



MINUTES OF MEETING HELD ON 10TH SEPTEMBER 2012

Present: Sue Hartley (Acting Chair), Jill Baston, Roger Brown, Caroline Knight, Bryan Wakely, Steve Connolly, Nadine Johnson, Peggy Augier, Jerry Gillen, Headley Rossell, Keith Reed, Alison Farmer, Simon Hill.

Attending: John Dyke, Jacky Barnes, Cllr Asa Thorpe, Chris Lyons, Dr R. Buckle, PCSO Helen Kemble, Peter Etheridge, Sue Swallow, Karen Peterman and Graham Bartlett (Ridgemount), Cllr Adrian Vinson, Mary Davenall (East Bassett), Lyn Hand and Dave Johnston (Pointout Close).

Apologies: Roret Blue, Nicolla Martin, Jean Wawman, Julia Brooking.

1. **Welcome:**

Sue Hartley welcomed all present. She thanked Cllr Asa Thorpe, Cabinet Member for Environment and Transport, and Chris Lyons, Planning and Development Manager, for attending to discuss planning issues with HRA. She asked that there should be no interruptions, and that questions and comments should go through the Chair.

2. **Planning, HMOs, and Enforcement matters:**

Cllr Asa Thorpe explained his portfolio responsibilities. Chris Lyons stated that a breach of planning control had to be established before action can be taken by planning officers. He would not discuss specific properties.

COMMENT: We need an agreement on how to work together on HMOs and enforcement. It was noted that officers and panel sometimes disagree. Control of HMOs is necessary in accordance with the 10% agreed threshold but it seemed that officers sometimes seek ways round it. Other reasons for refusal than the 40m standard should be taken into account.

CLLR ASA THORPE gave a commitment to work together with HRA. He acknowledged the high reputation of HRA and saw a role for us as a critical friend to SCC. He could not agree with the comments on officers and thought that work was needed to close a gap in understanding. The number of HMOs is unlikely to decrease, as new government policies may mean that in future under 35s may seek HMOs. He admitted the discrepancies between officers and panel, but felt that a strong panel was a good thing. The new policy brought some learning points.

COMMENT: There is concern about Article 4 in view of possible relaxation of planning controls on extensions.

CLLR ASA THORPE: The current administration intends to license all private landlords. Fifteen officers will take on inspection, enforcement and prosecution on HMOs, but it will take a long time to show results.

CHRIS LYONS: There is money for an additional enforcement officer within Planning. This is a temporary appointment until March, but he/she will prioritise planning enforcement. Chris works closely with the Housing team. The government's new proposal on extensions is unclear on several points e.g. height, and other guidelines would still apply e.g. they can only cover 50% of a garden.

CLLR ASA THORPE: The money for the private landlord officers will be ring-fenced. Landlords will pay, not taxpayers. The scheme is now out for consultation; he encouraged Residents' Associations to respond.

COMMENT: If a proposal came in just outside the 40m standard in our area, then it might go through. Planners should respect the spirit of the SPD, and note the context of a high proportion of HMOs in our area.

CHRIS LYONS: Landlords had wanted certainty about possible planning permission. After discussion, the standard of 40m had been agreed. Applications would have to be 40m and over the threshold to be refused. A line had to be drawn somewhere. The planning panel have regular briefings in which this issue will be included.

QUESTION: Will licensing officers be able to take action over planning issues?

CHRIS LYONS: Planning and licensing are covered by separate legislation, so officers do not look at the same things. Discussions are taking place to find efficient ways of working.

COMMENT: The true number of HMOs is disputed. The Fire Brigade says there are 12,000 in the city, not 7,000. It was felt that the 'learning curve' applies to officers as well as the planning panel.

QUESTION: Where is the 40m measurement taken from?

CHRIS LYONS: From the front door.

QUESTION: What is the issue on planning enforcement – resources, management, lack of will, and what sort of targets will enforcement officers be set?

CLLR ASA THORPE: The 'learning curve' comment referred to him, not the panel. SCC is looking for multi-skilled staff. Only one officer should attend to gather information on issues, not more. The idea is for officers to apply policy robustly, not slavishly. We need to be fair to the applicant as well as to residents. There is no 'lack of will', but Planning is under-resourced, hence the backlog.

COMMENT: Annex 1 of the SPD is very specific on room sizes, yet officers appeared reluctant to go out and measure.

CHRIS LYONS: Again, a resources issue. SCC have just interviewed for another enforcement officer. We can expect an improvement.

QUESTION: What is the length of the consultation period on the private landlords proposal?

CLLR ASA THORPE: Twelve weeks. It is hoped that the scheme would be up and running by next April.

QUESTION: Some applications clearly go against planning policy. Why are they considered?

CLLR ASA THORPE: If they are against policy, then this should be picked up early.

COMMENT: There is a lack of communication and joined up thinking between different sections of SCC. An HMO in breach of policy had been regularly reported over a three year period, but renewed queries would be answered by someone with no record of previous calls.

CLLR ASA THORPE: Agreed that communication within SCC is not as good as it could be. This issue is currently under review. As previously advised, he had to leave the meeting at this point, but thanked HRA for the invitation and thanked the Chair. He added that the door was always open for honest conversation.

SUE HARTLEY thanked Cllr Asa Thorpe for coming. Chris Lyons had indicated his willingness to stay for further discussion. This was agreed by the meeting, with a time limit of 15 minutes.

CHRIS LYONS, returning to the question about planning policy, asked for details to be emailed to him. He pointed out that the council has a legal duty to consider applications, and that the applicant has a right of appeal.

QUESTION: Does SCC have a target figure for HMOs?

CHRIS LYONS: There is no target but the numbers will increase because of the changes to benefits. The council can only react to changes.

COMMENT: It was noted that the panel and officers receive training on planning rules. If the SPD is to be interpreted differently, then it should be changed.

CHRIS LYONS: Confirmed that the quarterly meeting between planning panel members, officers and legal would clarify the difference of opinions over interpretation of the SPD. He went on to clarify that he thought the guidance was black and white and that this gave everyone certainty. In his view the only way to include the additional considerations that were put forward is to change the SPD.

QUESTION: What about garden grabbing?

CHRIS LYONS: The national policy framework requires an area of 90sq.m.for gardens. Garden grabbing is no longer an issue.

COMMENT: Good organisation will lead to a reduction in work at a time of scant resources.

CHRIS LYONS: We are up against legislation in controlling HMOs. A legal process is involved. A High Court injunction had not proved effective.

COMMENT: Legislation states that Conservation Areas will be protected, and that all areas should be protected and enhanced in character.

CHRIS LYONS: Character is always an issue, but interpretations may vary. Development across the city is inevitable.

QUESTION: If an extension goes up without needing permission in future, who will measure the garden?

COMMENT: If it's not known where the HMOs are, then how could the measurement be carried out?

CHRIS LYONS: The garden would have to be measured if there was a complaint. The SPD states we don't know the number. We cannot use council tax records. The Electoral Register is only a snapshot at a given time. Even if four different names appear on the Register, they may in fact be related. Planning officers are not paid for this kind of enquiry.

Chris requested that planning be informed before a hearing if there is an HMO close to an application site.

SUE HARTLEY noted that Planning needs vigilant communities. She thanked Chris for his time and patience, and everyone present for their restraint.

Jerry Gillen proposed that members write in with any unanswered questions. It was agreed that the questions should be sent to Jill to be co-ordinated.

3. Co-option of Roger Brown as Chairman:

Agreed unanimously.

4. Minutes of last meeting (taken as read and circulated):

Roger said that his main motivation is to safeguard the interests of the Oakmount Triangle. If any conflict of interest arises, he will stand aside from the Chair. On the assumption that the current division of leadership roles will continue, he will act as Chair for the meetings.

5. Matters arising (except listed elsewhere):

None.

6. Sub-committee reports:

a. Finance

Headley reported that finances are healthy.

b. Planning

- Keith reported an application for a new 2 storey 'hall of residence' with 65 bedrooms above Portswood shops on the east side. He feels we should respond, particularly as the accommodation could be let to non-students in future. Keith will circulate the plans in more detail. Views can be sent to Keith and Jerry initially, then Jerry, Keith and Roger will discuss an appropriate HRA response, if one can be agreed. Possible pressure on parking was noted.
- Adrian distributed his planning guidelines, in use for some years. Proposed amendments were discussed. The committee will look at these in more detail **at the next meeting**. Adrian will email the amended guidelines to Jill, who will distribute them to the committee.
- Roger and Jerry will discuss our response to the consultation on private landlords.
- We will be guided by NORA in our response to the 'permission-free extensions' proposal once the consultation begins.

7. **Website:** Nothing to report.

8. **Newsletter:**

- Distribution will begin at the end of October. Caroline requested the details of the Children's Party to be sent to her by the end of September.
- Roger suggested an item on Communications **for the next agenda**.
- OTRA had asked if they could pay for a page in the newsletter. **For the next agenda**.
- Jerry suggested that any appeal in Waitrose could best go under the banner of 'Local children's Christmas Party'. It is uncertain whether our request for an appeal will be granted this time.

9. **AOB:**

- Jerry attended a Bassett RA meeting on neighbourhood plans. They are well ahead. The HRA area may not need one.
- Jerry will represent HRA at the opening of Sarah Clover's new chambers in Birmingham.
- Sue distributed PCSO Kemble's crime report, as Helen had to leave before she could present it. The leaflet gives information about a new online crime-mapping service currently being trialled.

- Caroline announced that she has moved to Swanmore. She will continue with the newsletter for the moment, but will appeal in the next newsletter for a volunteer to carry on the work.
- Caroline reminded the meeting that we need to think about a new Vice-Chair.
- Sue and Caroline were thanked for their contribution to HRA.
- Simon suggested that we need to take stock of the planners' responses to HRA.
- Roger will write a letter to the planners to continue contact. He asked the committee to reflect and let him know of any points to include in his letter.
- Peggy reported no progress on the state of the bins at the south-east end of Highfield Lane. SCC told her that the bins belong to the flats not the shop. They will send out an officer to talk to the residents of the flats. Peggy will persevere with this issue.
- The Highfield pub is open again. The landlord has requested a copy of the newsletter, and reported that business is good.

The meeting ended at 9pm.