



**Minutes of 33rd AGM
held on
16th April 2009**

Present:-

J. Gillen (Chairman), S Hartley (Vice-Chairman), C Knight (Secretary)
H. Rossell (Treasurer), S. Connolly (Website), N. Martin (Membership
Secretary), J. Brown, P. Augier, B. Wakely C. Powell and Allison
Shelly(Committee members).

JG welcomed the Guest Speakers, Dr Alan Shrank, NORA, Dr Alan
Whitehead, MP, Cllr Matthew Dean and PC Andy Alderson, other invited
guests and approximately 110 HRA members. 19 apologies for absence were
received including Sarah Clover who was indisposed and Dr Richard Tyler of
National HMO Lobby.

Minutes of 32nd AGM and matters arising

Matters Arising:

The contingency fund has been instigated. The Residents' Parking Scheme is
to be implemented. Work on the Little Common has commenced. Jerry
expressed thanks to Simon Hill and the rest of Common Sense. The Summer
Event which was a collaboration with Portswood Resident's Gardens was a
great success and it is hoped that we can join forces in the future. HRA is
considering holding a Hog Roast on Saturday 19th September. A Housing
Stock survey is to form part of the Local Development Framework.
George Martin proposed and Sue Hartley seconded the acceptance of the
minutes.

The Committee

5 members are standing for another term: Caroline Knight, Nicolla Martin,
Josie Brown, Bryan Wakely and Julia Brooking. Adrian Vinson and Allison
Shelly have joined the committee during the year: Oliver Dicker will continue
to be Examiner for our accounts. Dick Buckle proposed and Catherine Powell
seconded. All were elected unanimously.

Gillian Gain has resigned from the committee and Jerry thanked her for all her
efforts as Editor of the Newsletter.

Treasurer's Report

HR presented the statement of accounts for the year ending December 31st
2009. Net assets stood at £9303 with £2303 in unrestricted funds and £5000
in reserve for the contingency fund with £1675 unrestricted. Olliver Dicker
examined the accounts and will again for the coming year. Allison Shelly
proposed and Bryan Wakely seconded the acceptance of the accounts. We
have received Grass Roots Funding for the Newsletter so we will be able to
publish 3 editions this year.

Chairman's Report

I had not intended to give a formal report this year as I believe most of the past year's activities were amply covered in our recent Newsletter – however, it was intended to give a report on Planning and Licensing matters and this was to be presented by AV, who joined our committee during the year as Member responsible for both those matters. I wish to record my appreciation for his assistance in this regard, which I am sure is greatly assisted by his previous experience on our council over a number of years. The following was largely prepared by Adrian who is unable to be here tonight personally.

Adrian prepares a written report detailing all planning applications within the HRA area, together with comparative applications in the surrounding areas and their outcomes, Appeal proceedings and Licensing applications are also presented each month to the Committee which is also reported on the HRA website.

Whether an objection should be lodged is influenced by the nature of the development, its location (e.g. in a Conservation Area), and representations from Members. Our approach is deliberately selective. Where appropriate we meet with Council officers to discuss applications, submit written objections, and attended meetings of the Planning and Rights of Way Panel or Appeal Inquiries to represent the interests of HRA and our community.

During the year we have had a number of significant successes in defending 'character' areas and resisting inappropriate or excessive developments, including what has become generically known as "Garden grabbing". Some examples have been in' Blenheim Gardens, Brookvale Road, Crofton Close, Furzedown Road. Also Appeals are pending in some cases such as Brookvale Road, Furzedown Rd and possibly Crofton Close again. These have been deemed as involving significant issues of principle. We have benefited greatly from the excellent *and* generous professional advice of Sarah Clover of No. 5 Chambers for which I formally record this Association's gratitude. This has only become possible through the creation of our Contingency Fund and it was particularly gratifying that the position of HRA with regard to 5 Crofton Close was supported by two separate Planning Inspector's determinations, and that these firmly established the dangers and relevance of **precedent** as a legitimate planning concern. Previously we had always been told it was not a legitimate Planning objection; notwithstanding that Developers always site precedent in support of *their* applications, once a door has been opened!

Naturally, we have not succeeded in every case, but I believe we can claim to have been successful in the most substantial ones. One 'failure' worth mentioning might be our attempt to influence the application for a new Off-Licence – Bargain Booze in Portswood Broadway – where loopholes in the legislation permitting collective objections by Residents' Associations became evident. In the case of the application of the Varsity / Terminus PH we achieved a compromise, notwithstanding the woeful performance and obvious lack of commitment by the two officers representing SCC at Appeal.

Issues of principle and particular concerns have been aired at two meetings with the City Council's new Head of Planning and other council officers and

Cabinet members and I am delighted that we have the pleasure of some of their company this evening. In addition to focusing on particularly controversial cases, we have emphasised our concerns over the apparent reluctance of some Planning officers to adequately take on board community concerns or Inspectorate guidance. Hopefully the constructive nature of these meetings and agreement to meet in future on a regular basis, heralds a welcome improvement in relations between HRA and the City Council Planning Department.

Thanks to our MP Alan Whitehead, we also had a welcome opportunity to meet with the Minister for Housing, Ian Wright MP to discuss our concerns over the spread and affect of HMOs in our area. It is to Alan's particular credit that he was able to facilitate a Ministerial visit to our city and to take him to some of our areas blighted by HMOs. However, we felt the Minister's response to our appeal for a change in the Use Classes Order and the Planning definition of what constitutes an HMO was, at best, ambivalent.

It remains our steadfast view that adequate protection of the quality of our neighbourhoods can only be secured by legislative change on the Use Classes Order. Further, recent relaxation of Permitted Development Rights and inadequate powers of enforcement only exacerbate this problem.

We are active members of both NORA (National Association of Residents' Association) and the National HMO Lobby and have participated in a number of national Consultations.

Conservation: Perhaps the most significant developments during the year have been the confirmation of Conservation Area status and subsequent adoption of a Management Plan, for Oakmount Triangle, and the conferring of an Article 4.2 Attachment in respect of Portswood Residents' Gardens. We have strongly supported both.

In conclusion may I reiterate, this is **your** association, I thank all Members for their support and particularly the hard work and commitment of your Committee. We are only here to protect and preserve the area in which we all live, for the benefit of the whole community, so please do encourage others to join us,

Thank you and if there are no previously submitted agenda items I will hand over to the first of our Speakers

Previously submitted Agenda Items – none

Dr Alan Shrank

In 2001 on behalf of my own residents association I argued in a Crown Court for the right to object to a Special Hours Certificate by Bar Med in our town centre. The 1967 Licensing Act was then in operation, and the legislation stated that "anyone" could object to a SHC to extend the hours of opening of licensed premises beyond the 11 pm closing time. But in court a barrister argued that "anyone" referred only to the police. The Recorder judge agreed

and the barrister claimed costs of £4500 plus VAT, a sum far exceeding our residents' association funds. I was flabbergasted. We managed to obtain considerable national publicity, and I actually received a letter from Derry Irvine, the then Lord Chancellor, advising us to go to Judicial Review, which was also beyond our purse. But out of this grew the National Organisation of Residents Associations which was founded in January 2003.

The case had clearly exposed the problem of residents in their battle to preserve their environment and the ability to enjoy their property. Although the precipitating cause was a licensing matter, residents associations all over the country could see that all manner of issues caused problems for them, and to join together to try to solve them was a good idea.

Our system works by using the internet. We have a website providing easy access for anyone, not just members, to published documents – Acts of Parliament, Consultation papers, White Papers, Green Papers - while the email service to members gives access to up-to-date legislation that might affect them and also offers a quick system to find best practice for a problem they raise. It's efficient and it's effective.

We have realised that to change things we must deal with government. So we decided to respond to governmental consultation papers on subjects of our concern. This covered licensing and planning legislation, police powers, proposals on legalising prostitution, housing proposals. Because the criticism was constructive, eventually we've been invited to give oral evidence to civil servants and some quangoes. This included meetings with senior civil servants in the DCMS as well as quangoes they had set up on licensing fees. We were invited to give evidence to the Select Committee for DCLG on the Public Provision of Toilet Facilities, and recently we had discussions with the Prime Minister's Delivery Unit on the subject of the effectiveness of existing powers for the control of rowdy and drunken behaviour. We had criticised the 3M target for new dwelling proposals. This led to an invitation to discuss the issue with the CEO of the quango set up to advise the DCLG on this matter, and we discovered that this figure of 3M was more or less picked out of a hat! Even more recently we've been asked to take an interest in a proposed Green Paper on the subject of police involvement with the public, but the details have not yet been revealed.

What have we achieved since 2003? Well we have the recognition that we represent an important section of the community. Officials appreciate our wide-spread membership and presume that we can speak for them. Although our members probably represent perhaps a million residents, they are articulate and prepared to state their case sensibly and positively. We have modified the views held by civil servants, who advise ministers, and legislation has been altered in response to our concerns. We persuaded the Home Office not to raise court fees for objectors in Magistrates Courts to £400 and they were kept at £75. There's another attempt currently to raise them to £450, and we hope that our objection will be effective again.

What about the future? I'm afraid that I'm not optimistic. In spite of persistent concerns about the apparent bias towards applicants in the 2003 Licensing

Act, it went ahead virtually unchanged by the Commons and the Lords. As I'm sure you know, how difficult it has been to limit closing hours of licensed premises adjacent to residents dwellings, how to prevent excessive noise, nuisance and damage caused by revellers in the streets. The pressure is on the government to control unacceptable behaviour in our streets, but there has been little useful response so far.

I am more worried about the same bias towards developers now taking place in the planning system. The Barker Report in 2007 drew attention to the delays in the system, and so legislation and statutory instruments have been introduced to reduce both the ability of objectors to express their concerns and the ability of our elected councillors to make the decisions. Even more important has been the setting up of a quango with the power to grant planning consents for large projects that the government favours, a quango that appears not to be accountable to anyone! Permitted development of dwellings has been widened, so that more can be done to homes without needing planning consent. We were worried that this laxity would affect listed buildings and conservation areas, but I managed to extract a useful letter from the CLG advising that they remained protected. I had a job obtaining this letter, because I wrote to the Planning and Housing Minister – Mrs Beckett – with no reply, and then to the Secretary of State – Hazel Blears - again with no reply. But I met a solicitor at a Christmas party organised by Sarah Clover's chambers, who had a brother working in the department. My wife told him the story, and lo and behold the next week I had the letter signed by the relevant senior civil servant!

And there is the general problem of local government and other bodies with power over us. There is no question that power is slowly but inexorably being removed from the community and being given to central bodies and to quangoes. In my own county six councils were closed down and we have a unitary authority imposed upon us. As electors we have fewer councillors, who have fewer and fewer powers. Government applied pressure to councils to increase the delegation of power to officers, who in turn are governed by regional assemblies, who are bound by government policies. We have similar problems in the NHS – I served for nearly forty years in the NHS and I experienced the slow but determined removal of influence from the doctors and nurses and now handed to lay managers both at local level and to so-called Strategic Health Authorities.

New and old problems emerge all the time. I know that here in Southampton you have serious problems with a large student population living in Houses of Multiple Occupation instead of purpose built accommodation. There is also a threat of artificial fluoridation of your public water supply. But all over the country the public feel powerless to stop developments they dislike. They don't want more coal-fired power stations. They don't want new eco-towns in the countryside. They don't want wind turbines and many communities don't want mobile phone masts every 300 metres in their towns. Their voice must be heard but most importantly it must influence the decisions being taken. It's no good shouting if the power of decision is in the hands of distant and deaf institutions unaccountable to the electorate.

So I can see there will always be problems for residents. We need as many members as we can collect so that we can truly claim to represent them. In this modern world communication and organisation are the tools we can use, but we must all work together. And politicians must understand that after all residents also comprise the electorate.

Dr Alan Whitehead MP

Alan opened by saying that every year he adopts a restrained and modestly optimistic tone in connection with HMOs and this year is no different. He thinks that the Government has an appreciation and understanding of the issues and that there have been reports on “Studentification” in a number of towns and cities. It is not just student accommodation that causes problems in respect of rented properties but also other factors.

Alan thought the meeting that took place on March 17th with the housing Minister Ian Wright and representatives of local groups on the HMO issue was amicable and constructive. There was representation from the University, Student Union, senior members of and officers of the Council and representatives of Residents’ Associations. There was constructive discussion by all parties. The minister left with a better appreciation and understanding and views of a possible way forward re the rental sector. Alan felt the Minister was well apprised of the background and the necessity for Local Authorities to have powers to deal with change of use. He has been privately assured that consultation will be forth coming shortly.. He trusts that the consultation will lead to changes via statutory instrument or primary legislation.

Alan hopes he will not have to talk about HMOs next year as things might have moved forward. The Instrument will be similar to the Use Class Order and implementation will be in the hands of the Local Authority.

The Core Strategy already contains reference to areas of HMO stress but the Council has decided it doesn’t wish to pursue Additional Licensing, being part of the Housing Legislation of 2004. In most Local Authorities resources are inadequate to finance the enforcement process anyway. The existing enforcement officers work extremely hard but their workload is too great. The issue of HMO stress does not occur on a uniform basis across the country and therefore if Ministers do not have it in their own areas, it tends to be of academic interest to them only. The work done by HRA and other residents’ associations has enabled the Minister to see it is a problem in some parts of the country and this is an important advance in the argument. Alan is pleased that ‘we’ have been able to take this step forward.

Question from the floor

You referred to an act to deal with HNOs rather than the Use Class Order- could you elaborate. The UCO is simple and is already in place and could be changed tomorrow by Statutory Instrument.

Answer

It is not true there are already powers to deal with the problem although some Civil Servants thought that the 2004 Act would deal with it.

Consultation envisages changes in the UCO and the need to harmonise the definition of an HMO between Housing and Planning. A change in the use of a dwelling to an HMO would then require planning permission. This could be

dealt with by making the definition the same in both contexts. Change of the UCO might require primary legislation as it might otherwise be challenged.

Question

Has the Housing Minister been in touch with Richard Tyler of the HMO Lobby?

Answer

Yes.

Question

A Landlord told me that the law had been changed and he could have up to 10 people in his property- is this true?

Answer

No – if you put 7 or more people into an HMO of more than 2 storeys then you do require permission. However a number of students sharing a house count as a single household and thus permission is not currently required. Planning Law is in need of revision as at present the definition is not clear. Housing Law talks of occupants being related to one another.

Matthew Dean

Thank you Mr. Chairman for your kind invitation this evening. To misquote a famous phrase, I see you are working on the premise last and least rather than last and *not* least as you have heard the distinguished speakers who have addressed you before me tonight.

A few months ago, I had lunch with the author, broadcaster, entertainer and one-time Conservative MP Gyles Brandreth. He said to me, “you know Matthew, as a politician you meet only two types of people; people with problems and people who are right”.

Well Mr Chairman, as the Cabinet Member for Environment & Transport, I have spent quite some time engaging with Highfield Residents’ Association and if I may say so, you happen to be quite unusual as you don’t shy away from sharing your problems and, an inconvenience for a minor elected politician, you also happen to almost always be RIGHT!

So 9 months as your Cabinet Member for Environment and Transport and one year into the new Conservative administration, perhaps this 33rd AGM of Highfield resident’s Association is a good time for me to reflect on what the Council has achieved that is pertinent to your area and muse a little over what the Council needs to focus on in the immediate future.

So what have we done?

- Conservation Officer Team Leader

- Conservation Officer

- Local list

- Started to update character appraisals for Conservation Areas

- Oakmount Triangle Conservation Area

- Article 4 dedication of Portswood Gardens tightening up Development

control requirements for this area

- Family housing policy
 - o SPD
 - o Core strategy
- Parking
 - o –TROs, esp. Brookvale Road
- Little Common- a serious clear up
- Saved the Number 7 bus!

- Appointed a permanent Head of Planning & Sustainability in Paul Nichols and it is great to see him in the audience here this evening and I think shows you the level of commitment Officers have to both this area and the city. I mentioned to Paul after a meeting this afternoon that I was speaking this evening and asked him if he knew any good Town Planning jokes- after all greater love hath no man than he who lays down his jokes for his colleagues. Paul replied that planning jokes, like Development Control Enforcement Officers are sometimes a little short on the ground when you need them!

So what's next Mr Chairman?

Big ticket items.

Firstly, to continue to lobby government RE HMOs and the Use Classes Order so we have some proper planning rules that actually bite.

Secondly, lobby her majesty's opposition to the same end. Without subjecting you to my political prejudices Chairman and despite the Minister of State's assurances when we met him, I still believe there is a real chance that any new housing and planning bill could fail through lack of parliamentary time and we need to be alive of the consequences of a possible change of government following a general election.

Thirdly, to make it as easy as possible to facilitate the University and other institutions to build more Halls of Residence through the planning process and indeed, lobby them to do so.

Fourthly, to continue to pursue enforcement action where appropriate in areas like the unauthorised developments in Crofton Close

and finally,

to campaign for a fair government grant to fund local government for cities like Southampton. All of what we have spoken about this evening costs money Chairman and this council is not resourced appropriately.

Mr. Chairman, Lord Mancroft the businessman, politician and former heroin addict once said that a speech is like a love affair. Any fool can start it but to end it requires considerable skill.

It remains only for me, on behalf of the City Council to thank Highfield Residents Association for all you do for your area and the wider community.

Questions from the floor

Question

Are family houses covered by a list of structures to be preserved and do the policies have teeth?

Answer

Not enough teeth. The Supplementary Planning Document contains clear clarification of existing policies. New overarching strategy in the Core Strategy has been submitted to Government. This should be more effective- it states no net loss of family houses.

Question

How do you propose to protect family housing?

Answer

The Core Strategy will lay down policies which will influence mix in new development and protect older areas protecting the character of an area.

Question

How can we protect modest houses from being turned into two flats?

Answer

There should be no net loss of family houses. This type of development would require Planning Permission but it is hard to refuse. If the Core Strategy survives then this sort of development would be refusable.

Question

Does this include gardens?

Answer

An example was given of Upper Shirley Avenue where there is a row of good quality of terraced and semi-detached houses which were not good enough for listing. There was an application to sub-divide the gardens and this was refused and this will be fought at appeal. Ministers have become aware of the extent of "garden grab" in recent years. There is a real danger posed by surface water runoff when green areas are lost.

Question

Precedent- this has been held to be relevant by two Planning Inspectors. Could that argument be applied to other planning issues?

Answer

That depends on the application and the circumstances of the application. Cumulative impact is taken seriously. Natural England much more aware of precedent and it can be a valid planning issue.

Question

What about the land in Hartley Avenue?

Answer

All applications can be viewed at www.southampton.gov.uk. Contact your Ward Councillor if you have concerns.

Question

Do you have a timescale for the Parking Scheme in Brookvale Road?

Answer

Late summer.

Question

What can be done about the proliferation of Estate and Letting Agents boards?

Answer

There is bad news for Estate Agents – boards may only be left up for a reasonable amount of time after a sale and there has been a training session to remind estate agents of their legal responsibilities in this area. Action can be taken under Environmental Health and Planning legislation. This summer there will be a project involving a Planning and a Trading Standards team leader to see if the law can bite. It is possible to view the legislation to do with signage on the Council website and also on the Portswood Info website.

Simon Hill

Simon gave a brief update on all the work that has taken place on the Little Common. He said that although it looks a little bit ragged at the moment it will recover. The selective thinning that has taken place has allowed the proliferation of flora. There is still more to do, in particular restoring the openness opposite the Avenue Campus.

Andy Alderson

In response to a question from the audience Andy talked about a couple of initiatives that the Police have held to combat cycling on the pavement. The emphasis is on education and enforcement. There is a £30 fine that can be imposed. The Police are working with the Council and are hoping to have more signs put up. They will be having another initiative and will also have one around the time the freshers start at University.

Matthew said there is a need for permanent signs in Portswood and Shirley and undertook to find the money to resource this.

The matter of the no right turn into Omdurman Road was brought up as some motorists continue to ignore this. Andy asked if there was a particular time of day when this is more likely to happen let the Police know and they can have a presence there..

Alan whitehead raised the issue of the piece of land in Somerset Road which is owned by the council and where permission has been sought for development. He was assured the application has been refused.

AOB- None.

JG once again thanked the speakers for their input and members and invited guests for such a good turnout.

The meeting closed at 9.30.

Following the meeting some members asked that their thanks to the committee for all their hard work be recorded.