMC advocated more vigorous use of Untidy Site Notices and enforcement of parking standards.)

HRA may wish to take up some (or all) of these issues during the revised SPD consultation.

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