



**Minutes of 34th AGM  
held on  
15th April 2010**

**Present:-**

J. Gillen (Chairman), S Hartley (Vice-Chairman), C Knight (Secretary)  
H. Rossell (Treasurer), N. Martin (Membership Secretary), P. Augier, Roret  
blue, Adrian Vinson and Allison Shelly (Committee members).

JG welcomed the Guest Speakers Simon Higman- University, Sarah Clover -  
No 5 Chambers, Mark Lewis and Stewart Chandler- Police, other invited  
guests and approximately 70 HRA members. 12 apologies for absence were  
received.

**Minutes of 33rd AGM and matters arising**

Matters Arising:

HMOs and enforcement which was covered later in the meeting.

Sue Hartley proposed and Allison Shelly seconded the acceptance of the  
minutes.

**The Committee**

1 member is standing for another term: Sue Hartley. Roret Blue has joined the  
committee during the year: Oliver Dicker will continue to be Examiner for our  
accounts. All were agreed unanimously.

Adrian Vinson has resigned from the committee due to political and family  
commitments and Jerry thanked him for all his efforts as planning member

**Treasurer's Report**

HR presented the statement of accounts for the year ending December 31<sup>st</sup>  
2009. See attached report. Olliver Dicker examined the accounts and will  
again for the coming year. Roret Blue proposed and Adrian Vinson seconded  
the acceptance of the accounts.

**Chairman's Report**

Jerry paid tribute to Headley for all the hard work that he does on behalf of  
HRA in preparing the accounts. He referred members to his report in the latest  
newsletter as the current situation in relation to HRA. He reminded members  
that HRA is an apolitical organisation and with that in mind he was asking the  
three major parties to comment on the recent discussion the HMO issue and  
enforcement. The current local administration appears to have been more  
robust in their dealings with planning matters but there is concern for the long  
term situation in our area. At the recent NORA AGM it was apparent that all  
groups have problems with enforcement in their areas. This is usually a  
resource issue.

**Previously submitted Agenda Items** – A number of residents have asked for  
clarification of the future policy of the Students Union regarding future  
applications for extension of hours at The Cube night club. This was  
addressed later in the meeting.

### **Dr Alan Whitehead**

Dr Whitehead explained that new regulation in relation to the change of The Use Class Order had been introduced. All three major parties have said that they support the campaign to have this change approved by parliament and we are anxious not to lose the protection that this change will provide. The problem in the past was that the definition of an HMO differed under planning and licensing law. This made it difficult for Councils to enforce the law. The change that took place in March means that Local Authorities have the ability to call in for planning purposes any change of use from a family home to an HMO. Consent will be given, given with certain conditions or refused. To return an HMO to a family home will not require planning consent. Local Authorities will also have the power to declare an Area of Restraint where there is already high HMO stress and refuse permission for further HMOs in that area. Licensing is optional but any landlord who flouts the terms can have it revoked. Parliament has decided to introduce these new regulations and local authorities have to implement.

1 HMOs now come under planning

2 HMO definition now the same for planning and housing.

3 It is now possible to negotiate areas of restraint and impose thresholds.

The HRA Planning Sub Committee is meeting with the Council soon.

### **Jeremy Moulton**

Jeremy said that his party 100% supported Southampton City Council having Powers to control HMOs. Where there are problems the Council should have the power to refuse planning permission. However they do not believe that it is necessary to have these powers across the country to include areas where there is no problem. He feels that the changes were rushed through and had not been fully debated in the Commons and his party have introduced an Early Day Motion to debate. However the change became law as of 6<sup>th</sup> April. His party will not seek to repeal but might amend.

Quote from Grant Shapps who is the shadow Housing minister.

"I fully support our Parliamentary Candidate, Jeremy Moulton and the excellent work he has done to highlight the issue of Houses of Multiple Occupation in Southampton. A Conservative Government would ensure that Southampton City Council has all the powers it needs to manage HMOs, in particular in neighbourhoods like Highfield where residents are concerned about high concentrations of such properties. It is quite untrue for local Labour MPs to suggest otherwise."

"It is important that legislation is properly drafted and debated in the House of Commons. We are very concerned that Labour's new regulations have been rushed through and are incompetently drafted - imposing red tape on those shared, rented houses across the country which cause no harm. John Denham's own department admits his regulations could hike up rents for tenants. We would allow councils to identify areas in their own local plans where there is a saturation of HMOs, and then be able to require planning permission in these areas. This will allow councils to improve the quality of life in Southampton's neighbourhoods, while avoiding excessive red tape on the whole of England's private rented sector."

It is important this law can take effect where needed. The Conservatives would ban retrospective planning permission, ban appeals to the Planning Inspectorate and stop rogue landlords.

Jill Baston

Jill said that the Liberal Democrat position has not changed. Local areas must have the powers to put the balance right. The Legislation is needed and they have backed NORA in their campaign. The change is not ill considered or rushed as it has taken in excess of 10 years to have it adopted. Why would any authority in an area with no problems insist on a planning application- it would only be necessary where saturation is occurring. Any other approach is a nonsense and she is not convinced that it needs amending.

- Question from the floor from Mrs Cousins of Granby Gove- will the legislation be retrospective?

Answer- no it will not.

Matthew Dean agreed to speak to Mrs Cousins about her concern over a neighbouring property.

For many parts of Southampton, Polygon, Portswood and Highfield this legislation has come too late. If the current legislation had been implemented years ago we would not be in the situation we are in.

- Question- In City View there was a request for people to ring to let Council know about HMOs. When one member rang no-one knew anything about it. The Council have been conducting a private sector survey. There is already licensing for large HMOs of 3 storeys and containing 5 or more people but these only constitute **a few** of the 5-6000 HMOs in the city. It should be extended to all HMO in certain areas of stress whatever their size.
- Question- Can we approach the Council?

Answer- yes.

We should be targeting resources at problem landlords. Adrian Vinson asked if in light of the Early Day Motion introduced by Davis Cameron is the new law in force or on hold.

Answer - it is in force.

Jerry said that HRA will work with whatever party is in power for the benefit of our city. He thanked Alan Whitehead for the work he had done on the HMO issue.

## **Planning Report**

### **Adrian Vinson**

**Monitoring:** A written report in a standard format, detailing all planning applications within the HRA area, together with comparative applications in the surrounding areas, their outcomes, appeal proceedings and licensing applications, is presented each month to the Executive Committee. This report is now also posted on the HRA website.

A Planning Sub-Committee, consisting of Adrian, Sue Hartley and Alison Shelley, considers by email applications lodged between main Committee Meetings.

**Representation:** During the course of the year the Executive Committee has approved formal, but flexible, guidelines for our response to planning applications, to aid transparency and consistency (Attached). 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 Adrian has met with

Council officers to discuss applications, submitted written objections, and attended meetings of the Planning and Rights of Way Panel or Appeal Inquiries to represent the interests of HRA.

**HMOs:** This year's highlight has undoubtedly been the Government's (somewhat belated) announcement of a change in the Use Classes Order – long campaigned for by HRA and NORA - so that conversion of houses for occupation by 3 or more unrelated persons will, as of April 6th, require planning permission. This, together with the alignment of the planning definition of an HMO with that for housing, gives Council's in principle significant new powers to control the distribution of HMOs.

To take full advantage of these new powers, the Council needs to declare Areas of Restraint and Thresholds. At the time of writing the Planning Department is still awaiting publication of the Government's guidelines. HRA will be meeting with the Head of Planning shortly to urge speedy action and to explore how these new powers can be applied within the context of the City's recently adopted Core Strategy.

The relaxation of Permitted Development Rights remains a concern.

**Planning:** During the year we have had a number of significant successes in defending 'character' areas and resisting inappropriate or excessive developments, including 'back garden' developments, affecting e.g. Blenheim Gardens, Brookvale Road, and Crofton Close. Once again, in the cases of Brookvale Road and Crofton Close, which 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. This has been made possible through the Contingency Fund set up by the Executive Committee.

Last year the position of HRA with regard to 5 Crofton Close was supported by two separate Planning Inspector's determinations, and that these firmly established precedent as a legitimate planning concern. This year we were represented at an appeal against a notice of enforcement in respect of one of the double garages at 1 Crofton Close into a utility space. Though the inspector ruled in favour of the appellant and granted planning permission for the conversion, the crucial application of Condition 16 to the estate as a whole was re-asserted, and further conversion of the garage at no.1 into habitable accommodation prohibited.

We were delighted that two appeals in respect of 28 and 28A Brookvale Road were dismissed by the inspectorate.

Naturally, we have not 'won' every case, but I believe we can claim to have been largely successful in the most substantial ones.

**Licensing:** Following vigorous opposition from HRA and EBRA, again assisted by Sarah Clover of No.5 Chambers, an application by the University Students' Union for an extension of hours at The Cube nightclub was rejected. The Licensing Committee state its belief that a clear connection between patrons of The Cube and anti-social behaviour had been established. The police are now monitoring the destination of those causing a nuisance through

the Operation Batcombe, which will hopefully stand us in good stead if and when a further application for extended hours is lodged.

**Liaison:** We have continued to liaise with the City Council's Planning Department, though concerns over the availability of documentation in the case of 1 Crofton Close provoked a formal complaint from HRA. Through our Chair and Vice-Chair we have continued to input into the National Association of Residents' Associations and the national HMO Lobby on these matters.

**Feedback:** Our effectiveness in protecting the quality of life in our neighbourhoods is heavily dependent in the input and feedback we receive from our members. In conclusion, therefore, **I would urge all members to notify members of the Executive Committee of any concerns they may have regarding planning and licensing matters.**

#### **Previously submitted agenda item.**

- A number of residents have asked for clarification of the future policy of the Students Union regarding future applications for extension of hours at The Cube night club.

Steve O'Reilly president of the SU and Jacqui Booth the General Manager were present at the meeting. Steve said that he had been responsible for the most recent application and he could not comment on what any future president might choose to do. Jacqui said that she is an employee of the SU but acknowledged that it is a difficult balancing act to provide what the students wanted but to take into account the impact on the neighbourhood. Matt Dean suggested that the University should have some responsibility and that the question should be addressed to Simon. The SU's argument is that it needs to open for longer to remain viable but it is thought that the cube trades successfully.

So no measures will be taken to reassure local residents but their position should be protected by the precedent set by the last refusal.

#### **Simon Higman**

Simon spoke of the new Vice Chancellor's vision for the University. Of the 34,000 universities in the world Southampton ranks 80<sup>th</sup> and is determined to get into the top 50. The last few years have been good for the university and there have been 8 new deans to drive the academic faculties and research. They are leading globally in a whole series of areas.

The Uni is anxious to be good neighbours and understands what impact a bad night has on local residents. He said that this has to be taken in the context of the asset the University is to the city with the employment of 5000 people and the business that it brings. Also the students do contribute to the local community with their volunteering work. Common Sense benefitted from the Active Community Fund. Matt Martin is tasked with ensuring that any student related problems are dealt with. The financial viability of the Cube is critical to the SU. The Cube is doing all it can to promote sensible drinking and on a recent licensing visit the Cube was found to be functioning well. The marshalling scheme in conjunction with Operation Batcombe is also helping to control any disturbance.

### **Sarah Clover**

Sarah works for No5 chambers which is the largest chambers in the country. There are offices in Birmingham, London and Bristol with 120 barristers covering most legal fields. Sarah explained the role of public access barristers and solicitors as analogous with the relationship between General Practitioners and Consultants. However it is possible to go directly to the barrister without first going to a solicitor. Barristers will give the first consultation free and will agree a fixed price for the work that they undertake.

**Mark Lewis** introduced himself as the new Inspector at Portswood Police Station.

**Sergeant Stewart Chandler** has been at Portswood since September of last year. He reported that crime in the area is down in the last two years with criminal damage halved and vehicle crime reduced. His team are engaging with the community and listening to the views of the local people. He has been dealing with complaints re students leaving the Cube and acknowledged that a large number of students just talking will create a lot of noise. He has been involved with Operation Batcombe which jointly with the Marshalls tackles noisy people in the streets and attempts to educate them. Operation Batcombe is undertaken in three stages, first to engage the students as they leave their residences advising them that it is not permitted to carry alcohol in a public place. Only if they persist in drinking in public does it become a public disorder. They also work with the Halls of Residence. They also feed a report back to the University and to local residents.

The Street Marshalls are unique to Southampton and have done a lot to alleviate the late night disturbances. The Marshalls have no formal powers therefore they are partnered up with the Police who step in if the Marshalls are being disregarded. They can confiscate ID cards which causes the students inconvenience. Taxis dropping students in the roads outside Halls of Residence have created a noise disturbance so they are being encouraged to drive on the premises.

Allison Shelly commented that since the Cube has become less popular things have improved in Welbeck Ave.

The matter of traffic speeding in Highfield Lane was raised. Although there are two 30 mph signs cars frequently travel faster. Once again the Police said that if matters are reported to them they can log complaints. It was suggested that a speed check by the church would be a good idea.

Matthew Dean commented that there was a huge feeling locally that we have just about reached the threshold of how many students can be accommodated in our suburbs. He asked that the University consider different models of Halls of Residence.

Sue Hartley asked how and where it would be possible to involve private partners to provide more accommodation.

Simon Higman responded that the University is in talks with commercial organisations to discuss sites for this sort of development. The University is acutely aware of the need to expand student housing.

### **Common Sense**

Simon Hill reported on the progress that has been made on the Little Common in co-operation with the City Council and with help from the

University Community Fund. There is still a lot more work to be done particularly in the part opposite the Avenue Campus. Vision is needed to make this area more open and attractive. He expressed his gratitude to the Council and the University and said that good collaborative work had been done. That area has a very large footfall and the issue is one of safety as well as appearance.

**AOB**- None.

**JG** once again thanked the speakers for their input and members and invited guests for attending.

The meeting closed at 9.40.