

Democratic Services

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Date: 6 March 2012

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To: All Members of the Cabinet

Councillor Paul Crossley	Leader of the Council
Councillor Nathan Hartley	Deputy Leader of the Council and Cabinet Member for Early Years, Children and Youth
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor Cherry Beath	Cabinet Member for Sustainable Development
Councillor David Dixon	Cabinet Member for Neighbourhoods
Councillor Roger Symonds	Cabinet Member for Transport

Chief Executive and other appropriate officers
Press and Public

Dear Member

Cabinet: Wednesday, 14th March, 2012

You are invited to attend a meeting of the **Cabinet**, to be held on **Wednesday, 14th March, 2012 at 6.30 pm (or on the rise of DC Committee, whichever is the later)** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Col Spring
for Chief Executive

The decisions taken at this meeting of the Cabinet are subject to the Council's call-in procedures. Within 5 clear working days of publication of decisions, at least 10 Councillors may signify in writing to the Chief Executive their wish for a decision to be called-in for review. If a decision is not called-in, it will be implemented after the expiry of the 5 clear working day period.

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Col Spring who is available by telephoning Bath 01225 394942 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays, notice must normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward).

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Col Spring as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Col Spring as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

7. **Officer Support to the Cabinet**
Cabinet meetings will be supported by the Director's Group.
8. **Recorded votes**
A recorded vote will be taken on each item.

Cabinet - Wednesday, 14th March, 2012

in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

To receive any declarations from Members/Officers of personal or prejudicial interests in respect of matters for consideration at this meeting. Members who have an interest to declare are asked to:

a) State the Item Number in which they have the interest;

b) The nature of the interest;

c) Whether the interest is personal, or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Cabinet have been asked under the Council's Special Urgency provisions to consider a report entitled "West of England Planning Toolkit". The Chair of the relevant PDS Panel has agreed to the urgency, following advice from the statutory officers.

6. QUESTIONS FROM PUBLIC AND COUNCILLORS

At the time of publication, one item had been submitted

7. STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

At the time of publication, 6 items had been notified

8. MINUTES OF PREVIOUS CABINET MEETING (Pages 7 - 18)

To be confirmed as a correct record and signed by the Chair

9. CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

This is a standard agenda item, to cover any reports originally placed on the Weekly list for single Member decision making, which have subsequently been the subject of a Cabinet Member requisition to the full Cabinet, under the Council's procedural rules

10. CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

This is a standing agenda item (Constitution rule 21, part 4D – Executive Procedure

Rules) for matters referred by Policy Development and Scrutiny bodies. The Chair(person) of the relevant PDS body will have the right to attend and at the discretion of the Leader to speak to the item, but not vote

11. SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING (Pages 19 - 20)

The Leader and Cabinet have indicated that most decisions will be taken by the full Cabinet, at its public meetings. This report lists any Cabinet Single Member decisions taken and published since the last Cabinet meeting.

12. BATH TRANSPORTATION PACKAGE BUS SHELTER STYLE, PROPOSED ENGAGEMENT (Pages 21 - 28)

A government announcement on the Bath Transportation Package at the end of 2011 means that bus shelter infrastructure improvements on 9 bus routes throughout Bath can proceed. This amounts to about 90 replacements for existing shelters and about 90 at stops where there is currently no shelter. An exercise of engagement with the public and key bodies on shelter design has now concluded.

13. OPTIONS FOR THE DESIGNATION OF AN ARTICLE 4 DIRECTION ON HOUSES IN MULTIPLE OCCUPATION (Pages 29 - 260)

There are concerns about the impact of high levels of Houses in Multiple Occupation in Bath. A mixture of planning controls and housing-led solutions is to be considered by Cabinet.

14. BATH & NORTH EAST SOMERSET NEIGHBOURHOOD PLANNING PROTOCOL (Pages 261 - 316)

The Localism Act was enacted in November 2011 and has introduced new planning duties which come into effect in April 2012. These facilitate community-led planning in the form of Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build and bring new requirements on the Local Authority to resource and support this new tier of Neighbourhood Planning. In order to respond to these new duties, a protocol called "My Neighbourhood: A Neighbourhood Planning Protocol for B&NES" has been produced for public consultation. If adopted, this document will supersede the current Statement of Community Involvement for Planning.

15. RETROFITTING & SUSTAINABLE CONSTRUCTION SUPPLEMENTARY PLANNING DOCUMENT (Pages 317 - 392)

A Sustainable Construction and Retrofitting Supplementary Planning Document has been prepared for public consultation. The guidance within the document is aimed at householders and small scale house builders and includes practical advice, tips and information including planning, building control and historic buildings advice, based around a series of annotated diagrams to make it easy and practical to use. It also seeks to clarify the Council's approach to how particular energy saving measures would be viewed by the Local Planning Authority. Cabinet is being asked to agree to release the document for a formal consultation period.

16. COMMUNITY ORGANISERS IN BATH AND NORTH EAST SOMERSET (Pages 393 - 404)

Government has appointed the national organisation Locality to lead on delivering a national programme to recruit and train Community Organisers across England who will work to enable people to take action on their own behalf to tackle the issues that are important to them. The report provides an update on the programme as it is being introduced in Bath and North East Somerset

17. BATH & NORTH EAST SOMERSET COUNCIL STAFF VOLUNTEERING SCHEME (Pages 405 - 420)

The report will consider the impact of the proposed Council Staff Volunteering Scheme in relation to the Council's Vision and Strategic objectives; and the policy direction and resource implications prior to formal approval required by the Council's Employment Committee.

18. BATH CITY CONFERENCE - TERMS OF REFERENCE (Pages 421 - 428)

This report sets out the current proposals for developing the Bath City Liaison Forum into a new Bath City Conference recommending Terms of Reference and outlining plans for the first Bath City Conference

19. YOUTH SERVICE VISION & YOUNG PEOPLE'S PLEDGE (Pages 429 - 436)

In March 2011 the Youth Service review decided to focus some resources on targeted youth work as well as the more traditional open access work. The Youth Service then looked at ways to support the Voluntary Sector to meet any gaps in provision and provide a diverse range of provision to meet young people's ever changing needs. To this end the Youth Service vision and the Young People's Pledge have been updated. These documents will help Youth Service staff communicate with young people and other interested parties.

20. BLUE BADGE SCHEME (Pages 437 - 456)

A new scheme is being introduced nationally to issue standard blue badges for disabled drivers. All blue badge issuing authorities must implement the new scheme and may charge for blue badges. This report sets out proposals for the Council's approach to the new scheme.

21. (RULE 16) WEST OF ENGLAND PLANNING TOOLKIT (Pages 457 - 464)

The West of England Local Enterprise Partnership Board asked the Infrastructure and Place Group to consider ways of overcoming negative perceptions of the planning process to the benefit of all parties, including the identification of procedures which could be applied more consistently. The IPG have recommended the publication of a planning toolkit to promote a positive and consistent approach to handling large scale planning applications. The Cabinets of all four WoE authorities are asked to endorse the toolkit in time for their next meeting in April. In order to meet this timetable, the report is being brought to Cabinet under the Special Urgency (Rule 16) provisions in the Council's Constitution, with the agreement of the Chair of the relevant PDS Chair and Leader of the Council, and following advice from the statutory officers.

22. AWARD OF NEW CONTRACTS FOR BATH PARK & RIDE BUS SERVICES (Pages 465 - 490)

To agree the award of contracts for Bath Park & Ride services operating from sites at Newbridge, Lansdown, and Odd Down.

The Committee Administrator for this meeting is Col Spring who can be contacted on 01225 394942.

BATH AND NORTH EAST SOMERSET

CABINET

Wednesday, 8th February, 2012

The decisions contained within these minutes may not be implemented until the expiry of the 5 working day call-in period which will run from 10th to 16th Feb. These minutes are draft until confirmed as a correct record at the next meeting.

Present:

Councillor Paul Crossley	Leader of the Council
Councillor Nathan Hartley	Deputy Leader of the Council and Cabinet Member for Early Years, Children and Youth
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor Cherry Beath	Cabinet Member for Sustainable Development
Councillor Roger Symonds	Cabinet Member for Transport

142 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting.

143 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the evacuation procedure as set out in the Agenda.

144 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor David Dixon

145 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

146 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

147 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 3 questions from the following people: Councillors Michael Evans, Alan Hale, Geoff Ward.

[Copies of the questions and response, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 1 and are available on the Council's website.]

148 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

George Bailey read a statement on behalf of David Redgewell (South West Transport Network) relating to Planning and Transport Development. *[The statement is attached to these Minutes as Appendix 2 and on the Council's website]*

Amanda Leon (Radstock Action Group) made a statement relating to the Radstock road scheme. *[The statement is attached to these Minutes as Appendix 3 and on the Council's website]*

Cllr Eleanor Jackson made a statement relating to Victoria Hall and Radstock Development Funding, after which she presented a petition to Cabinet signed by over 400 residents asking that the Victoria Hall be kept open for community use. *[The statement is attached to these Minutes as Appendix 4 and on the Council's website]*

The Chair referred the statement and petition to Councillor David Bellotti for his consideration and response in due course.

Pamela Galloway (Save Our 6/7 Buses) made a statement. *[The statement is attached to these Minutes as Appendix 5 and on the Council's website]*

149 MINUTES OF PREVIOUS CABINET MEETING

On a motion from Councillor Paul Crossley, seconded by Councillor Nathan Hartley, it was

RESOLVED that the minutes of the meeting held on Wednesday 11th January 2012 be confirmed as a correct record and signed by the Chair.

150 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

151 CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

152 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

153 TREASURY MANAGEMENT MONITORING REPORT TO 31ST DECEMBER 2011

Councillor David Bellotti, in proposing the item, said that by 2015, instead of a borrowing requirement of £205M which had been the case previously, the Cabinet would have reduced this by more than £30M.

Councillor Paul Crossley seconded the proposal.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) TO NOTE the Treasury Management Report to 31st December 2011, prepared in accordance with the CIPFA Treasury Code of Practice; and

(2) To NOTE the Treasury Management Indicators to 31st December 2011.

154 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - APRIL 2011 TO DECEMBER 2011

Councillor David Bellotti, in proposing the item, said that most budgets had underspent in the financial year, and the one overspent service (transportation) had extenuating circumstances. He was pleased with the progress made by Strategic Directors to keep spending under control.

Councillor Paul Crossley seconded the proposal.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To ASK Strategic Directors to continue to work with Portfolio Holders towards managing within budgets in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control;

(2) To NOTE this year's revenue budget position as shown in the report;

(3) To NOTE the capital expenditure position for the Council in the financial year to the end of December, and the year-end projections detailed in the report;

(4) To AGREE the revenue virements listed for approval in the report; and

(5) To NOTE the changes in the capital programme listed in the report.

155 FINANCIAL PLAN 2012/13 - 2014/15, BUDGET & COUNCIL TAX 2012/13

The Chair introduced Councillor John Bull, Chair of the Resources PDS Panel, who referred to the Summary of the Panel's Budget Recommendations to Cabinet *[a copy of which had been placed in the public gallery before the meeting, and is attached to these Minutes as Appendix 9 and on the Council's website]*. Councillor Bull drew the Cabinet's attention to each point in turn. He called in particular for the Cabinet to ensure rigorous monitoring of the effects of the Budget on vulnerable young people, because the Panel had been concerned that the Equalities Impact Assessment for Adult Social Care and Housing, People and Communities had not properly considered this.

Councillor Charles Gerrish made an *ad hoc* statement in which he expressed concern that the Heritage Services business plan had been based on the depressed visitor figures from the bad winter of 2010. He also asked Cabinet to delay any decision on the mobile library service until the consultation period had completed. He emphasised the Council's responsibility to isolated communities and vulnerable people. He suggested that the Council's recycling facilities should open and close

an hour later on Sundays, because more people would be likely to use it later in the day.

Councillor John Bull made an *ad hoc* statement in which he welcomed the allocation of extra funds for affordable homes and the funding for transferring Paulton Library to a community-run facility in a vacant shop. He expressed big doubts, however, about the proposed reduction in the social care budget.

Councillor Eleanor Jackson made an *ad hoc* statement in which she agreed that the quality of the equality impact assessments was a cause for concern. She referred to the cuts to the Equality Team and to the Policy and Partnerships Team, who were responsible for monitoring.

Councillor David Bellotti, in moving the recommendations, emphasised that the proposals would ensure a reduction in borrowing; a zero increase in Council Tax; improved services; and more local projects. He was grateful to Councillor Bull for the Resource Panel's contribution to the debate. He confirmed that the Cabinet recognised the need for regular scrutiny of all the higher risk savings in the Proposed Budget for 2012/2013 including the £825K for the residential care costs of adults with learning difficulties. The Cabinet would ask officers to ensure that the progress and delivery of all such high risk savings was included within the quarterly Budget Outturn Monitoring reports.

He felt that the observation made by Councillor Gerrish about the winter visitor figures was a fair comment, although the November figures had also shown the same picture so he was confident about the outcome. He promised to pass the idea about Sunday Recycling Opening times to the Divisional Director, Environmental Services, for his consideration because he agreed it was a good idea. He emphasised that the cuts being proposed for libraries was a quarter of the cut being made by central government to the Council's library funding. The Budget would protect libraries better than neighbouring authorities had been able to do.

He referred to Councillor Jenkins' comments about responsibility for equalities. He felt that all Council officers must take ownership of the equalities agenda, and that this must not be left to be a centralised team.

Councillor Paul Crossley seconded the proposal and thanked all who had worked so hard to prepare the budget, particularly the Finance Department. He observed that all the surrounding Councils had needed to make cuts, but this Council had been able to make a balanced budget based almost entirely on efficiency savings. He was particularly pleased about the proposals to increase affordable housing; slowing traffic in built-up areas; improving local facilities; supporting young care-leavers; and supporting elderly independent living.

Councillor Roger Symonds expressed his delight that the grant to support the Bath Transportation Package had been confirmed late in 2011; the Budget proposals would allocate £1.6M to a reviewed Rossiter Road scheme; and that there was a continuing commitment to support community transport, particularly in vulnerable areas.

Councillor Cherry Beath said that the Heritage Business Plan showed how the increased profit will be achieved and sustained. She was delighted that there were significant regeneration investments in Radstock, Keynsham and London Road. She had also been delighted that the Cabinet's intention to get the best deal for Broadband Delivery had been achieved, which would be of most benefit in the rural areas.

Councillor Nathan Hartley welcomed the increasing number of apprentices and the decline in young people Not In Education, Employment or Training. He observed that the overall cuts in the budget had been less than 0.5%. In his own portfolio he referred to increases of £100K for children in care and £100K for young people leaving care. The proposals would protect targeted youth services and youth democracy. The dedicated schools grant had been about the same as last year.

Councillor Simon Allen observed that the proposal was for a balanced budget. Cuts had been made where necessary, so as to improve services where necessary. The cuts to Learning Disability Residential funding would be challenging, but were counterbalanced by increases in personal budgets.

Councillor Tim Ball observed that the whole framework of nationally funded local services was changing. He welcomed that appointment of a planning enforcement officer, which would enable planning officers to deal with planning applications more effectively. He referred to the £500K allocation for social housing, and money to bring unused housing back into use.

Councillor David Bellotti summed up by referring to the update document *[a copy of which had been placed in the public gallery before the meeting and is attached to these Minutes as Appendix 10 and on the Council's website]*. He was pleased to say that Cabinet had been able to clarify in that document that £32K would be allocated to support the 6/7 Bus Service. He talked the Cabinet through the document, including three typographical amendments to the budget proposals document.

He confirmed that, as required in the Localism Act, the Council would be asked as part of the Budget to confirm the authority's Pay Policy.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To RECOMMEND that the Council approve:

(a) The General Fund net revenue budget for 2012/13 of £120.106m with no increase in Council Tax;

(b) That no Special Expenses be charged other than Town and Parish Council precepts for 2012/13;

(c) The adequacy of reserves, with a risk-assessed level of £10.5m;

(d) The individual service cash limits for 2012/13 as detailed in the report;

(e) That the specific arrangements for the governance and release of reserves, including invest to save proposals, be delegated to the Council's Section 151 Officer in consultation with the Cabinet Member for Community Resources and the Chief Executive;

(2) To RECOMMEND that the Council include the precepts set and approved by other bodies including the Local Precepts of Town Councils, Parish Councils and the Charter Trustees of the City of Bath, and those of the Fire and Police Authorities in its Council Tax setting;

(3) To RECOMMEND that the Council acknowledges the Section 151 officer's report on the robustness of the proposed budget and the adequacy of the Council's reserves and approves the conditions upon which the recommendations are made as set out in the report;

(4) To RECOMMEND that in relation to the capital budget the Council:

(a) approves a capital programme of £37.471m for 2012/13 and notes items for provisional approval in 2012/13 and the programme for 2013/14 to 2016/17 as shown in the report, including the planned sources of funding;

(b) approves the Minimum Revenue Provision Policy;

(c) approves the Capital Prudential Indicators;

(5) To RECOMMEND to Council that the Council notes the Policy Development & Scrutiny review of Medium Term Service and Resource Plans and 2012/13 Service Action Plans and instructs the relevant officers to finalise and publish their Medium Term Service and Resource Plans and Service Action Plans by end of March 2012, in consultation with the relevant Cabinet Member and in light of feedback from the PD&S reviews, and in line with the approved cash limits; and

(6) To AUTHORISE the Divisional Director – Finance, in consultation with the Cabinet Member for Community Resources, to make any necessary presentational improvements to the draft budget proposal for submission to Council.

156 TREASURY MANAGEMENT STRATEGY STATEMENT & ANNUAL INVESTMENT STRATEGY 2012/13

Councillor David Bellotti, in proposing the item, emphasised that the council was very fortunate to have such high quality finance officers. He reminded Cabinet that proper Treasury Management underpinned the whole budget.

Councillor Paul Crossley seconded the proposal.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To RECOMMEND that Council approves the actions proposed within the Treasury Management Strategy Statement;

(2) To RECOMMEND that Council approves the Investment Strategy;

(3) To RECOMMEND that Council approves the changes to the authorised lending lists;

(4) To RECOMMEND that Council approves the adoption of CIPFA's revised Code of Practice on Treasury Management;

(5) To RECOMMEND that Council approves the revised Treasury Management Policy Statement;

(6) To NOTE the Treasury Management Indicators;

(7) To DELEGATE authority for updating the indicators prior to approval at Full Council on 14th February 2012 to the Divisional Director - Finance and Cabinet Member for Community Resources, in light of any changes to the recommended budget as set out in the Budget Report elsewhere on the agenda for this meeting.

157 THE COUNCIL'S VISION AND VALUES

Councillor Paul Crossley, in proposing the item, referred to the wide consultation which had fed into the new vision and values. All Councillors and middle Managers were invited to contribute and the Cabinet had taken on board a significant number of suggestions and observations from that consultation.

Councillor Nathan Hartley seconded the proposal and said that putting people first was a fine principle on which to base the Council's service decisions.

Councillor Cherry Beath endorsed the proposals.

Councillor Crossley, in summing up, referred to paragraph 5 of the report and observed that the list of partners should be amended by adding "town and parish councils", so that it would now read, "the police, schools, the health service, town and parish councils, community organisations, local businesses, local people and communities".

On a motion from Councillor Paul Crossley, seconded by Councillor Nathan Hartley, it was

RESOLVED (unanimously)

- (1) To AGREE the refresh of the Council's Vision;
- (2) To REPLACE the Council's previous eight priorities with three objectives that describe what it is trying to achieve and enable it to focus resources;
- (3) To UPDATE its values to reflect how the Council will operate and the kind of organisation it will be; and
- (4) To COMMUNICATE these developments to the public and staff.

158 QUALITY PARTNERSHIP SCHEME FOR CORRIDOR 6 OF THE GREATER BRISTOL BUS NETWORK

Councillor John Bull made an *ad hoc* statement expressing his concern that the recommendation in paragraph 2.2 of the report did not specify that the Divisional Director in making any changes must consult with the Cabinet member. He asked for this to be amended.

Councillor Paul Moss in an *ad hoc* statement brought the Cabinet's attention to the fact that the Midsomer Norton to Bristol bus service was listed in Schedule 1 of the report as being only one bus a day in each direction. He emphasised that this would be an ideal opportunity to improve the service.

Councillor Charles Gerrish made an *ad hoc* statement encouraging the Cabinet member to be robust in his negotiations with First. He felt that the Council should, as before, insist on a "maximum fare" clause in future agreements with First.

Councillor Roger Symonds introduced the item. He referred to the point made by Councillor Moss, and promised that he would address the issue of the frequency of services between Bristol and Midsomer Norton. He referred to the point made by Councillor Bull, and agreed that recommendation 2.2 should read "in consultation with the Cabinet Member for Transport". As a result, he moved a proposal which differed from the published recommendations.

Councillor Tim Ball said that he was delighted, to second the proposal.

On a motion from Councillor Roger Symonds, seconded by Councillor Tim Ball, it was

RESOLVED (unanimously)

- (1) To AGREE that a quality partnership scheme be made covering the bus route corridor between Midsomer Norton and Bristol via Whitchurch;

(2) To DELEGATE authority to the Divisional Director for Planning & Transport Development to determine in consultation with the Cabinet Member for Transport the appropriate standard of services in the quality partnership scheme; and

(3) To DELEGATE authority to the Divisional Director for Planning & Transport Development to decide in consultation with the Cabinet Member for Transport on any revisions to the standards of services in the quality partnership scheme arising from the formal review process.

159 VOLUNTARY SECTOR FUNDING APPLICATIONS FOR COMMUNITY TRANSPORT 2012/3

Councillor Roger Symonds, in moving the recommendations, said that the proposals would increase or maintain all the awarded grants.

Councillor Simon Allen seconded the proposal and observed that the criteria and the grants being recommended fitted well with the Council's new vision of putting people first and encouraging independence.

Councillor David Bellotti supported the proposal. He referred to paragraph 3.5 of the report, which identified an amount of £42,500 grant from the government to assist with community transport services. He asked the Cabinet member to agree to bring any proposals on spending this grant back to Cabinet for approval.

Councillor Paul Crossley was delighted with the proposals and felt that they delivered an inclusive agenda.

Councillor Roger Symonds summed up. He assured Councillor David Bellotti that he would indeed bring back to Cabinet any proposals for spending the £42,500 community transport funding. He reminded Cabinet however that the funding was specifically given by government to be used for community transport development.

On a motion from Councillor Roger Symonds, seconded by Councillor Simon Allen, it was

RESOLVED (unanimously)

(1) To APPROVE funding proposals laid out in appendix 2 of the report;

(2) To AGREE that new two-year service level agreements be entered into with the three dial-a-ride schemes in the Council's area;

(3) To DELEGATE authority to the Divisional Director for Planning and Transport Development to reallocate funds, in consultation with the Cabinet Member for Transport, from approved projects that become unviable owing to the level of funding allocated or to a change in circumstances of the applicant group, should such situations arise during the year.

160 FOSTERING ALLOWANCES ANNUAL REVIEW

Councillor Nathan Hartley proposed the recommendations. He explained that it was never easy to recruit good foster parents; but that he was delighted that the Family Placements Team had been working so hard to attract new fosterers. He reminded Cabinet that Children and Young People were a key priority for the Council.

Councillor Cherry Beath seconded the proposal by saying how impressed she had been by the commitment shown by foster carers. The proposed rises were in line with the recommendations of the Fostering Network.

[Councillor Tim Ball in a personal statement explained that he had no interest to declare on this matter, because he and his wife claimed no allowances from this authority.]

On a motion from Councillor Nathan Hartley, seconded by Councillor Cherry Beath, it was

RESOLVED (unanimously)

- (1) To INCREASE fostering age related allowances and permanence allowances in line with Fostering Network recommendations as set out in the report;
- (2) To AGREE that there will be no change in fostering fees, savings rates for children in care, or supported lodgings as set out in the report; and
- (3) To NOTE the current level of care leavers maintenance which is linked to Job Seekers Allowance as set out in the report.

161 RESPONSE TO SOMERSET COUNTY COUNCIL MINERALS PLANNING OPTIONS CONSULTATION

Councillor Charles Gerrish in an *ad hoc* statement welcomed the report. He explained his concerns about the approach of the Mendip Council, particularly the impact on the Council's highways of any increase in extraction in the Mendip area as a result of HGV movements.

Councillor Tim Ball, in proposing the item, acknowledged the comments made by Councillor Gerrish. He also referred to reported seismic events caused by hydraulic fracking in the north of England. His biggest concern was that extraction in the Mendip Hills might have an unforeseen impact on the source of Bath's spa waters.

Councillor Paul Crossley seconded the proposal. He said that he had asked the two local MPs to sign an Early Day Motion to stop any extraction in Mendip, and that one had so far agreed. He emphasised the importance of preventing anything which might put at risk the exceptionally high quality of Bath's waters.

Councillor Roger Symonds referred to Councillor Gerrish's comments about Heavy Goods Vehicles. He explained that he was already speaking to Somerset County Council about this matter. He proposed an amendment which would add the words "Cabinet agrees that the Council will monitor the traffic of Heavy Goods Vehicles passing from Somerset into North East Somerset".

Councillors Tim Ball and Cherry Beath both accepted the amendment.

On a motion from Councillor Tim Ball, seconded by Councillor Cherry Beath, it was

RESOLVED (unanimously)

- (1) To AGREE that the assessment as set out at Appendix 1 of the report will form the basis of the response to the consultation on the Minerals Core Strategy Options Paper to be forwarded to Somerset County Council by 12th February 2012 to help inform the preparation of Somerset County Council's draft Minerals Core Strategy; and
- (2) To AGREE that the Council will monitor the traffic of Heavy Goods Vehicles passing from Somerset into North East Somerset.

[Clause 2 above was added as a result of an amendment proposed by Councillor Roger Symonds and accepted by the proposer and seconder of the primary motion.]

162 HOME IMPROVEMENT AGENCY - RECOMMISSION

Phil Gait (Chairman, Care and Repair) made a statement [*a copy of which is attached to the Minutes as Appendix 6 and on the Council's website*] asking Cabinet to reject the proposals because he felt they were unworkable and because of the impact they would have on vulnerable people.

Councillor Simon Allen, in proposing the item, said that the role of the Home Improvement Agency had developed, and was now seen as pivotal in helping older and vulnerable people to remain independent. The need would continue to grow, and the HIA must develop to meet that need. He stressed that the proposed contract would deliver flexibility and local expertise right to the point where it was needed.

Councillor Tim Ball seconded the proposal. He stressed that there was a local aspect to the proposals, which was essential.

Councillor David Bellotti referred to paragraph 3.2 of the report, in which estimated savings of 12% had been identified. He explained that any savings achieved might not necessarily be invested back into the same service.

Councillor Allen acknowledged the point made by Councillor Bellotti.

On a motion from Councillor Simon Allen, seconded by Councillor Tim Ball, it was

RESOLVED (unanimously)

(1) To AGREE that Bath & North East Somerset continues to participate in the joint competitive procurement process to secure a new West of England Home Improvement Agency contractor; and

(2) To CONFIRM the delegated authority of the Programme Director for Non-Acute Health, Social Care and Housing, in her capacity as chair of the Supporting People & Communities Board, to exercise her judgement in concluding the contractual processes associated with this commission.

163 VARIOUS ROADS, KEYNSHAM TRO

Councillor Charles Gerrish read a statement by Councillor Alan Hale [*a copy of which is attached to the Minutes as Appendix 7 and on the Council's website*]. In the statement, Councillor Hale explained that residents of Dapps Hill had not responded in great numbers to the consultation about the proposed residents parking because they felt that they had made their feelings known in previous consultations and by means of an earlier petition. He asked Cabinet to bear this in mind when considering the Dapps Hill proposals.

Councillor Charles Gerrish made a statement on his own behalf in which he welcomed the proposals, particularly those relating to his own ward. He was concerned about enforcement on Saturdays and Sundays.

Roger Busby (Resident, Dapps Hill) made a statement [*a copy of which is attached to the Minutes as Appendix 8 and on the Council's website*] appealing to the Cabinet to proceed with the Dapps Hill Residents Parking Zone, despite the low response to the public consultation.

Councillor Roger Symonds, in proposing the item, referred to the 5-year backlog of traffic orders. The proposals before Cabinet showed a determination to deal with this. He explained that the Council had a statutory duty to consult on the proposals, and said that in the case of Dapps Hill, the statutory response had been

inconclusive. He did agree however that he would look again at that proposal in a year's time.

In response to Councillor Gerrish's comment, he confirmed that the Council did issue tickets on Saturdays and Sundays. Local Councillors could also ring, to express concern, if they felt it necessary.

Councillor Cherry Beath seconded the proposals which she felt were reasonable. She welcomed the commitment to look again at Dapps Hill in a year's time.

On a motion from Councillor Roger Symonds, seconded by Councillor Cherry Beath, it was

RESOLVED (unanimously)

(1) To IMPLEMENT the following Traffic Regulation Orders because no objections were received by the statutory deadlines:

(a) No Waiting at Any Time in Access Road to Tesco from Bristol Road, Access Road to Chandag Junior School, Chandag Road, Cranmore Avenue, Courtlands, Charlton Park, Charlton Road, Caernarvon Road, Caernarvon Close, Derwent Grove, Durley Hill, Dapps Hill, Holmoak Road, Kennet Road, Access Road to Tintagel Close (Kelston Road), Lambourn Road, Lockingwell Road, Northern Access Road to Wellsway School, Oak Tree Walk, Old Bristol Road, Queen's Road, Severn Way, St Ladoc Road.

(b) No Loading in Chandag Road

(c) No Waiting Mon-Fri, 8am-5pm in Chandag Road

(d) Limited Waiting Mon-Sat, 8am-6pm (2 hours) in Chandag Road

(e) Loading Bays in Chandag Road, High Street

(f) Disabled Bay in West View Road Mon – Fri, 8am – 6pm

(2) To MODIFY the School Keep Clears Chandag Road TRO so that the times are 8am – 6pm Monday to Friday only

(3) To ABANDON the schemes for Residents Permit Parking (Mon-Sat, 8am-6pm) in Chandos Road, Dryleaze, Summerleaze, Priory Road, Dapps Hill, St Clements Road.

164 GREEN INVESTMENT BANK

Councillor Paul Crossley proposed the item. He was delighted that the local area had thriving green, silicon and environmental industries. There were a number of very good reasons why the Green Investment Bank should be located in Bristol.

Councillor Cherry Bath seconded the proposal.

Councillor Roger Symonds was delighted, because this had been in his Party's manifesto commitment.

On a motion from Councillor Paul Crossley, seconded by Councillor Cherry Beath, it was

RESOLVED (unanimously)

(1) To SUPPORT the bid for the Green Investment Bank to be located in Bristol

(2) To WORK with the Local Enterprise Partnership, the business community and Bristol City Council to promote the opportunities afforded by locating the Bank in Bristol

The meeting ended at 9.50 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council

Cabinet Single-Member Decisions

published 3-Feb-12 to 2-Mar-12

Further details of each decision can be seen on the Council's Single-member Decision Register at <http://democracy.bathnes.gov.uk/mgDelegatedDecisions.aspx?&DM=244X>

Date	Decision Maker
Reference	Title

23-Feb-12 Cllr Roger Symonds

E2382 (Rule 16) Travel Smartcard Project Approval

The Cabinet Member agreed to release the balance of funds of £306,390 for 2011/12 and future years to purchase cards and implement the project. With agreement of the Vice-Chair of the relevant PDS Panel, and following advice from the Chief Executive, Monitoring Officer and Section 151 Officer, this decision was taken under Special Urgency provisions.

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Bath & North East Somerset Council			
DECISION MAKER:	Cllr Symonds , Cabinet Member for Transport		
DECISION DATE:	On or after 14 th March 2012	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2337
TITLE:	Bath Transportation Package (BTP) Bus Shelters Preferred Design Choice Following Public Consultation Exercise.		
WARD:	All		
AN OPEN PUBLIC ITEM			
List of attachments to this report:			
Appendix 1 Results of public consultation including the preferred bus shelter design.			
Appendix 2 Issues considered.			

1 THE ISSUE

- 1.1 A government announcement on the BTP was given at the end of 2011 meaning that bus shelter infrastructure improvements on 9 bus routes throughout Bath can be implemented once full approval has been given. This amounts around 180 new shelters; of these 90 (approx.) will be replacements for existing shelters & another 90 (approx.) will be at stops where there is currently no shelter provided. This represents a significant provision of public transport infrastructure across the city & a step change for Bath. To plan for this work, approval to undertake engagement with the public & key bodies on shelter design was given & this exercise has now concluded. The results are attached in **Appendix 1**.

2 RECOMMENDATION

The Cabinet is asked to agree that:

- 2.1 The preferred shelter design options identified in the public consultation namely, green shelters, sloped roofs & bench style seats are procured for installation on the 9 bus routes which form a part of the BTP.

3 FINANCIAL IMPLICATIONS

- 3.1 Any financial implications for provision of the bus shelters were covered in the Best & Final Bid in accordance with the full Council decision of the 14th July 2011.
- 3.2 At the time of writing this report the levels of grant funding remain to be confirmed. In order to draw down any grant funding firm prices will be required. A procurement exercise is underway & this consultation has informed the specification upon which suppliers will base their submissions. The cost of shelters is manageable within the overall bus stop budget of £4.8m of which £1.2m relates to shelters. The shelter design will allow enough flexibility for advertising should this revenue stream be required to support future maintenance.

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Promoting the independence of older people*
- *Sustainable growth*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 THE REPORT

- 5.1 The opportunity & need to engage with people was driven by the following:-

- This is a step change in public transport infrastructure provision on 9 bus routes throughout Bath
- The design was developed & refined to bring some consistency of style in consideration of heritage issues.
- The need to obtain firm prices to release DfT funding. Identification of the style, type & key features of shelters is required to allow for this.

Attached as **appendix 1** is the preferred bus shelter design informed by public consultation.

- 5.2 The styles consulted on have been informed by earlier engagement carried out by Development & Major Projects (D&MP) on the pattern book of street furniture developed for the Public Realm & Movement Strategy. To ensure that a consistency of approach is achieved in relation to design values & heritage issues, Pearson Lloyd, the designers who led this earlier work in consultation with 17 key stakeholders, have produced the designs in the leaflet used in this consultation.

6 RISK MANAGEMENT

- 6.1 The report author & Lead Cabinet member have fully reviewed the risk assessment related to the issue & recommendations, in compliance with the Council's decision making risk management guidance.

- 6.2 As a result of building on the work referred to in 5.2 above the risk of any negative impact on Heritage issues has been minimised. Further sensitivity testing will be undertaken prior to the positioning of shelters as appropriate.

7 EQUALITIES

- 7.1 The B & FB for the BTP addressed social & distributional impacts of the entire scheme in line with The Department for Transport Detailed Guidance on Social & Distributional impacts of Transport Interventions .Transport Analysis Guidance (TAG) unit 3.17 & therefore an additional equalities impact assessment has not been undertaken. The provision of new shelters will however be subject to individual analysis in due course.

8 RATIONALE

- 8.1 Engagement on bus shelter design was considered appropriate to inform the choice of shelter since they will have a design life of around 15 years.
- 8.2 We are building on previous engagement carried out by D&MP with the aim of bringing a degree of consistency of approach to the chosen design. For clarity this exercise excludes those shelters within the central historic core of the City which will be subject of bespoke design.
- 8.3 The proposed shelters will improve the waiting environment for bus users throughout Bath.

9 OTHER OPTIONS CONSIDERED

- 9.1 Engaging with the public on the principles of the style of shelters was undertaken to enable members to make a decision on the design knowing that in line with our vision & values people have been given the opportunity to comment.
- 9.2 Any lack of engagement may have increased the possibility of future criticism on the type of shelter used when they are provided. Engagement minimises this risk, in particular from a heritage perspective as the concepts were developed from the earlier pattern book work with the 17 key stakeholders.

10 CONSULTATION

- 10.1 Ward Councillors; Cabinet members; Parish Council; Residents Associations; Other B&NES Services; Service Users; Local Residents; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer.
- 10.2 Consultation was carried out using e-consult, an on line consultation tool. This was supplemented with leaflets placed in public libraries, press releases & letters to those who live in proximity to existing shelters to be replaced including where new shelters are to be provided.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Customer Focus; Sustainability; Human Rights; Other Legal Considerations.

See appendix 2

12 ADVICE SOUGHT

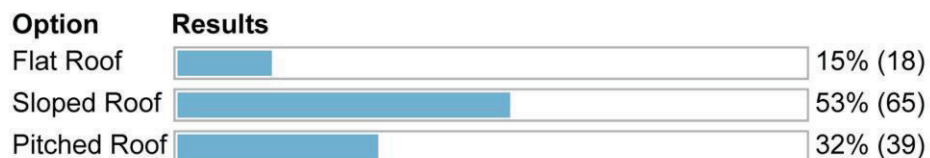
12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Joy Jefferys 01225 394446</i>
Background papers	<i>Best and Final Bid to Government for Bath Transportation Package.</i>
Please contact the report author if you need to access this report in an alternative format	

Bus Shelter Design Options Consultation Results

01

Please select your preferred roof type for the shelter. (Roof options are shown in the Bus Shelter Design Options document).



02

Please select your preferred colour for the shelter. This colour will also be used for bus stop flags at locations without shelters. (Colour options are shown in the Bus Shelter Design Options document).

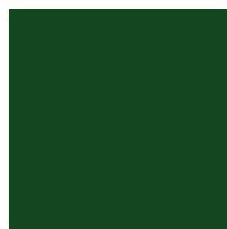
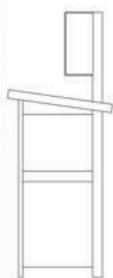


03

Please select your preferred seating type for the shelter. (Seating options are shown in the Bus Shelter Design Options document).



Roof: Sloped



Colour: Green
(indicative)



Seat: Bench

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Appendix 2

Bus Shelter Design Issues Considered

Shelter Design

Heritage issues, building on design work already undertaken by Council

Roof shape & implications for drainage, detritus etc

Materials & Finish

Colour choice

Budget limitations & cost

Seating, design to avoid misuse

Design Life circa 15 years.

Ability to take advertising

Type of lighting

Lighting, to avoid up light in residential areas

Protection from elements

Information display

Panel size, mid rail for ease of replacement

Flag only

Bins, discretion of LA, including emptying regime & potential impacts

Position of timetable

Other street furniture

Siting of shelters

Gathering information on sensitivities for shelter siting at later stages.

Protocol for approval of siting of shelters

Heritage considerations of siting of shelters. (listed buildings for eg)

Consultation methodology

All sites were visited to identify addresses for individual letters.

Posters were placed on all bus stops on the affected routes

Leaflets provided to public libraries

All ward members on affected routes informed.

FOBRA's & Bus Users Group plus three Parish Councils contacted directly.

Legal advice and good practice considered

Dissemination methodology e consult, individual letters, & on site posters as well as leaflets in libraries.

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 th March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E2324
TITLE:	Control and Regulation of Houses of Multiple Occupation in Bath: Implementation Options	
WARD:	All wards in the City of Bath	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A - Article 4 Direction for Houses in Multiple Occupation: Feasibility Study (February 2012)		
Appendix B - HMO Study Options : Equality Impact Assessment (December 2011)		
Appendix C - HMO Study Options : Implementation Cost Assessment Summary February 2012)		
Appendix D – HMO Licensing: Private Sector Licensing (February 2012)		

1 THE ISSUE

1.1 In response to concerns about the impact of high levels of Houses in Multiple Occupation (HMOs) in Bath, Planning Services and Housing Services have investigated the options for policy intervention for consideration. Planning controls (an Article 4 Direction) could be used to limit future growth in HMOs, while housing-led solutions (eg licensing) could tackle issues relating to housing conditions and HMO management issues. A study prepared on behalf of the Council by Arup identified four options.

1.2 These options are;

- (1) implement an Article 4 Direction in 2013 to remove permitted development rights to change use from a dwelling house (i.e. family house) to a small HMO (between 3 and 5 unrelated people living together) and introduce a supplementary HMO threshold planning policy to enable implementation.
- (2) designate all or part of the district to be subject to additional licencing for classes of HMOs specified by the Council.
- (3) a combination of the above
- (4) take no additional action beyond that already in place.

2 RECOMMENDATION

2.1 That Cabinet agrees that;

- a) Notice is given of the Council's "intention to implement" an Article 4 Direction over Houses in Multiple Occupation in the City of Bath,
- b) A 6 week public consultation being undertaken, with results being considered before any implementation of the Article 4 Direction,
- c) authority is delegated to the Divisional Director for Planning & Transport, in conjunction with the Cabinet Member for Planning and Housing, to prepare and publish the Article 4 Direction Schedule,
- d) a Supplementary Planning Policy is prepared as part of the local Development Framework to enable implementation of the Article 4 Direction,
- e) the results of the public consultation are considered by Cabinet in no less than 12 months from the notice of the Article 4 Direction to enable consideration as to whether the Article 4 Direction should be confirmed, abandoned or amended;

and

- f) Evidence is gathered to ascertain whether the legislative conditions for introducing additional licensing can be met, and if so, undertake a 10 week public consultation exercise which will inform the design of any such designation. The outcome of this process will be subject to a further report to Cabinet where a decision will be made to whether to implement additional licensing and if so, whether all or part of the District to be subject to additional licencing for classes of HMOs specified by the Council.

3 FINANCIAL IMPLICATIONS

3.1 There are direct cost implications of this decision for Planning and Housing services. The cost of implementing each of the options has been assessed in detail, and a scenario testing cost exercise has been undertaken. A summary of this cost assessment is available in **Appendix C**.

3.2 Any on-going costs forming part of an agreed way forward, will represent a commitment for growth against the 2013/2014 Budget.

Headline cost impact summary

Option	Costs
Option 1: Article 4 Direction Plus Threshold Policy	
Implementing an Article 4 Direction	£15,000 set up – including public consultation (not recoupable)
Preparing a threshold Policy in Supplementary Planning Document	£11, 000 set up (not recoupable)

On-going Development Management operations cost	£31,000 recurring p.a. (not recoupable)
Option 2: Additional Licensing	£32k set up costs – including public consultation (not recoupable) On-going costs recouped through charging
Option 3: Combined Approach	Same costs as 1& 2 above combined
Option 4: Current Approach	No direct additional financial costs

3.3 These costs can be broken down as follows:

Planning

- Ongoing costs will be incurred by Development Management to deal with additional planning applications, enforcement, appeals and general queries which cannot be recouped via planning fees (applications triggered by an Article 4 are exempt from fees). Mid-range scenario cost-estimate is £31,000 per annum, but these costs could be higher (as shown in in worst case scenario). This will begin to be incurred ongoing each year from 2013/4 if an Article 4 Direction is pursued and hence would need to be considered in the preparation of the Service Plan for 2013/4.
- Non-recurring cost of introducing a HMO Supplementary Planning Document containing a threshold policy (fast tracking option) - £11,000. This will need to be funded from re-prioritisation within the existing LDF budget.
- A non-recurring £15,000 set up cost for Article 4 Direction incurred in 2013/4 if an Article 4 Direction is pursued. This will need to be funded through the Local Development Framework Budget and will require a re-prioritisation of existing commitments.
- Consultations on both Article 4 Direction and a HMO Supplementary Planning Document will need to be funded from Local Development Framework Budget and a joint consultation will be the most efficient use of resources.

Housing

- Additional licensing is administratively complex and resource intensive. From experience, and looking at other schemes, it is estimated that for every 1,000 HMOs brought into licensing four permanent staff, or the equivalent resource, is required. In addition Housing Services would need to look at how the existing Mandatory licensing process can be re-designed to be used more effectively for Additional licensing, possibly through e-work flows, as pioneered on the Homesearch scheme. This work, establishing the evidence base, consultation, introducing and publishing the designations, appointment of additional staff will all be upfront costs. The research commissioned, by ARUP, estimated these costs to be £32,000.
- These costs are not part of Housing Services financial plans and would need to be met through a re-prioritisation of existing work streams, such as the suspension of the existing voluntary accreditation scheme.

- Fees can be levied to cover the administrative costs of licensing including publicity, back-office functions & inspections. Current HMO licensing fees start at £750 for a 5 year license. It is therefore reasonable to assume that the cost to the sector will be around £150,000 p.a. for every 1,000 HMOs brought into licensing.
- It is important to remember that whilst the scheme should be cost neutral to the Council there are some significant risks associated with: calculating the fee, particularly given that the lack of certainty around HMO numbers; the potential for the scheme to generate additional non-fee generating work, such as enforcement action; and the costs of defending a potential judicial challenge to the designation.
- public consultation on introducing additional licensing measures can be combined with the Article 4 Direction consultation to ensure most efficient use of resources.

4 CORPORATE PRIORITIES

4.1 This item contributes mainly to priority 2 “creating neighbourhoods where people are proud to live”. There is also a need to consider the economic priority in considering this decision and equalities issues in promoting positive lives for everyone.

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 THE REPORT

LEGISLATIVE BACKGROUND

- 5.1 On 1st October 2010 changes to planning legislation relating to the control of HMOs came into force. The changes were made to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and extended permitted development rights to allow a change of use between Use Class C3 (Dwelling house) and Use Class C4 (Houses in Multiple Occupation) without the need for a planning application. This change means that any change of use between a dwellinghouse and a small HMO can occur without the need for planning permission unless the local authority has specifically identified an area in which planning applications will be required. Local authorities are able to do this through the use of an article 4 direction which removes the permitted development right that allows the change of use to occur.
- 5.2 Local planning authorities should only consider Article 4 Directions where they feel that there are exceptional circumstances and where evidence suggests that the exercise of permitted development rights would harm the local amenity or proper planning of the area.

RESEARCH

- 5.3 In June 2011 the Cabinet requested that investigations should be undertaken into how planning controls (including an Article 4 Direction) could be used to control

the future spread and increase in Houses in Multiple Occupation (HMOs) in Bath. A feasibility study was undertaken which collated the relevant local evidence and formulated options for action - see **Appendix A - Article 4 Direction for Houses in Multiple Occupation: Feasibility Study (February 2012)**.

- 5.4 The study shows that concentrations of student HMOs are particularly high in the wards of Widcombe, Oldfield Park and Westmoreland although there are other wards in the City with high numbers. It should be noted that HMOs play a wider role in providing housing for a wide range of groups including students, young professionals and graduates, lower paid workers and under 35 year old singles on housing benefit. It is clear that while there is good data on student HMOs, the data on other HMOs is patchy as there is no requirement for the majority to be registered with the local authority and as planning permission is not currently required.
- 5.5 Issues of concern expressed by residents are: inflating impact on cost of family housing, noise, litter, parking, environmental degradation and poor property maintenance, impact on perception of areas, and other impacts on the community related to high levels of transient population. However the report identifies both the positive and negative impact of HMOs. It found that in relation to indicators of environmental degradation and social impacts (e.g. crime, noise, anti-social behaviour) there is not a strong link with student HMOs. However, the data gathered shows very high concentrations of HMOs in parts of the City, it is this that is considered to be the primarily cause of harm, impacting on community balance. It is this impact that is seen to be the justification for potentially implementing an Article 4 Direction.
- 5.6 A stakeholder workshop was held in October 2011 with local residents, HMO landlords, Business representatives, the Universities, Councillors and cross-service officer representation. The Bath Chamber of Commerce, HMO landlords and estate agents, both Universities and student groups have expressed that they would oppose a proposal by the Council to adopt an approach to restricting HMO growth in the city using planning controls.
- 5.7 Other mechanisms that contribute to alleviating any potential problems with HMOs, and consideration of approaches taken in other cities in the UK has also been included in the study. A number of those at the stakeholder workshop expressed a strong interest in introducing Additional licencing schemes because it could help to address housing condition issues and enable greater regulation of all existing and future HMOs.

PLANNING CONTROLS

- 5.8 An Article 4 Direction would mean that express planning permission would be required for a change of use from a dwelling house (i.e. family house) to a small HMO (3-5 unrelated people living together) although B&NES will not be able to collect fees for processing the processing of these applications. Reasons for refusal of planning permission will still be required on a case by case basis.
- 5.9 The feasibility study also identified that the Council's existing Planning Policy (Local Plan Policy HG.12) would need to be supplemented or amended to make the Article 4 Direction effective. A supplementary policy would need to set out a threshold, for instance, where 20% of dwellings within a 100m radius of the property are already an

HMO permission would not be granted for change of use from a family dwelling to an HMO. Such a policy could also prohibit extensions to existing HMOs where these require planning permission. Monitoring data would include the use information such as Council tax exemptions and any other licencing records held by Housing Services.

- 5.10 It should be emphasised, that an Article 4 Direction cannot be applied retrospectively and would only control future changes of use from the date when it came into effect. It would therefore not tackle any existing issues in areas with high densities of HMOs.
- 5.11 An Article 4 Direction needs to be justified, based on evidence and have a defined geographical coverage. A 12 month notice period of intention to adopt should be given to avoid legal liability risks.
- 5.12 The study concludes that a City-wide rather than a partial Article 4 Direction is appropriate due to the likelihood of displacement effects because of the compact nature of the city.
- 5.13 There is already a strong correlation between concentrations of student HMOs and University bus routes and public transport corridors. Transport Services has expressed concern about the impact of dispersing student HMOs away from the key bus routes to the Universities will lead to less sustainable travel patterns and may an adversely impact on the Universities' travel plans.

HOUSING CONTROLS

- 5.14 The Housing Act 2004 increased Local Housing Authority's (LHA) abilities to regulate the private rented sector by introducing three forms of licensing, these being: Mandatory licensing of HMOs; Additional licensing of HMOs; and Selective licensing of the private rented sector. **Appendix D** provides a summary of the three forms of licensing and the conditions that must be achieved. Operating a property covered by the designation without a license is an offence punishable by a fine up to £20,000.
- 5.15 Following the introduction of a General Approval Order in March 2010 an LHA can now introduce additional or selective licensing without the need for Secretary of State approval. However, introducing additional or selective licensing is not a decision to be taken lightly by the Council. The conditions that must be satisfied are contained in Part 2 of the Housing Act 2004 and are further detailed in guidance issued by the Department of Communities & Local Government (CLG) issued in December 2007.
- 5.16 The guidance makes it clear that additional licensing is not just another tool in the toolbox and that it should only be seen as an option to use when there are real problems with HMOs that have not been solved by using other available powers and a variety of approaches. This is reflected in the low numbers of additional licensing schemes that exist at present. We understand that at present there are 11 additional licensing schemes in existence. **Appendix D** provides some further details on these schemes including LHA & scope of scheme.
- 5.17 The primary purpose of HMO licensing is to improve housing standards. It allows the LHA to ensure that conditions, amenity & fire safety standards comply with current legislative standards. As such the principle beneficiaries of licensing are tenants. However, some LHAs use the licence as a vehicle to improve the

management of the property and to respond to complaints by local residents about the condition of houses and behaviour of tenants. Hence licences often contain conditions relating to the number of waste receptacles required and management conditions, such as, that the landlord takes reasonable steps to minimise any nuisance, alarm or harassment by tenants etc.

- 5.18 To withstand the challenge of a judicial review the Council would need to be able to produce evidence to meet the over arching condition contained in the Housing Act 2004 which states that the LHA should:

“consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public”

- 5.19 An analysis of the evidence would be required to confirm that the above requirements are met. At this stage this is not clear.

- 5.20 The designation can cover a single ward or the entire district. It can cover a specific type of HMO or all types. However, the CLG guidance states that...

it is not the intention of the legislation that additional licensing should apply to all types of HMO across entire LHA areas. It should be used to tackle specific problems in specific areas

- 5.21 **Appendix D** confirms that the existing schemes range from a single ward (Cardiff) to a whole City (Newport, Oxford). From 3 storey HMOs (Hastings) to all HMOs (Oxford, Cardiff, Hastings, Newport & Slough).

CONCLUSIONS

- 5.22 Section 1 of this report outlines the policy intervention options based on the recommendations of the Arup Report (**Appendix A**).

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

- 6.2 An Article 4 Direction can be legally challenged in relation to whether there is a sound basis for its implementation. Government guidance advocates that local planning authorities should consider making article 4 directions only in:

exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.

- 6.3 A limited number of Local Authorities have implemented Article 4 Directions in relation to HMOs so there is little precedent.

- 6.4 Likewise Additional licensing can be legally challenged in relation to whether there is a sound basis for its implementation.

7 EQUALITIES

- 7.1 An equalities impact assessment has been undertaken (see Appendix B). The conclusions of the assessment can be summarised as follows:

Option 1: City Wide Article 4 Direction and threshold policy

- Could lead to a more dispersed distribution of HMOs, which could lead to poorer access to public transport for HMO residents and feeling of isolation from greater dispersion.
- Rental prices in most popular student areas likely to rise (Oldfield Park, Westmoreland, Widcombe) which will affect people with lower salaries and students (both most likely to be young people).
- Wards with highest BME populations (Bathwick/Abbey) also have high proportion of HMOs, so these groups may be affected.

Option 2: Additional Mandatory HMO Licencing and Purpose Built Student Accommodation Policy

- Additional Licencing is likely to have a positive effect on all equality groups by raising the standard of all HMOs in Bath.
- Adequate provision should be made to help some equality groups fill in any necessary paperwork to comply with Licencing process.
- Licencing may push up rental prices if landlords see an opportunity to pass on costs to tenants which will affect people with lower salaries and students (both most likely to be young people).
- Wards with highest BME populations (Bathwick/Abbey) also have high proportion of HMOs, so these groups may be affected.

Option 3: Combination of options 1 and 2

In addition to the above:

- May lead to the perception that HMOs are not welcome in the city and therefore make it harder for employers to attract lower paid workers or graduate employees.
- May result in loss of trade in some areas if current tenants are replaced by people with lower disposable income (e.g. young families or non-student HMO residents e.g. migrant workers)

Option 4: Do nothing additional

- If left unchecked HMO and neighbourhood quality could worsen over time, this could disproportionately affect some equalities groups e.g. disabled people, students and lower paid (typically young people),
- House prices in areas with high level of HMOs could continue to be inflated making home ownership more unaffordable for lower income groups.

- 7.2 In addition to this EqIA, concern has also been raised about the potential disclosure of HMOs in use as bail houses or domestic violence refuges. However, the details of any HMO used in this way would not need to be disclosed in a planning application.

8 RATIONALE

- 8.1 A response is required to deal with the high levels of HMOs in parts of Bath. The recommended option 3, in combination approach, is considered the most effective as it seeks to tackle housing quality and management issues retrospectively through Additional Licencing, while also seeking further control on the expansion of HMOs through Planning Controls.

9 OTHER OPTIONS CONSIDERED

- 9.1 Four possible options have been identified as summarised in part 1 of this report. Option 3 is the officer recommendation as it is considered to be the most effective; however, it is also the most resource intensive. Further detail on each of the options is outlined in **Appendix A**.

10 CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Overview & Scrutiny Panel; Other B&NES Services;; Local Residents; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 10.2 To determine the options available to the Council, work has been undertaken with Ward Councillors including walkabouts of Oldfield Park and Westmoreland wards, discussions have taken place with the Universities and other key stakeholders including local residents, HMO landlords and estate agents. In addition a Stakeholder Workshop was held in October 2011, a report of this workshop is included within **Appendix A** (as Appendix 1 to the study report).
- 10.3 The options were considered by the Planning, Transport & Environment Policy Development Scrutiny Panel on 6th December 2011. Following deliberation, the panel chair concluded they were unable to support option 3 due to concerns about the cost of implementation and the impact on current home owners who may wish to sell their properties.
- 10.4 The Council's Development Control Committee at their meeting on 14th March 2012 has been asked to submit a statement of their views for consideration by the Cabinet.
- 10.5 Public consultation is required should the Council wish to proceed with either Article 4 Direction and supplementary policy or additional housing licensing. The results of the consultation on the Article 4 Direction will be considered by cabinet following the lapse 12 month notice period. Any amendments to the Article 4 Direction would need to be re-consulted on for a six-week period

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 *Social Inclusion; Other Legal Considerations*

12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<p><i>David Trigwell, Divisional Director Planning & Transport 01225 394125</i></p> <p><i>Jane Shaler, Programme Director for Non-Acute Health, Social Care and Housing, Housing and Supported Living Services 01225 396120</i></p>
Sponsoring Cabinet Member	<i>Councillor Tim Ball</i>
Background papers	<i>n/a</i>
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council
Article 4 Direction for HMOs
Feasibility Study

4.50

Issue | 14 February 2012

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Appendix A

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Appendix B

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Changes in HMO numbers between 2000 and 2011

Executive Summary

Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people from two or more families living together in a residence¹. High densities of HMOs are often associated with environmental management issues such as noise disturbances, litter and parking difficulties, however they also play a vital role in a balanced and effective local housing market.

This study considers whether there is a correlation between these environmental management issues and high densities of HMOs in Bath. The study also reviews the current mechanisms and interventions that are in place in Bath that contribute to alleviating any potential environmental problems and suggests other complimentary intervention options to support balanced sustainable communities.

Possible interventions can be broken down into 4 main areas:

- 1) **An article 4 direction;** meaning planning permission would be required for conversion from a family home (a C3 use class) to an HMO (with 3-6 people from more than one family living together)
- 2) **Planning Policy,** a number of alternative planning policy options exist.
- 3) **HMO licensing,** extension of local licensing procedures to include additional or selective licensing; and
- 4) **Voluntary management initiatives,** which may delivered by Bath & North East Somerset Council, the Higher Education Institutions, the local community, student groups or a partnership consisting of any or all of these.

There is no comprehensive record of current HMOs in Bath. Bath & North East Somerset (B&NES) Council's Housing department are aware of approximately 3,000 across the whole district but the actual number is thought to be higher than available official statistics record. There are notable existing concentrations of HMOs in parts of Widcombe, Westmoreland and Oldfield wards. Some streets in these wards have particularly high concentrations of HMO housing with very limited family housing remaining.

There is no conclusive evidence to link anti-social behaviour with areas where there are high concentrations of HMOs. Anecdotal evidence from resident does however suggest that incidences may actually be more localised than the official data indicates.

Future demand for HMO accommodation in Bath will depend on a range of factors including; changes in student numbers (which could go down as well as up with the recent national changes in fees); changes to housing benefit (those under 35 will now only be able to claim if living in a shared house); graduate retention and changes to the wider economy.

The study sets out four options for interventions:

- **Option 1:** A city-wide, non-immediate (i.e. with a 12 month notice period), Article 4 Direction plus an additional threshold planning policy

¹ This is an abridged definition from the Housing Act 2004 part 254; see <http://www.legislation.gov.uk/ukpga/2004/34/section/254> for the full definition

(this would set a limit of 20% of HMOs within a 100m radius of an applicant site). The policy to be introduced through a Development Plan Document (DPD) or a Supplementary Planning Document (SPD).

- **Option 2:** Additional licensing and a planning policy in support of purpose-built student accommodation, introduced through a DPD or SPD.
- **Option 3:** A combined approach incorporating all of the elements in Options 1 & 2.
- **Option 4:** Do nothing. This is a „business as usual“ option assuming no additional activity beyond what is already planned.

Option 1 is suggested as the lowest risk, most effective way of introducing an Article 4 Direction. This approach will prevent additional HMOs being created in areas with an existing high density. It is possible that these restrictions will lead to displacement of HMOs to other areas of the city, but this shift in activity will always be capped by the threshold policy. It is likely to have an impact on house prices in existing areas of high HMO concentration density (with family homes becoming less valuable and HMOs becoming more so).

Option 2 could be implemented more quickly than Option 1 and would address issues around quality and management of existing and new HMOs.

The combined approach as set out in **Option 3** provides both more immediate and longer-term solutions, but would be the most resource intensive option for B&NES. Any potential reductions in the quality of HMOs that might be the by-product of an Article 4 Direction would be overcome by the introduction of additional licensing.

Option 4 would involve continuing to run the successful Student Community Partnership and a review of the accreditation scheme, which is already planned, but no new additional HMO quality or quantity management activity.

The issues relating to HMO management and maintaining sustainable mixed communities are complex and there are numerous key stakeholders with widely differing views. No option is perfect, none can be guaranteed to deal with all the real and perceived environmental issues associated with the concentration of HMOs in the City, and some options may create other challenges as a result of implementation.

An Equality Impact Assessment has been carried out to assess the potential impact of each of the four options on equality groups in more detail.

Resourcing implications will be experienced by the Council when implementing all interventions within each of the three options where additional activities are proposed and further work is underway to establish the scale and extent of these costs. For overheads incurred within the Planning Department there is limited potential to recoup these costs as Article 4 Direction applications are exempt from planning fees. The potential costs incurred by the Housing Department in the role out of additional licensing are expected to be cost neutral, although the existing team would require reinforcement to deal with the increased workload.

1 Introduction

1.1 Scope

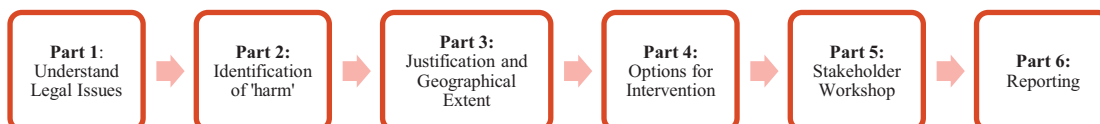
Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people from two or more families living together in a residence². High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties, however they also play a vital role in a balanced and effective local housing market.

The aim of this feasibility study is to consider whether there is a correlation between these environmental management issues and high densities of HMOs in Bath. The study also reviews the current mechanisms and interventions that are in place in Bath that contribute to alleviating any potential environmental problems, along with the approach taken in other cities in the UK.

This will form an appropriate evidence base to consider, in particular, whether an article 4 direction would be a suitable planning tool to assist in the control of conversion of dwelling houses (i.e. family homes) to HMOs in the City of Bath. The study also consider other planning policy and management measures that could be implemented, either in tandem with, or in place of an article 4 direction, to help maintain sustainable communities with a balanced mix of housing types.

1.2 Study Methodology

The methodology for the study can be broken down into five main stages; these are set out in figure below. Some of the stages overlapped slightly; this is set out



in more detail in the sections that follow.

Part 1: Understand Legal Issues related to Article 4 Directions

The initial stage of the study was to understand the requirements of the Council and to write a specification for the advice required from B&NES' legal department.

Part 2: Identification of 'Harm'

This stage was predominantly a data gathering exercise in order to assess the number, geographical extent and impact of HMOs in Bath. Datasets were gathered from across the Council and externally. Arup also engaged with individual stakeholders, and had guided tours from Councillors around Oldfield Park and Westmoreland wards to gather further anecdotal evidence.

² This is an abridged definition from the Housing Act 2004 part 254; see <http://www.legislation.gov.uk/ukpga/2004/34/section/254> for the full definition

Part 3: Justification and Geographical Extent

The aim of this stage was to gather experience of the application of Article 4 Directions in other local authorities and to make comparisons with the data collected for Bath during Stage 2 in order to start to draw some conclusions about the justification for implementation in Bath and the most suitable geographical extent. This second part of the work was also informed by part 5.

Part 4: Options for Intervention

The activity at this stage involved reviewing other possible options for intervention, either to enhance the effectiveness of an Article 4 Direction or as an alternative to it. We reviewed activity in other local authorities to come up with a long list of possible actions.

Part 5: Stakeholder Workshop

The stakeholder workshop was a key element of the study, with attendees representing a wide range of interests, including; councillors; estate agents; officers from multiple council departments; universities; landlords; students; and local residents. The workshop was an opportunity to present the data gathered and to test the effectiveness and popularity of possible options for intervention. A full report of the workshop can be found in appendix A.

Part 6: Reporting

This final part of the study brought all of the previous elements together into this report and into presentations given to council officers.

1.3 Houses in Multiple Occupation

Under the Housing Act 2004 a House in Multiple Occupation (HMO) is defined as a building or part of a building (e.g. a flat):

- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and more than one third of the flats are occupied under short tenancies.

And is 'occupied' by more than one household;

- as their only or main residence , or,
- as a refuge by persons escaping domestic violence, or,
- during term time by students, or,

- for some other purpose that is prescribed in regulations.

And the households comprise:

- families (including single persons and co-habiting couples (whether or not of the opposite sex), or,
- Any other relationship that may be prescribed by regulations, such as domestic staff or fostering or carer arrangements³.

In 2010, the legislative planning framework for Houses in Multiple Occupation (HMOs) changed significantly with the introduction of a new planning Use Class (C4); an HMO with 3 or more people. This change aligns the Use Classes Order with the definition of a HMO within the Housing Act 2004. This is in addition to the previous planning definition of 6 or more people living together (sui generis).

1.4 What is an Article 4 Direction?

Since the amendments to the Use Classes Order came into effect on the 6th April 2010, a further amendment was brought in by the coalition Government, from 1st October 2010⁴, meaning that all changes of use from a C3 dwelling (a family home) to a C4 HMO are now classed as permitted development.

The introduction of an article 4 direction would remove these permitted development rights requiring the property owner to apply for planning permission for a material change of use from a dwelling to a HMO. In its role as the local planning authority B&NES will not be able to collect fees for the processing of these applications. Reasons for refusal of planning permission will still be required on a case by case basis. More detail on the legal background of article 4 directions is set out in Section 2 below.

1.5 HMOs in Bath

The complex nature of the private rented housing market in Bath and the diverse nature of demand for flexible housing means that generalisation about who lives HMOs can be unhelpful. Nevertheless, making sense of what groups occupy HMOs is crucial since, without a better level of understanding, appropriate and effective policy interventions are difficult to devise. The best way to understand the sector is to distinguish its constituent markets. Sub-markets can be spatially concentrated or widely dispersed, depending on the demand group and on the supply of particular property types in a given area.

It is not the case that landlords let exclusively in one market or another: indeed, some landlords who manage their businesses more strategically and have larger portfolios will target a number of groups, and market and let their properties accordingly. HMOs are let to a wide range of groups including young professionals, students, immigrants, lodgers, asylum seekers, those on housing benefit and contract workers.

As a small city with two universities, there are clearly a number of students living in HMOs in Bath. Some of the wider national discussion on „studentification“ is therefore relevant to this study and is set out in more detail in appendix B.

³ Housing Act 2004, Part 254, <http://www.legislation.gov.uk/ukpga/2004/34/section/254>

⁴ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1708912.pdf>

2 Legal and Procedural Considerations

2.1 Introduction to Article 4 Directions for HMOs

In 2010, a new use class C4 HMO (an HMO with 3-6 people living in it) was introduced. There are, however, permitted development rights for conversion of a C3 dwelling house (a family home) to a C4 HMO and vice versa. Local Authorities have the right to introduce an article 4 direction, which would mean planning permission would be required for conversion from a C3 to C4 use class. As this is a removal of permitted development rights, the Local Planning Authority cannot collect fees for these applications. Further information regarding the background to the introduction to this change in planning regulation is set out in appendix C.

2.2 Is HMO Activity in B&NES Sufficiently Harmful to Warrant An Article 4 Direction?

Government guidance advocates that local planning authorities should consider making article 4 directions only in those „exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area“⁵.

For article 4 directions the legal requirement is that the local planning authority is satisfied that it is „expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application (see paragraph (1) of Article 4 of the General Permitted Development Order (GPDO)). Additionally, for Directions with immediate effect, the legal requirement is that the local planning authority considers that the development to which the Direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenity of their area (see paragraph (1)(a) of Article 6 of the GPDO).

In deciding whether an article 4 direction is the appropriate mechanism to deal with existing and potential future HMO activity in Bath the technical evidence should identify clearly the potential harm that the Direction is intended to address. Section 4 of this report seeks to present relevant data, where available, to aid a judgement on the issue of harm and to consider whether the continued exercising of permitted development rights in relation to HMOs would:

- Undermine the visual amenity of the area or damage the historic environment.
- Undermine local objectives to create or maintain mixed communities.

There are four „harm“ considerations that the local planning authority needs to reassure itself of to underpin the recommendation on whether or not to pursue an HMO article 4 direction for Bath. They are as follows:

- Are the environmental, social and economic impacts being felt in specific wards with known concentrations of HMOs (Oldfield Park, Westmoreland, Widcombe) „directly related“ to the prevalence of this type of tenure?

⁵ Replacement Appendix D to Department of the Environment *Circular 9/95: General Development Consolidation Order 1995* (978 0117531024)

- Can these conditions be regarded as „exceptional“ when benchmarked against other areas of the City where HMOs are less prevalent?
- Would the continued exercise of permitted development rights cause harm to local amenity or the proper planning of the specific areas?
- If so is the proposed article 4 direction solution justifiably expedient to the evidence base?

2.3 Process for making an Article 4 Direction

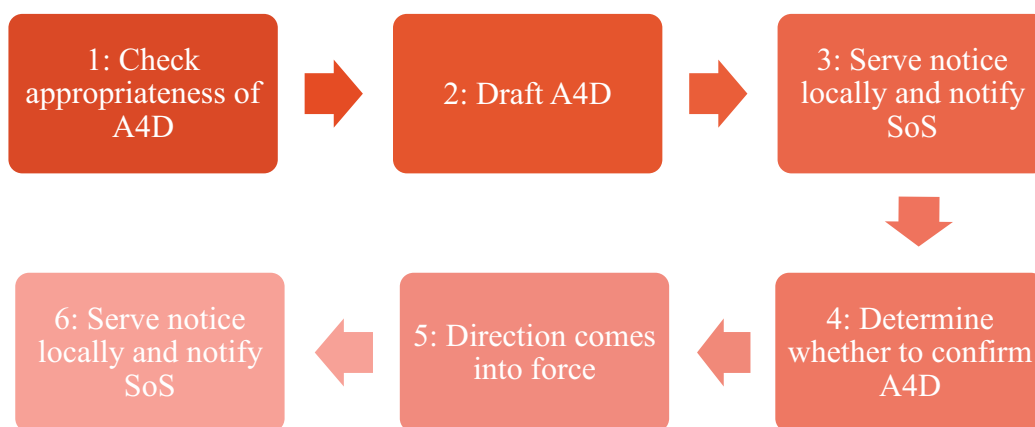
If an Article 4 Direction is considered an appropriate tool the process for making the Direction is clearly set out in Government guidance. When the Direction is enacted planning permission would be required for a material change of use, although the local planning authority would not be able to collect fees for the processing of these applications.

The Town and Country Planning (Compensation) (No. 3) (England) Regulations 2010 (2010 No. 2135) reduces local authorities' liability to pay compensation where they make article 4 directions as follows:

- Where 12 months' notice is given in advance of a Direction taking effect there will be no liability to pay compensation; and
- Where Directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the Direction and which are subsequently refused or where permission is granted subject to conditions.

Therefore to avoid potential compensation claims B&NES needs to provide 12 months notice in advance of an article 4 direction taking effect. This is called a non-immediate Direction. The procedure for making a "non-immediate" Article 4 Direction can be summarised⁶ as follows:

1. This report satisfies the needs of this first stage.



⁶ This is a summary of the guidance set out in appendix A of *Circular 9/95: General Development Consolidation Order 1995*, November 2010

2. An Article 4 Direction must be drafted; there is a model that can be used for this purpose⁷.
3. Notice of an Article 4 Direction must be given in the following ways:
 - by local advertisement (as defined in article 1(2) of the GPDO)
 - by site display at no fewer than two locations within the area to which the direction relates for a period of not less than six weeks;
 - individually on every owner and occupier of every part of the land within the area or site to which the direction relates (unless it is impracticable because it is difficult to identify or locate them, or the number of owners or occupiers within the area to which the direction relates would make individual service impracticable - this exemption from individual service of notice does not apply, however, when the owner/occupier is a statutory undertaker or the Crown);
 - to the Secretary of State (on the same day that the first notice is published locally)⁸.
 - The consultation period must be at least 21 days; most other local authorities have held a formal consultation at the beginning of their 12 month notice period.
4. The local planning authority needs to determine whether or not to proceed with the Article 4 Direction. There is an opportunity to make amendments at this stage. Any material amendments will need a further consultation period.
5. The Article 4 Direction comes into force 12 months after the notice given under point 3. Once the Direction is in place, B&NES would be required to process all HMO applications at its own cost - as no planning fee is payable⁹.
6. A formal notice must be issued to the Secretary of State and locally.

2.4 Compensation Risks Associated with Article 4 Directions

Making a non- immediate Article 4 Direction will mean that there is an intervening 12 month period when people can take advantage of the new permitted development rights. It would be fair to assume that a rush of HMO activity would occur in this period as landlords and property owners avoid the impending removal of permitted development rights, however evidence from other university cities that have put in place non-immediate Article 4 Directions suggests that pre-emptive activity is likely to be limited. The alternative is putting an immediate Article 4 Direction in place; however this would leave B&NES open to compensation claims payable in relation to planning applications which are submitted within 12 months of the effective date of the Direction and which are subsequently refused or where permission is granted subject to conditions.

⁷ See appendices B and C of *Circular 9/95: General Development Consolidation Order 1995*, November 2010

⁸ Further guidance on the requirements

⁹ National HMO Lobby, *Response to the Consultation on Houses in Multiple Occupation: Changes to Planning Legislation*, July 2010

Making an immediate Article 4 direction may lead to compensation claims for abortive expenditure or for other loss or damage directly attributable to the withdrawal of the permitted development rights. For example B&NES could be liable for the loss of income a property owner suffers by not being able to convert their property to a HMO where this is due to the imposition of the Article 4 Direction. An immediate Direction could also incentivise property owners across Bath to claim for compensation for HMO conversions they would not otherwise have been carried out. This could leave B&NES with a very significant liability.

Given the risk of compensation claims, members are advised that a non-immediate Direction is the most appropriate course of action in the event a Direction is justified. Members are further advised that it is our understanding that to date all local authorities seeking to introduce an Article 4 Direction have followed the non-immediate route and to the best of our knowledge no compensatory claims or legal actions have been issued.

3 Review of Other Possible Interventions

Article 4 directions are just one of the suite of interventions that can be put into place in order to address the environmental issues associated with HMOs. The other interventions fall broadly into three categories:

- **Planning Policy**, a number of alternative planning policy options exist.
- **HMO licensing**, extension of local licensing procedures to include additional or selective licensing; and
- **Voluntary management initiatives**, which may be delivered by Bath & North East Somerset Council, the Higher Education Institutions, the local community, student groups or a partnership consisting of any or all of these.

These options are not mutually exclusive, and indeed may be more effective if considered as part of a wider strategy. Each of these interventions is outlined more fully below.

3.1 Planning Policy

A review of Local Development Frameworks has identified that there are typically three types of planning policy approach used by local authorities to manage the concentration of HMOs generally or student accommodation specifically. These policy options can be described as:

- Criteria based
- „Areas of restraint“;
- The “threshold approach”; and
- Encouragement of purpose built accommodation.

The approaches are not mutually exclusive; indeed many of the local authorities we have taken reference from use more than one policy approach in combination.

It is worth making the point that as policy cannot be retrospectively applied there is a limit to the impact that planning policies can have on current concentrations of HMO or student accommodation within neighbourhoods such as Oldfield Park, Westmoreland or Widcombe.

3.1.1 Criteria Based

This type of policy approach best describes Bath and North East Somerset’s current policy relating to Houses of Multiple Occupation; Policy HG.12, which has been saved from the Local Plan. This policy sets out the conditions under which the local planning authority would refuse planning permission for a conversion to an HMO. Criteria are normally focussed on amenity value and fitting with the character of the local area.

The full wording of policy HG.12 is set out in the box below.

POLICY HG.12

Development for the use of buildings for residential purposes within the ambit of policies *HG.4*, *HG.5*, and *HG.6* involving the sub-division of existing dwellings, conversion of non-residential buildings, the re-use of buildings for multiple occupation in the form of non self contained accommodation or re-use of existing empty dwellings will be permitted provided that it:

- is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development;
- does not seriously injure the amenities of adjoining residents through loss of privacy and visual and noise intrusion;
- is not detrimental to the residential amenities of future occupants; and
- does not result in the loss of existing accommodation which, either by itself or together with other existing or proposed dwellings in the locality, would have a detrimental effect on the mix of size, type and affordability of accommodation available in the locality.

Development of commercial premises which prejudice suitable opportunities for re-use of upper floors for residential accommodation will not be permitted.

This type of policy could be implemented with or without having an article 4 direction in place. Experience suggests that this type of policy is limited in its effectiveness.

3.1.2 Area of Restraint Policy

An area of restraint can be defined as an area where restrictions or criteria are imposed on certain forms of housing (this could be purpose built student accommodation or HMOs). If used in conjunction with an article 4 direction, then it would cover the same area as the area delineated in the direction.

Whilst an area of restraint policy could be used without an article 4 direction (in this case it would only apply to larger HMOs and purpose-built accommodation, it would carry more weight if combined with one, as the number of applications that would be restricted would increase.

This type of policy can be useful for areas where student housing is very concentrated. If the boundary of an area defined as an „area of restraint“ is drawn to tightly then it can result in the displacement of HMO activity to adjacent streets or neighbourhoods.

Leeds

Hyde Park and Headingley in Leeds were identified as one of the worst places in the UK on the „anomie“ index¹⁰, meaning it had very low levels of community cohesion. Many local residents groups attribute this to the high levels of student housing in the area¹¹.

In 2006, Leeds City Council introduced an area of restraint policy, combined with a criteria based policy¹². The initial proposals put forward by the City Council were modified as a result

¹⁰ Social And Spatial Inequalities (SASI) group, University of Sheffield, *Changing UK: The way we live. Anomie Index 2008*, <http://sasi.group.shef.ac.uk/research/changingUK.html>

¹¹ See <http://hmolobby.org.uk/leeds/whenleedsmetheadingley.htm> for example

¹² Leeds Unitary Development Plan Review 2006, <http://www.leeds.gov.uk/udpmaps/misc/vol1.pdf>

of the UDPs inspectors report¹³. The inspector questioned whether a policy focusing on student housing, rather than HMOs was discriminatory, and argued for a much wider area of restraint than Leeds originally wanted. The Council was also required to move from stating development that would not be permitted to defining the criteria under which development would be permitted.

The „Area of Housing Mix“ covers Headingley, Hyde Park, Burley and Woodhouse where students form a significant part of the population, together with the adjoining areas of Moor Grange and Lawnswood where it is considered that pressure is likely for further student housing.

Discussions with staff at Leeds City Council suggest that the current policy was not strong enough to be as effective as they would have liked, but they were still able to refer to instances where the policy had been used successfully to uphold decisions. The policy has yet to be tested at appeal.

The wording of policy H15 is set out below:

“Within the area of housing mix planning permission will be granted for housing intended for occupation by students, or for the alteration, extension or redevelopment of accommodation currently so occupied where:

- i. The stock of housing accommodation, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety;
- ii. There would be no unacceptable effects on neighbours’ living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation;
- iii. The scale and character of the proposal would be compatible with the surrounding area;
- iv. Satisfactory provision would be made for car parking; and
- v. The proposal would improve the quality or variety of the stock of student housing”

3.1.3 Threshold Policy

A „threshold policy“ sets a threshold for a small area, over and above which planning permission will not be granted for conversion to an HMO (and often other associated permissions).

Many local authorities who are introducing article 4 directions have developed an accompanying threshold policy, including Canterbury, Manchester, and Exeter. Without an Article 4 Direction, this policy could only apply to larger HMOs and would be more difficult to apply. Feedback from other authorities suggests that this type of policy provides a firm basis on which to refuse applications.

Nottingham City Council has had a threshold policy for some years (it pre-dates the option of introducing an Article 4 Direction).

Nottingham

Nottingham is home to two major universities and has some areas of very dense student

¹³ Leeds UDP Report Inspector's Review,
<http://www.leeds.gov.uk/files/Internet2007/2008/21/leeds%20udp%20review%20inspector%27s%20report.pdf>

housing. The city council has a Supplementary Planning Document (SPD), *Building Balanced Communities*, which was produced in 2007¹⁴, to reflect saved policies in the Local Plan. The policy reads:

“In areas of existing significant student household concentration the following development will not usually be permitted:

- Purpose built student accommodation and alterations, extensions and re-developments of existing purpose built accommodation which would result in a net increase in bedspaces;
- Houses in Multiple Occupancy; and
- New flats and houses of 3 or more bedrooms unless subject to an occupation condition preventing the property being used as a dwelling house solely by students in full-time education, living together as a single household.”

An area of “significant student household concentration” is defined as a super output area and contiguous super output areas with over 25% of all households being occupied by students.

Feedback from Nottingham City Council suggests that the development management team favour this approach as it provides a concrete framework for decision making. The resource required to calculate the threshold is not considered to present a barrier to implementation as the planning policy team only receives a couple of requests a month.

The level at which to set the threshold is a key decision for the local authority as it can be the principal point of contention, and as **Table 1** below shows, there is some variation in the approach taken.

Table 1: Thresholds applied in benchmark local authority areas

City	Threshold	Distance
Manchester	10%	Within 100m
Nottingham	25%	LSOA and neighbouring LSOAs
Canterbury	20%	Within 100m
Exeter	20%	Whole A4D area

There is little guidance on how the level of the threshold policy should be set, and it is likely to be dependent on existing conditions in each city. However, the HMO Lobby believe that a sustainable, balanced community should not have more than 10% HMO properties (although this is based on HMOs with more than 5 occupants), as this is likely to represent 15% of the population¹⁵.

The threshold can be based on a super output area, street by street basis or distance from the property applying for planning permission. Super output areas may be difficult for the lay person to understand, streets can vary greatly in size, so distance from the property appears to be the simplest and fairest approach to a threshold policy.

Most other cities apply blanket threshold percentage ceilings city-wide, to ensure comparable and equal treatment across the city.

¹⁴ Nottingham City Council, *Supplementary Planning Document (SPD): Building Balanced Communities*, 2007, <http://www.nottinghamcity.gov.uk/CHttpHandler.ashx?id=675&p=0>

¹⁵ National HMO Lobby, *Balanced Communities & Studentification: Problems and Solutions*, 2008, <http://hmolobby.org.uk/39articles.pdf>

Student council tax exemption data is the most widely used data for making comparisons, but this is sometimes supplemented with data on purpose-built accommodation, licensed HMOs and properties benefitting from C4 or sui-generis planning consent. It is suggested that the use of existing data sets makes this a much more practical policy to apply.

Whilst the threshold policy approach may represent some additional resource within the development control function of the authority to undertake calculations to establish whether a proposed scheme falls into an area that reaches the threshold, it is a policy that should future-proof other areas of the city from having over-concentrations of HMOs. Preliminary discussions that we have had with other authorities suggest that the resource required to manage this policy is not onerous and should not preclude this option being considered alongside an Article 4 Direction.

Manchester's threshold policy wording is set out below:

Manchester's Threshold Approach Policy

Change of use from a C3 dwelling house to a C4 HMO will not be permitted where at least 10% of households within a 100 metre radius of the application site fall within one or more of the following categories:

- *Exempt from paying Council tax because they are entirely occupied by full time students.*
- *Recorded on Private Sector Housing's database as a licensed HMO.*
- *A property benefitting from C4 or sui generis HMO planning consent.*

Where evidence can demonstrate that there are shared houses within 100 metres of the application site which do not fall within the categories above the Council will include these.

In marginal cases where concentrations of properties in the categories above within 100 metres of the application site are just below 10%, the Council will examine property type in more detail and would exclude properties which would not be capable of being used in a way which meets the C4 definition from the total number of households when calculating the percentage as above.

In areas where at least 10% of households within 100 metres of the application site fall into the categories above, extensions to HMOs (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation.

In parts of Manchester where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family.

Changes to alternative uses, including C4 and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use. The approach above will also be used for change of use to a HMO which is classified as 'sui generis'.

Notwithstanding the policy requirements set out above, all proposals for change of use of existing properties into houses in multiple occupation and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DMI.

3.1.4 Purpose-Built Student Accommodation Policy

In addition to policies relating to the containment of HMOs, local authorities can also put policies in place to encourage the development of purpose-built student accommodation. This can help to alleviate the demand for HMOs, at least for this element of the HMO population.

B&NES already has existing policies relating to the development of purpose built student accommodation. The University of Bath Campus in Claverton Down is encouraged to develop a masterplan delivering approx 43,250m² of teaching, research, recreational and administration space and an additional 2000 student bedspaces. Bath Spa is permitted limited infilling and redevelopment of their Newton Park Campus, both teaching space and student accommodation are permitted, although no numbers are specified.

The Draft Core Strategy states that off-campus student accommodation “will be refused where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city.”¹⁶

Other options for this type of policy include identifying sites for development of purpose-built student accommodation, or identifying areas in the city where this type of development would be encouraged. In many cities, this type accommodation is being promoted as a catalyst for area based regeneration.

Oxford

Oxford is home to two large universities; the University of Oxford and Oxford Brookes University.

Oxford City Council has incorporated a policy into its emerging Core Strategy¹⁷, stating that:

“All increases in student numbers (at Oxford Brookes University and the University of Oxford) as a result of increases in academic floorspace must be matched by a corresponding increase in purpose-built student accommodation.”

This approach helps to protect against future growth in student numbers proportionately increasing the demand for unregulated student housing.

3.2 HMO Licensing

The licensing of HMOs is the main regulatory tool that local authorities can use to manage the quality of private sector stock in multiple occupation. There are three types of licensing options available to local authorities:

- Mandatory licensing (the status quo in B&NES);
- Additional licensing; and
- Selective licensing.

¹⁶ Bath and North East Somerset Council, *Draft Core Strategy: Publication Version*, Policy B5, p54, December 2010

¹⁷ Oxford City Council, Revised Submission Core Strategy (2009), <http://www.oxford.gov.uk/Direct/82369RevisedSubmissionFINALApr2009.pdf>

Licensing ensures that a property complies with certain safety regulations, is fit for the number of people living there, and has suitable management arrangements (including ensuring landlords have systems in place to deal with anti-social behaviour). The main benefit of licensing will normally be ensuring higher standards for tenants.

3.2.1 Mandatory Licensing

An HMO that requires a **mandatory licence** is one which has 5 or more unrelated people living in a property of three or more stories (including loft room or basement) and shares a basic amenity such as a toilet, bathroom or cooking facilities.

Bath currently operates a mandatory licensing scheme and there are currently 380 properties that have such a licence within the city¹⁸. This equates to approximately 50% of all properties with over five adults living together¹⁹.

Local Authorities are responsible for enforcing mandatory licensing within their boundary. An authority can also choose to implement additional or selective licensing, in all or some of its district, over and above a mandatory scheme. These options are set out in more detail below.

3.2.2 Additional Licensing

Additional Licensing can be applied to cover other HMO types not covered by mandatory licensing. Whilst additional licensing requires an additional resource, it also brings in an additional income, as there is a fee associated with each licence. Additional licensing should be used to tackle specific problems in specific areas, rather than covering all HMOs across a local authority area²⁰.

In order to make an **additional licensing** scheme, the local housing authority must:

- i. Identify that a significant proportion of the HMOs that the scheme will apply to are being managed ineffectively and causing (or have the potential to cause) problems to HMO occupiers or members of the public.
- ii. Consider whether there are other courses of action that might prove effective with dealing with the problems.
- iii. Co-ordinate the designation with their overall strategy (in particular in relation to combating anti-social behaviour, homelessness and empty homes in the private rented sector).
- iv. Consider that making the designation will significantly assist in dealing with the problem(s).

¹⁸ Data provided by B&NES Council, December 2011

¹⁹ Data provided by B&NES Council from the electoral role in August 2011. It should be noted that not all of these properties will be HMOs (some may be large families), and not all HMOs with over 5 people will require a licence (as they may not have 3 or more storeys).

²⁰ See Communities and Local Government, *Approval steps for additional and selective licensing in England*, Feb 2010, for more detail,
<http://www.communities.gov.uk/publications/housing/approvalsteps>

- v. Consult with people who are likely to be impacted by the licensing and consider representations.

Oxford's Additional Licensing Scheme

Oxford is introducing an additional licensing scheme for all HMOs across the whole city in January 2012. This scheme began in January 2011 with the introduction of additional licensing for larger HMOs (over 3 people in properties over 3 storeys and over 5 people in properties with over 2 storeys) to create a staged approach²¹.

Oxford City Council has had to recruit extra staff for this initiative – starting with admin staff and with a team of 5.5 FTE enforcement staff still to be recruited. Prior to the scheme, it was estimated that there were approximately 1,300 HMOs in Oxford; the estimate is now closer to 10,000.

3.2.3 Selective Licensing

Alternatively, a local authority can implement a selective licensing scheme. This means that all rented properties in specified areas will be required to apply for a licence. Again, this approach requires additional resource, but brings in additional fees.

A designation can be made where:

“the area is experiencing a significant and persistent problem caused by anti-social behaviour (ASB) that is attributable to occupiers of privately rented properties and that some or all of the private sector landlords are failing to take action that it would be appropriate for them to take to combat the problem”²²

In order for a designation to be made in this instance, the anti social behaviour must be „significant“ and „persistent“ and be directly related the private rented sector. In addition, it must be shown that the landlords of these properties are not taking reasonable steps to deal with the unreasonable behaviour.

Selective licensing can also be introduced when there is low demand.

In order to put a selective licensing scheme into place the local housing authority must take the same steps (i-v) as set out for an additional licensing scheme above. A selective licensing designation is made for a period specified by the local housing authority, which must not exceed five years, and must be reviewed to determine its effectiveness within that time period.

It is understood that since March 2010, confirmation to proceed from central government is no longer required to implement an additional or selective licensing scheme.

Licensing can often be self-financing, depending on the amount that a local housing authority chooses to charge. Charges vary between local authorities, and sometimes between different types of licensing schemes within the same authority (with smaller properties being less expensive).

²¹ <http://www.oxford.gov.uk/hmo>

²² Communities and Local Government, *A guide to the licensing and management provisions in Parts 2, 3 and 4 of the Housing Act 2004 – Draft*, Jan 2010, p72, and Section 80(6)(a) and (b) of the 2004 Housing Act

Table 2: Licensing Fees

	Cost of initial licence	Cost of renewal	Renewal period	Basic average cost over 10 yrs
Bath & North East Somerset	Mandatory - £750 (for 5 unit HMO, plus £30 per additional unit)	Mandatory - £650 (for 5 unit HMO, plus £30 per additional unit)	5 years (max)	£1400
Oxford	Mandatory and Additional - £470 (plus £20 for additional bedrooms over 5)	Mandatory and Additional - £172	1 year	£2018
Manchester	Mandatory - £565 - £665 (plus £30 per room) Selective - £425 - £525	Same as initial licence	5 years (max)	£1230
Exeter	Mandatory - £675	Unknown (further information will be available shortly)	5 years (max)	Up to £1350
Cardiff	Mandatory - £700 Additional - £500 (with £100 discount if it complies with council standards)	Mandatory - £200	5 years (max)	£900
Bristol	Mandatory - £1500 (unlicensed) / £1200 (newly required)	Mandatory - £1000	5 years (max)	£1600

3.3 Management Interventions

This is perhaps the broadest category of the three, encompassing interventions such as:

- Student Charter and student discipline (rules and regulations);
- Waste management;
- Residents' parking;
- Student community liaison and activities to promote cohesion;
- Enforcement of the Housing Act 2004
- Landlord accreditation scheme; and
- Student information provision.

3.3.1 Student Charter & Student Discipline

Students at both Universities in Bath are already held accountable for their actions and can face disciplinary action, including fines or risk to their chances of graduating if their behaviour in the community is found to be unacceptable.

The University of Bath defines misconduct as including "behaviour that brings the University into disrepute, including that which occurs off campus"²³, whilst Bath Spa states that students will be disciplined where they have "behaved in such a way as would be deemed to amount to a criminal offence or otherwise conducted himself or herself in the University or elsewhere, in a manner calculated or likely to bring the University into disrepute"²⁴.

A Student Charter is an agreement on rights and responsibilities between a student and their Higher Education Institution (HEI). A number of universities across the country have implemented these, but their effectiveness is hard to define, as they are largely unenforceable. They may still be useful in alerting students to rules and regulations in a much more user-friendly style.

Marjon, Plymouth

Marjon's Student Charter²⁵ contains a section on accommodation and includes responsibilities for students not living on campus:

- *"Conduct yourself in an appropriate manner in your accommodation, whether it is on campus, or in the private rented sector"*
- *"Make your own arrangements for any non-University College accommodation, taking responsibility for all aspects of your tenancy"*.

The University College undertakes to provide on campus accommodation for a large number of students, and also to "provide students not wishing / unable to take accommodation on campus, with a list of agencies and local landlords together with information on advisable practice in renting private accommodation. (N.B. The University College cannot undertake to check or approve non-University College accommodation)."

The Charter is backed up by Student Misconduct Procedures, which include both personal and professional misconduct.

None of the HEIs in Bath appear to have a Student Charter in place.

3.3.2 Waste management

Waste management is one of the most common concerns raised by local residents in areas of HMO concentration. Local authorities are able to increase the frequency of waste collections, provide additional on-street litter bins, or additional street cleaners in order to address some of the issues.

Cardiff Student Waste Campaign

In Cardiff, there has been a co-ordinated campaign, involving the Council, Universities, Students' Unions and cardiffdigs.co.uk. This initiative includes a specific campaign at the end of the academic year, with collections of re-useable items from Students' Unions and halls. Residents in Cathays, Roath and Gabalfa (the main student areas) also had additional waste

²³University of Bath, *Disciplinary Regulations for Students*,
<http://www.bath.ac.uk/regulations/Regulation7.pdf>

²⁴Bath Spa University, *Student General Regulations*,
<http://www.bathspa.ac.uk/regulations/student-general-regulations/>

²⁵<http://www.marjon.ac.uk/aboutmarjon/institutionaldocuments/studentregulationshandbook/>

collections on three Saturdays around the end of term.

In addition, a „tidy text“ scheme has been set up, meaning residents can register for a text reminder of when their collection days are²⁶.

3.3.3 Residents' parking

There is an existing residents' parking scheme in Bath, covering much of the city, but it does not extend too many of the neighbourhoods most densely populated with HMOs.

Nottingham Residents' Parking

Nottingham's Residents' Parking Scheme specifically includes student permits, for those studying in the city. Students are entitled to the same number of permits as other residents, but the website makes it clear that the same restrictions apply to them²⁷.

3.3.4 Student Community Partnership & Liaison

The majority of the current activity in Bath is led by the Student Community Partnership, which brings together the Council, both Universities, the Students' Unions for both Universities and City of Bath College. It was set up in 2010/2011.

The Partnership funds a *Students Action Line*. This is open to all long-term residents and students so that any issues can be reported, logged and investigated. The Partnership also funds a Community Liaison Co-ordinator who works with local residents, the police and other organisations to promote positive relations between students and the local community.

The Partnership also works with Avon and Somerset Police, encouraging attendance at PACTs (Partners and Communities Together) meetings. These are public meetings that are open to residents and students. At these monthly meetings members of the public can raise key concerns and there is a vote on which issues should be prioritised.

The Students' Unions at both universities employ Volunteer Co-ordinators who facilitate a number of volunteering opportunities for students in the city that serve to encourage good relations with the local community. These include the following:

- Multicultural project – where student volunteers from various backgrounds deliver fun-packed sessions at local schools;
- RAG – various events that aim to raise money for local and national charities;
- Mentoring – students supporting secondary school pupils; and
- Voluntary hours at local charities.

There are a number of good initiatives in place in Bath already; some further possibilities were discussed at the stakeholder workshop on 24th October 2011, including more volunteering opportunities in the communities where students'

²⁶ <http://www.cardiffdigs.co.uk/waste.htm>

²⁷ <http://www.nottinghamcity.gov.uk/index.aspx?articleid=2765>

live and a campaign to highlight the benefits that students bring to Bath and the positive activities they are involved in.

Divinity Road Area Residents' Association (DRARA), Oxford

DRARA, Oxford Brookes' local residents' association work to make students feel welcome to the area by organising a "freecycle" day at the beginning of term, encouraging residents to offer unwanted furniture etc to students moving into the area²⁸.

Exeter Community Wardens²⁹

The Community Wardens are all students employed by the university. They encourage the integration of students as active citizens and promote greater community cohesion in residential areas with high student numbers. They facilitate the work of the Community Liaison Officer and work closely with the Students' Guild, the local Police and the City Council to support fellow students living off campus.

The team of Community Wardens work across the ward areas where most students live: St James, Polsloe, Newtown, St Davids and Pennsylvania.

Wardens have recently been involved in activities such as supporting a noise-awareness campaign, promoting recycling and refuse initiatives, and gathering information on community issues.

Wardens have access to the StreetWise fund and can help to organize events that bring students and permanent residents together.

The Community Warden scheme had been developed and support by the University, Exeter Community Safety Partnership, and Devon and Cornwall Constabulary.

3.3.5 Enforcement under the Housing Act 2004

There are two main relevant elements of enforcement under the Housing Act 2004; mandatory HMO licensing and the Housing Health and Safety Rating System (HHSRS). Both elements of enforcement can be either reactive or proactive. B&NES has a statutory duty to undertake enforcement under both schemes. With additional resources, it would be possible to extend the proactive work that is done in this area. However, it would be important to ensure that any additional proactive enforcement adds value.

The Housing Health and Safety Rating System (HHSRS) is a risk based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the Housing Act 2004 and came into effect on 6 April 2006³⁰. It applies to all residential properties in England. The aim of the scheme is ensure that all residential premises should provide a safe and healthy environment for any potential occupier or visitor. Under this scheme, B&NES currently responds to approximately 30-35 complaints each month.

²⁸ <http://drara.org.uk/events/freecycle-clean-up-and-film-in-the-street/>

²⁹ <http://www.exeter.ac.uk/businessandcommunity/university/wardens/>

³⁰ Office of the Deputy Prime Minister, *Housing Health and Safety Rating System: Operating Guidance*, 2006

Enforcement of mandatory licensing is undertaken through a system of prioritisation, ensuring that problem HMOs are given more attention than others.

3.3.6 Landlord Accreditation Scheme

B&NES already runs a free voluntary Accreditation Scheme for landlords, which seeks to encourage the upgrade of rented properties and ensure they comply with the various requirements of the Housing Act 2004.

The Student Community Partnership and the universities encourage students to give priority to properties that are accredited, and urge landlords to take responsibility and ensure their properties meet the requirements of the Accreditation Scheme.

There are currently over 1700 properties accredited across Bath³¹, and there is some anecdotal evidence from the universities to suggest that many more are waiting to become accredited. The accreditation team is currently made up of 1.5FTE staff.

One of the benefits of the current accreditation scheme in Bath is that they send out a laminated sheet to each property to advise on the waste collection days. This seeks to address the issue of tenants putting out waste on the wrong day.

Those properties which are accredited receive a discount on their licences, where these are required.

Relationship between licensing and accreditation in Oxford

Oxford City Council runs an accreditation scheme in parallel with its city-wide all HMO licensing scheme. The accreditation scheme is free and properties that have been accredited receive a discount on their licensing fee.

The accreditation scheme includes more detailed requirements, particularly in relation to managing anti-social behaviour in tenants. However, as it is a voluntary scheme, enforcement is more difficult. Landlords receive a 10% discount on their HMO licence if they are accredited.

3.3.7 Student Information Provision

Through the Student Community Partnership (SCP) a number of useful publications and information are available for students in Bath, these include:

- The website www.townsandgown.org.uk: This provides a wealth of information on all aspects of accommodation and community liaison. It provides information on living in all locations in Bath including recommendations from students.
- The publication *Being a Good Neighbour Handbook*: 11,000 copies of this publication were distributed to students in September 2011. It provides practical information on how to maintain a good relationship with neighbours, information on items such as waste, parking and energy savings, information on the Housing Accreditation Scheme; student safety and opportunities for community partnerships, such as those obtained through PACT meetings,

³¹ <http://www.anuk.org.uk/consultancy/consultants.asp>

volunteering and a good neighbour award scheme. In 2011, Students' Union representatives visited households (both students and long-term residents) in key areas to promote the guide and the work of the SCP³².

- The publication *Bath Accommodation Guide*: this is distributed through student unions, accommodation services, housing forum's and student hangouts in the local community. Students are also sent an electronic copy of the handbook from Students' Union e-mail bulletins. The guide provides information on all aspects of finding private accommodation in Bath.

In addition, the University of Bath runs an annual housing forum, advising students on options of where to live, including information on a variety of different areas across the city and the details to consider before signing a contract. Bath Spa University run similar housing workshops.

Other cities have run information campaigns on specific issues, for example waste or noise.

4 Review of Evidence of HMOs in Bath: Spatial Distribution and Impacts

4.1 HMO Distribution

There is no entirely comprehensive list of HMOs currently present in Bath, as there is no existing requirement for local authorities to collect this information and primary data collection was outside the scope of this study. The Council's housing department estimates there are in the region of 3,000 HMOs across the district³³. These HMOs will be those that require licences (HMOs with five or more bedrooms and three or more storeys where there is sharing of facilities); those that have made use of the voluntary accreditation scheme (largely student properties); and properties that have come to the attention of the housing service, either through general enforcement, proactive inspections, working with partners and following complaints.

The distribution of these properties in Bath is shown in figure 1 below. This clearly shows a concentration of HMOs in Oldfield, Westmoreland and Widcombe, and more generally along the key public transport corridors that radiate from the city centre. The overlapping of individual dots which represent single HMOs in this plan may hide some concentrations of HMOs at this scale. We have therefore also considered the concentration of HMOs at a smaller scale, by Lower Super Output Area (LSOA). These are depicted in figure 2. The areas in green have a lower than average concentration of HMOs for the city as a whole.

In addition to looking at the number of HMOs that the housing department are aware of in Bath, we have also mapped the number of student council tax exempt properties. These are shown in figure 3. Of course, this is only one part of the HMO market, and some students will choose to live in smaller properties (e.g. that are not HMOs) or with non-students (e.g. in dwellings that are not council tax exempt).

³² <http://www.townandgown.org.uk/node/63>

³³ It is very likely that this is an undercount of the total number of HMOs in Bath. On the introduction of additional licensing, Oxford City Council uncovered almost an 8 fold increase in HMOs (from 1,300 to 10,000).

Figure 1

HMOs

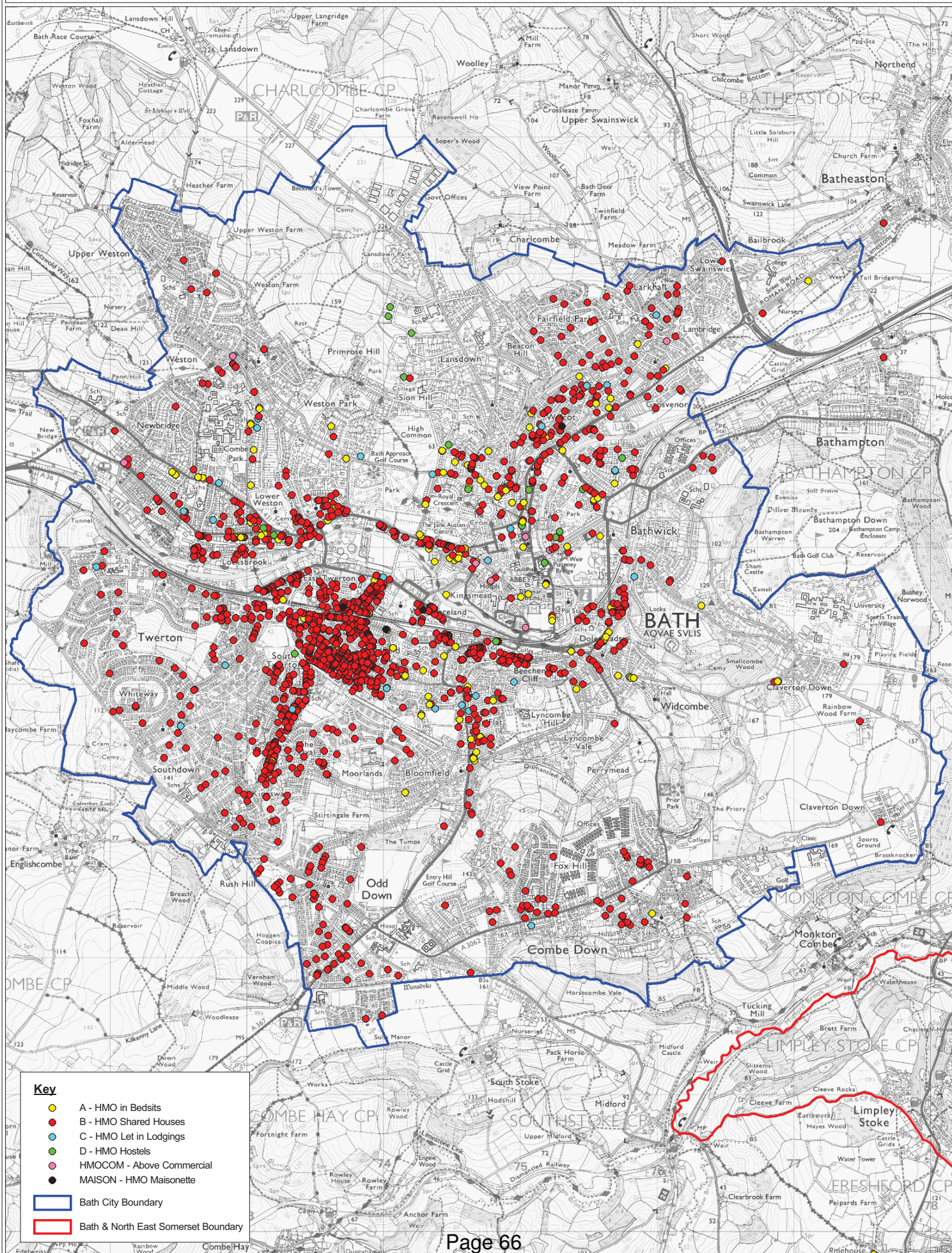
Bath

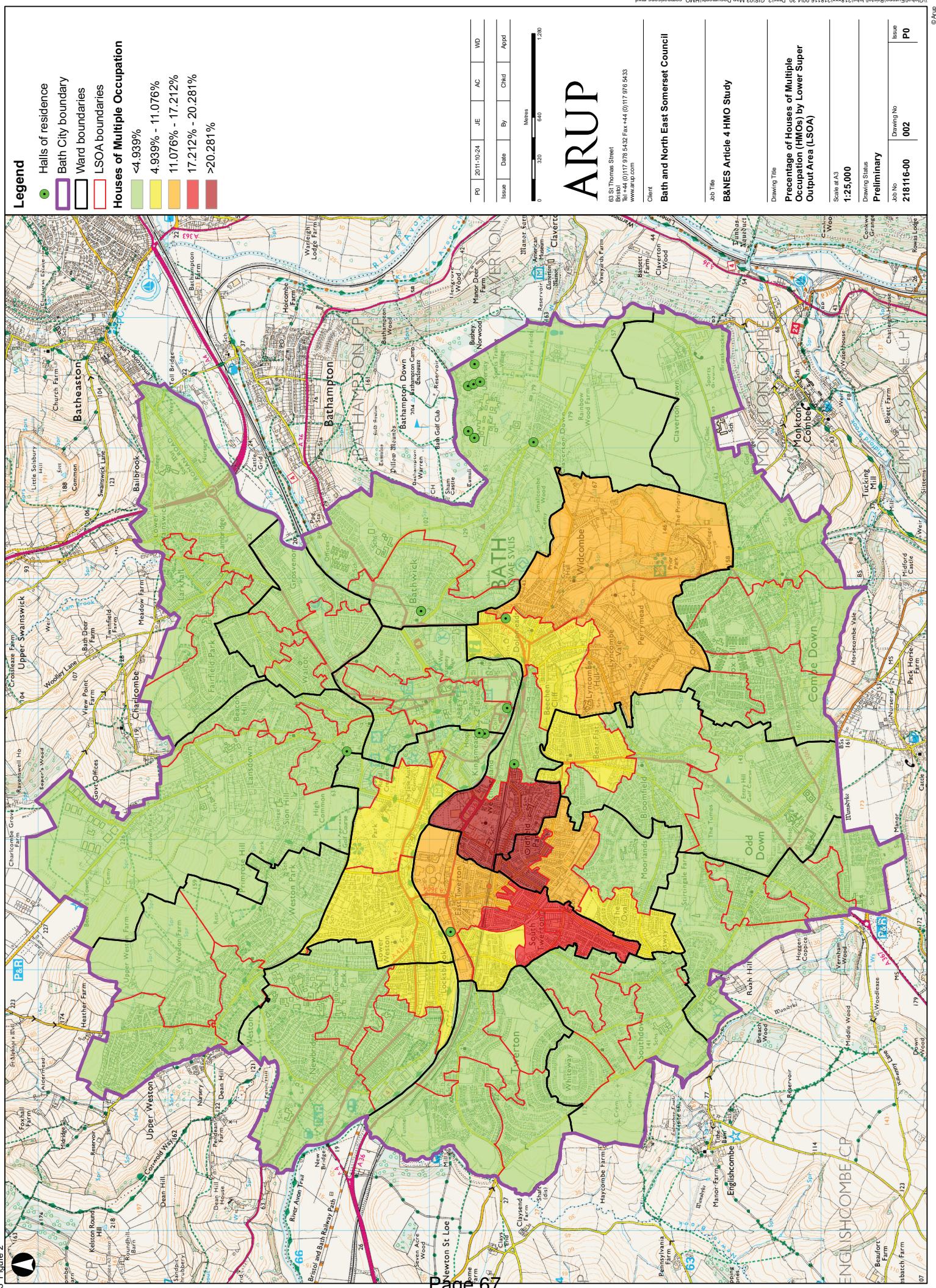
Author : B Stone

Date : 20/10/2011

Scale: 1:25,000

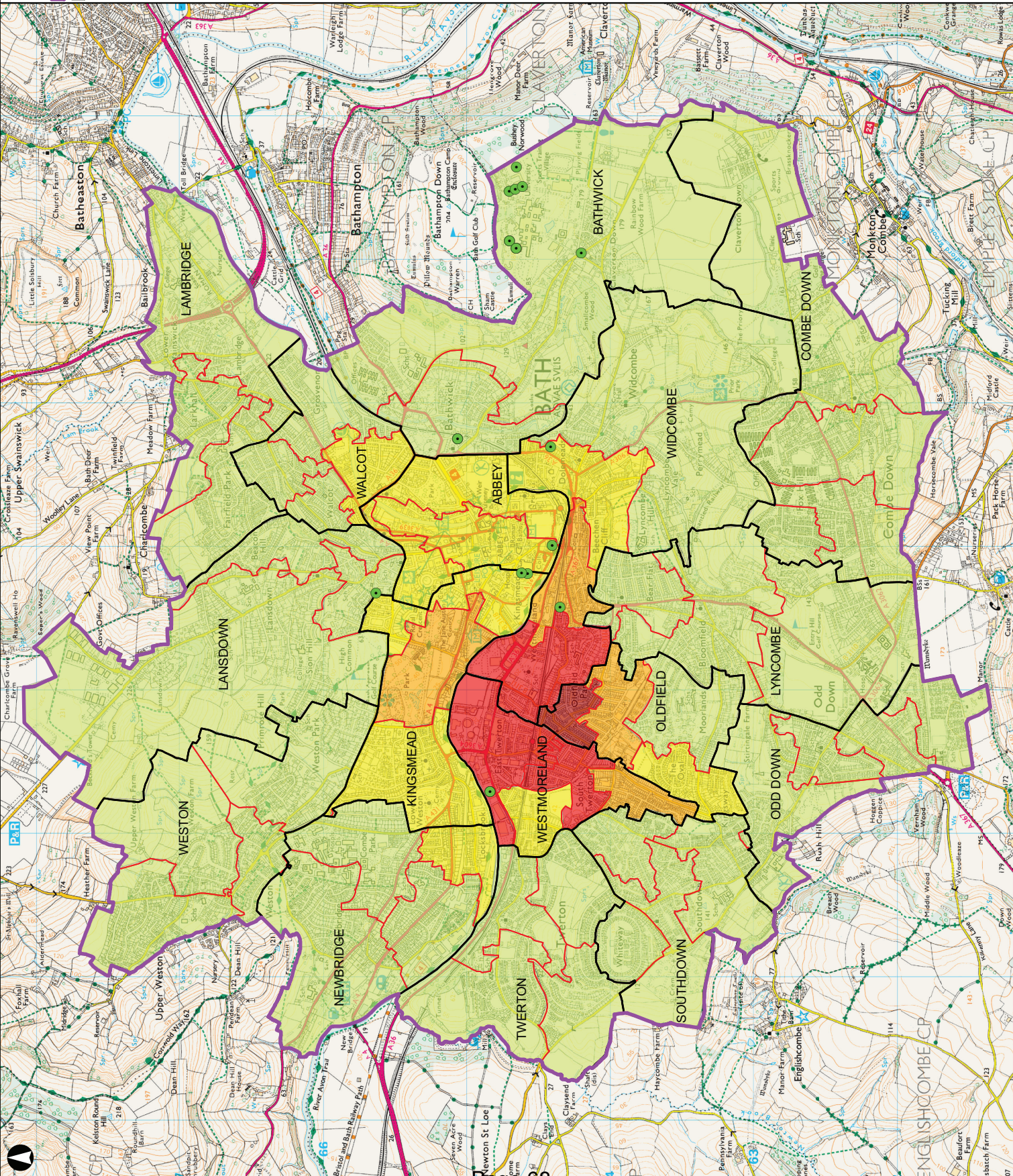
Bath & North East Somerset Council



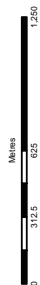


Legend

- Halls of residence
 - Bath City boundary
 - Ward boundaries
 - LSOA boundaries
- Council Tax exempt properties
- <5.56%
 - 5.57% - 11.85%
 - 11.86% - 18.13%
 - 18.14% - 24.41%
 - >24.42%



PO	2011-10-24	JE	AC	WD
Issue	Date	By	Chd	Appd



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Client

Bath and North East Somerset Council

Job Title

B&NES Article 4 HMO Study

Drawing Title

Council Tax Exempt Properties by Lower Super Output Area (LSOA)

Scale at A3

1:25,000

Drawing Status

Preliminary

Job No

218116-00

Drawing No

007

Issue

P0

The relationship between student properties and HMOs in some of the more densely populated student areas can be seen in **Table 3** and also in figure 4 below.

Table 3: Comparison between student property and HMO number in student lower super output areas (LSOAs).

Area	No. of student houses	No. of known HMOs	Total no. of dwellings	% student properties	% HMOs
Oldfield Park North	151	164	515	29.3%	31.8%
Westmoreland	130	124	590	22.0%	21.0%
Westmoreland West	129	105	619	20.8%	17.0%
Oldfield Park West	115	112	586	19.6%	19.1%
Lower Twerton East	90	93	514	17.5%	18.1%
Oldfield Park	95	80	628	15.1%	12.7%
Widcombe St Marks	83	11	557	14.9%	2.0%
Victoria Park	86	57	701	12.3%	8.1%

4.2 Higher Education in Bath

Bath is currently home to two universities; Bath Spa University and the University of Bath. It also plays host to the City of Bath College, which offers some Higher Education programmes. In addition, there are other colleges including Bath Academy³⁴ and Norland College³⁵, which offer University or pre-university level courses, and are likely to have students who require accommodation in the City.

A 2010 Report, *Student Numbers & Accommodation Information Paper*³⁶ found that the total number of Bath Spa and University of Bath students in 2009/10 was 21,898, of which 16,621 were full-time.

Bath based students live in a range of accommodation types, including;

- **University-owned halls of residence** - There are currently 3732 bedspaces in Bath³⁷.
- **Privately owned halls of residence** - Unite own two properties which have a total of 648 bedspaces³⁸.
- **Home** - A number of students will be classified as „home“ students, living in an area with a BA postcode prior to the start of their course. This may be with parents, or reflect the number of mature students who are settled in the Bath area prior to starting their course.
- **Home-stay accommodation** - This is where students lodge in a family home. This type of accommodation is often popular with international students.
- **Private rented accommodation** - This includes both HMOs and smaller properties. HMOs are probably most popular for 2nd and 3rd year UK students. Both universities advertise B&NES Council's Accreditation Scheme, which offers assurance about quality of the accommodation. There are almost 1700 accredited properties in Bath³⁹. Bath Spa University currently enters into nomination agreements with private landlords to secure bed spaces for first year students to live in the private rented sector, which for academic year 2011/12 was for 132 spaces⁴⁰.

³⁴ Bath Academy offers University Foundation Programmes, mainly targeted at international students; www.bathacademy.co.uk

³⁵ Norland College offers a BA (Hons) Early Childhood Studies in conjunction with the University of Gloucestershire; www.norland.co.uk

³⁶ Bath and North East Somerset Core Strategy, *Student Numbers & Accommodation Information Paper*, December 2010

³⁷ Based on information from <http://housing.bathspa.ac.uk/accommodation/index> and <http://www.bath.ac.uk/study/ug/accommodation/index.html>, accessed 3rd October 2011

³⁸ Based on information from <http://housing.bathspa.ac.uk/accommodation/index>, accessed 3rd October 2011

³⁹ <http://www.anuk.org.uk/consultancy/consultants.asp>

⁴⁰ N.b. The University is looking to develop and provide more student residential accommodation at its Newton Park Campus so that it would not need to secure independent accommodation for its first year students. The application is due to be submitted in Spring 2012

It is useful to note that different groups of students will often have different requirements for accommodation. The observations that follow are, to a large extent, generalisations, but provide some useful context:

- **UK first year undergraduates** – likely to prefer to live in a hall of residence. A guarantee of a space in hall is often attractive to prospective students.
- **UK 2nd -4th year undergraduates** – often prefer to live in shared housing (HMOs) as part of a „rite of passage“.
- **International / EU exchange / Erasmus students** – generally in Bath for one year or often less. Often looking to rent private rented accommodation (HMOs) much later than UK undergraduates.
- **International undergraduate students** – this is a large group encompassing anyone who hasn't lived in the EU for 3 consecutive years prior to starting their course. Less likely to be keen on communal living, more likely to opt for halls or home-stay accommodation.
- **Mature students** – again, a diverse group of anyone aged over 21 at the start of their course. More likely to be settled in Bath prior to the start of the course, but will also include some looking for shared housing.
- **Disabled students** – disabilities are wide-ranging, but some may make it more difficult for students to live independently.
- **Home students** – no requirement for accommodation as they are already resident in Bath or the surrounding area.
- **Part-time students** – often will not require accommodation, as either they will have an existing home nearby, or will be able to study remotely for a large percentage of the time.
- **UK postgraduates** – Often likely to live in shared housing, but will be more varied in their requirements.
- **International postgraduates** – often only in the UK for a one year masters course, this group can be quite vulnerable as they may not have a local support network or good understanding of UK culture. Likely to have similar accommodation preferences to international undergraduates (home-stay or halls).
- **Students on placement** – Many university courses incorporate a year in industry or abroad. Depending on the location and length of their placement, these students may require accommodation.

4.2.1 Student Numbers

In 2009/10 the University of Bath had a total of 14,600 students⁴¹. Bath Spa University had 8,800 students, making the city's total 23,400. Data for other institutions is not publically available. The total numbers for the universities can be broken down as shown in **Table 4** below.

Table 4: Student numbers 2009/10

		University of Bath	Bath Spa University	Total
Undergraduate (UG)	Full-time (FT)	9,310	5,120	14,430
	Part-time (PT)	540	510	1,050
	UK	7,695	5,460	13,155
	Other EU	865	75	940
	Non-EU	1,285	95	1,380
	Total UG	9,850	5,630	15,480
Postgraduate (PG)	Full-time (FT)	1,680	735	2,415
	Part-time (PT)	3,075	2,435	5,410
	UK	2,825	3,115	5,940
	Other EU	510	20	530
	Non-EU	1,415	35	1,450
	Total PG	4,750	3,170	7,920
Total FT Students		10,990	5,855	16,845
Total All Students		14,600	8,800	23,400

⁴¹ This is the most recent data available from the Higher Education Statistics Agency (HESA); <http://www.hesa.ac.uk/dox/dataTables/studentsAndQualifiers/download/institution0910.xls>

Table 5 shows how the full-time student population of Bath compares to the population of the city as a whole, and how this compares with other university cities. Manchester has been selected for comparison as it was the only city to have an Article 4 Direction in place at the time this study was undertaken. All other university cities chosen are of a similar size to Bath, and all have Article 4 Directions coming into place in the coming months.

Table 5: Students as a % of total population in Bath and other cities

	Bath	Manchester	Canterbury	Exeter	Oxford	York
Estimated FT student Population ⁴²	16,845	51,565	24,000	16,175	31,620	17,350
Estimated population ⁴³	91,456	498,800	46,978	119,600	153,700	144,202
Area ⁴⁴	29km ²	117 km ²	36 km ²	47 km ²	46 km ²	78 km ²
Students as % of total population	18%	15%	51%	14%	21%	12%
Students per km²	581	441	667	344	687	222

4.2.2 Student Accommodation

The two universities both offer a guarantee of university provided accommodation to many of their students.

The University of Bath guarantees accommodation to all students in the following groups who have accepted Bath as their first choice by 31st July:

- new full time undergraduate students in their first year on the Claverton Campus;
- new overseas fee-paying postgraduates; and
- new Foundation Year students based at the City of Bath College.

In total, the University of Bath offers 3,306 bedspaces in university managed accommodation. This equates to over 30% of the total number of full-time students.

Bath Spa University offers the opportunity to apply for accommodation to all students who meet the following criteria:

- are a 1st Year Full-Time applicant with BSU as their firm choice;
- live more than 30 miles from the University; and
- will be studying at Newton Park, Sion Hill (inc The Circus) or on a Bath Spa Foundation Degree at the City of Bath College.

⁴² All taken from HESA data 2009/10. For the University of Kent, students based in Canterbury is estimated, based on information here:

<http://www.kent.ac.uk/locations/canterbury/campus/index.html>

⁴³ Where possible, data based on 2010 Mid-year population estimates. Bath, Canterbury and York are all part of a local authority area, so this data is not available. Data has instead been used from Geonames database: www.geonames.org/

⁴⁴ Bath, Manchester, Exeter, Oxford all from local authority websites. Canterbury and York estimated from maps.

Bath Spa report that they accommodated approximately 90% of those who were eligible to apply for and wished to live in university managed accommodation. The remaining students were likely to have sourced their own accommodation in the private sector, commuted from home or made alternative arrangements.

Bath Spa University has 1,074 bedspaces in a combination of university-managed (428 bedspaces) and Unite-owned properties (646). This is just over 18% of the total full-time students registered at the University in 2009/10.

4.3 Impacts & Issues relating to HMO Density

During the stakeholder workshop held on 24th October 2011, the positive and negative impacts relating to HMO density in Bath were identified. These have been summarised in **Table 6** below.

Table 6: Positive and negative impacts of HMOs in Bath

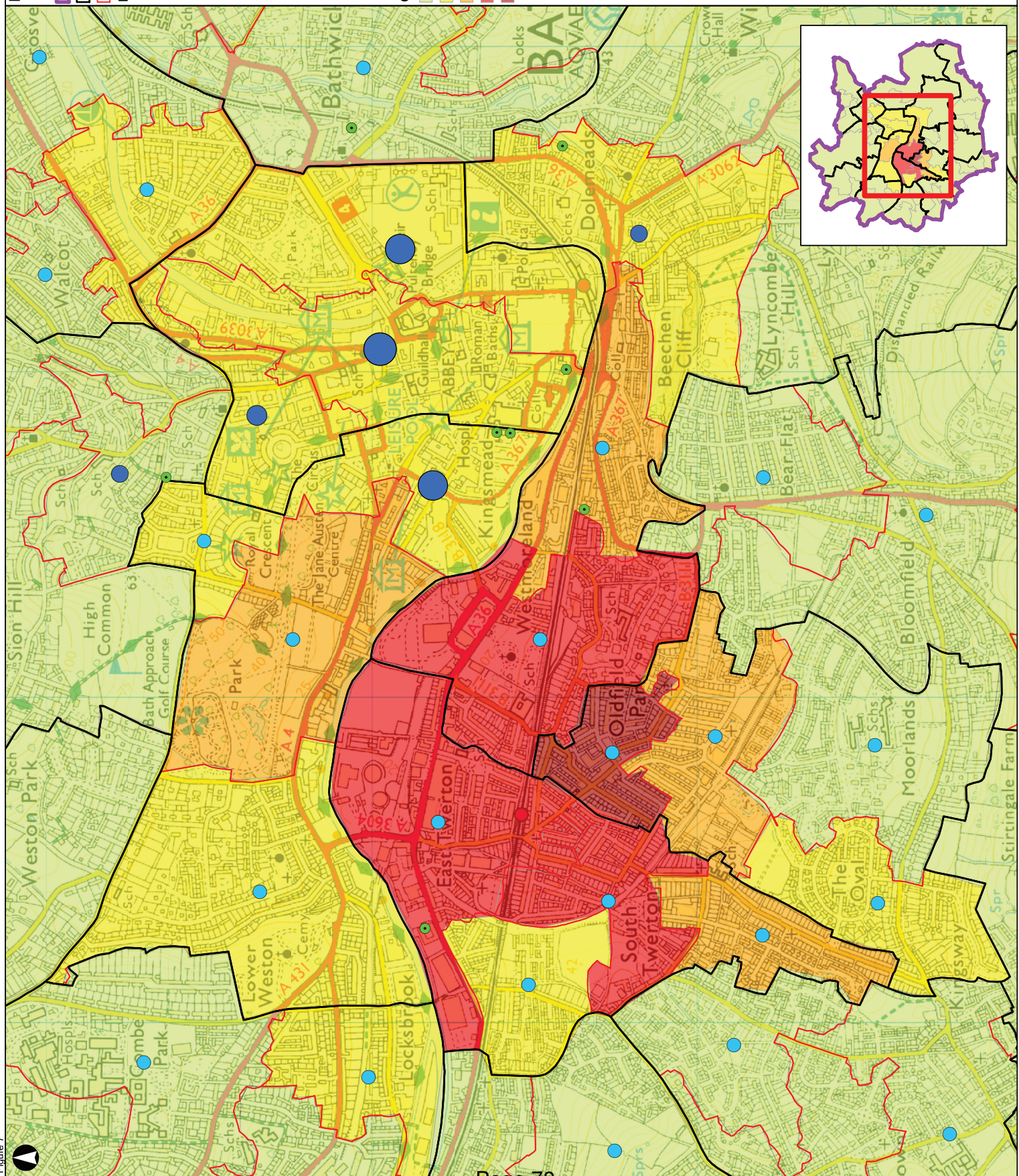
Negative Impacts	Positive Impacts
Affordability	Affordability
Parking	Public Transport
Public Realm/Environment	Spend in the Local Economy
Community Cohesion and Stability	Community Diversity
Anti-Social Behaviour	Safety and Security
Housing Mix	Housing Supply and Efficiency
Council Resources	Skills in the Local Economy
Noise	
Waste	

As set out in Section 2.2, in order to implement an Article 4 Direction, the Council needs to satisfy itself that the following „harm“ tests need to be satisfied:

- Are the environmental, social and economic impacts being felt in specific wards with known concentrations of HMOs (Oldfield Park, Westmoreland, Widcombe) „directly related“ to the prevalence of this type of tenure?
- Can these conditions be regarded as „exceptional“ when benchmarked against other areas of the City where HMOs are less prevalent?
- Would the continued exercise of permitted development rights cause harm to local amenity or the proper planning of the specific areas?
- If so is the proposed Article 4 Direction solution justifiably appropriate to the evidence base?

In this context, „harm“ can essentially be seen as the negative impacts identified in table 6 above.

Some of the key negative impacts can be defined as anti-social behaviour. We have taken Bath specific anti-social behaviour incident data collated by Avon & Somerset Constabulary for the 2010/11 period and mapped incidence related to rowdy behaviour, street drinking, noise and nuisance neighbours. There were a total of 5421 calls relating to these issues in Bath between April 2010 and March 2011. The distributions of these incidents are shown spatially in **figures 6 and 7**



below. This is displayed alongside the data on council tax exempt student properties, as a proxy for HMOs.

Figures 6 and 7 show that there is inconclusive evidence of any relationship between anti-social behaviour and HMOs. The largest concentration of anti-social behaviour is in the centre of Bath, and could be caused by people living in any area of the city.

In addition, we have analysed calls recorded by the Bath Student Action Line between October 2009 and July 2010. There were a total of 176 calls during this period. The breakdown of these calls by category is shown in **figure 5**, and they are displayed spatially in **figure 8**.

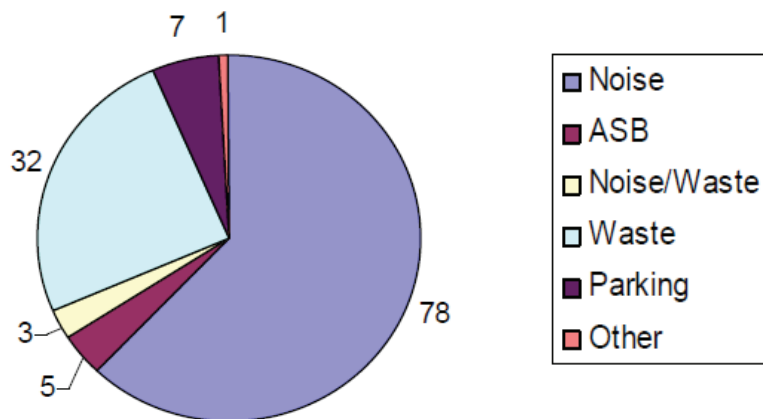


Figure 5: Total number of Student Action Line calls, 2009/10

It is important to recognise that the Student Action Line was promoted most heavily in the areas where most complaints can be seen. In addition, the total numbers are so small as to make it very difficult to draw meaningful conclusions on "harm" from this data.

We were unable to source any additional data on complaints relating to waste, or on car parking⁴⁵.

4.3.1 Drawing conclusions on 'harm' from evidence.

It is hard to draw definite conclusions from the data presented above that there is exceptional "harm" in areas of high concentration of HMOs. However, it is possible to conclude that there are areas of high concentrations of HMOs in certain areas of Bath (with over 6 times the average for Bath as a whole in some areas).

Anecdotal evidence gathered from our stakeholder workshop and from conversations with and correspondence from local residents, suggests that there may be even higher concentrations of HMOs at the individual street level within the high concentration areas. This evidence also suggests that the „harm“ caused by high concentrations of HMOs is at a lower level than would be picked by formal complaints. If the Council chooses to proceed with an Article 4 Direction,

⁴⁵ Whilst there was data from parking counts available, these surveys were carried out of term-time and it would therefore have been very difficult to draw any useful conclusions from them.



it would have to be comfortable with this evidence gap. The majority of evidence provided by other authorities for the introduction of an Article 4 Direction seems to have focussed on the number and location of HMOs. This demonstrates the "harm" to the mix of housing in any particular area, but not any wider harm. This approach has not led to legal challenge in other authority areas.

4.4 Private Rented Sector in Bath

The Council's 2007 Residential Review identified that the private rented sector (PRS) is very strong in certain wards within the city. Abbey, Kingsmead, Lansdown, Walcot and Widcombe all have more than 20% of its stock as private rented. Oldfield has almost 15% private rented and Westmoreland 17%.

The 2009 West of England Strategic Housing Market Assessment reported that there had been a 50% growth in PRS in the sub-region since 1991⁴⁶; this is broadly in line with national trends.

The private rented sector fulfils a wide range of roles for different elements of the population. The 2008 report by the Centre for Housing Policy at the University of York⁴⁷ identified the following key sub-sectors nationally:

- *young professionals*, whose presence in the PRS reflects a complex amalgam of choice and constraint;
- *students*, whose needs are increasingly being met by larger, branded, institutional landlords;
- *the housing benefit market*, where landlord and tenant behaviour is largely framed by housing benefit administration;
- *slum rentals* at the very bottom of the PRS, where landlords accommodate often vulnerable households in extremely poor quality property;
- *tied housing*, which is a diminishing sub-sector nationally but still has an important role in some rural locations;
- *high-income renters*, often in corporate lettings;
- *immigrants* whose most immediate option is private renting;
- *asylum seekers*, housed through contractual arrangements with government agencies;
- *temporary accommodation*, financed through specific subsidy from the Department for Work and Pensions; and
- *regulated tenancies*, which are a dwindling portion of the market.

Many of these groups are important for Bath to maintain balanced communities and a sustainable economy, and in many cases the private rented sector is the only housing option available.

The Centre for Housing Policy report identified that the sector could be seen as successfully delivering affordable housing to „intermediate“ groups, who cannot afford a mortgage, but who do not qualify for social housing. However, the 2011 Shelter Private Rent Watch Report⁴⁸ identified rent in Bath and North East

⁴⁶ Prof Glen Bramley, *West of England Strategic Housing Market Assessment*, June 2009v2, p76

⁴⁷ Centre for Housing Policy, University of York, *The private rented sector: its contribution and potential*, 2008

⁴⁸ Shelter Private Rent Watch, *Report one: Analysis of local rent levels and affordability*, October 2011

Somerset as “very unaffordable” (this was defined as having a median rent of 40% to 49% of median full-time take-home pay).

A simple assessment of the costs and potential income associated with three possible scenarios (family owner-occupier, family private rented, and private rented HMO) of a typical house in the Oldfield Park area is set out in **table 7** below. This shows how much more profitable it can be to let a property as an HMO rather than as a family home. It also demonstrates what level of deposit and income would be required to get a mortgage on a similar house.

Table 7: Case study of potential costs & income

House	3-bed, 2 reception terrace
Cost	£245,000 ⁴⁹
Deposit	20% (£49,000)
Rent	£1400 ⁵⁰ pcm as 4 bed HMO (60% of min. student loan) £930 ⁵¹ pcm as 3 bed house (53% of ave. take home pay)
Buy-to-let mortgage repayment	£1,225 ⁵²
‘Family’ Mortgage	£1,035 (4%) Total household income required approx. £50,000

⁴⁹ Average House price in South Bath according to Bath and North East Somerset Council, *Viability Study*, June 2010

⁵⁰ Estimated from local letting agents’ adverts

⁵¹ Shelter Private Rent Watch, *Analysis of local rent levels and affordability*, October 2011

⁵² London and Country Mortgage calculator

5 Future Trends in Student Numbers and Other Key Issues

5.1 Higher Education

Higher Education (HE) is facing some major challenges and potential changes in the coming years, particularly as a result of the recent changes to student funding brought in by the coalition government.

With the well-publicised increase in tuition fees of up to £9,000 per year, it may be expected that student numbers would fall at many institutions. However, this increase in fees was accompanied by an allowance for “unconstrained recruitment of the roughly 65,000 high-achieving students, scoring the equivalent of AAB or above at A-Level”⁵³. The government has also indicated that it hopes to widen the criteria for unconstrained places in due course. It is unknown which universities will take up the option to expand to maximise recruitment in this group, but it is likely to be those who already attract students of this calibre, and could include the University of Bath over time.

In addition, the white paper also made provision for the introduction of new private universities. Various models are appearing, including delivery of courses by private providers in FE colleges (for example BPP are delivering law and business degrees from New College Swindon⁵⁴). It is possible that many of these new models for delivering HE will not put the same pressure on the local HMO market as people study later in their lives, or living at home. However, the possibility for changes in Bath over the coming years should be considered as part of the wider strategy.

5.1.1 University of Bath

The University of Bath is currently planning for an annual student growth rate of between 1–3% up to 2020. This equates to between 1,900 and 6,300 new students between now and 2020. However, the University of Bath is not yet able to predict the accommodation that might be required for these additional students as they are not yet sure where these students will come from. For example, depending on the market, they may be part-time distance learning students or international postgraduates, or UK undergraduates.

The University of Bath is currently reconsidering its masterplan, but any possible campus expansion would include between 1500 - 1800 purpose built student bedspaces⁵⁵.

5.1.2 Bath Spa University

Bath Spa University has developed a masterplan for its main Newton Park campus. This would see the creation of over 8000m² of new teaching space and an

⁵³ Department for Business Innovation and Skills (BIS), White Paper, *Higher Education: Students at the Heart of the System*, June 2011

⁵⁴ <http://www.newcollege.ac.uk/he/bpp/>

⁵⁵ Information provided by the University of Bath, this is fewer than the provision of about 2,000 bedspaces in the Bath & North East Somerset Core Strategy.

additional 500 purpose built student bedspaces. They hope that these bedspaces will be on line by September 2014.

5.1.3 City of Bath College

The City of Bath College has no publically available projections of student numbers, nor any publically available plans to build any student accommodation. However, their *Strategic Intentions* document⁵⁶ sets out ambitions to;

- Expand their international offer;
- Create a professional business school;
- Establish the Bath English Language school; and
- Expand and further improve their HE portfolio.

Each of these ambitions is likely to increase their requirements for accommodation for their students.

5.2 Graduate Retention in Bath

One of the actions identified in the B&NES Economic Strategy is to “increase the number of graduates working with local employers”⁵⁷. As the city of Bath aims to attract recent graduates to stay, work and contribute to the local economy, there will need to be some expectation that many of these young professionals may wish to live in HMOs (or be financially constrained to make this the only real option to stay in the city).

Between 2005 and 2008, 11,940 graduates were employed in the West of England⁵⁸, and many of these in relatively low income jobs including retail and nursing. Over 30% of these graduates had no prior connection to the sub-region, presumably moving for the employment opportunities. This group of well-qualified graduates are an important part of the economy and are perhaps amongst the most likely group to want to access good quality HMO accommodation as they get to know the city.

Bath Chamber of Commerce has communicated to B&NES the importance that HMOs play in the economy in Bath during the course of this study. They stress the importance of attracting and retaining young people and new graduates in city in order to create a more sustainable economy. The organisation has raised concerns that an Article 4 Direction would limit the supply of HMOs and have encouraged the Council to consider alternatives.

⁵⁶ City of Bath College, *Entitled to Excellence: Strategic Intentions 2011-2014*, <http://www.citybathcoll.ac.uk/assets/files/PDFs/Annual%20Report/Entitled2Excellencev3.pdf>

⁵⁷ *Economic Strategy for Bath and North East Somerset 2010-2026*, http://www.bathnes.gov.uk/SiteCollectionDocuments/Business/Economic_Strategy.pdf

⁵⁸ Higher Education Careers Services Unit (HECSU) for the Learning and Skills Council, *Graduate retention and migration in the West of England region*

5.3 Housing Benefit Changes

Government has recently announced changes to the way that Housing Benefit is allocated. This means that from January 2012, the shared accommodation rate (that currently applies to single people under the age of 25 living in accommodation that they rent from a private landlord) will be extended to people aged under 35.

This means that single people under 35 will need to move into an HMO to continue to receive Housing Benefit.

Across B&NES there are currently 70 people who will be affected by this change, so the immediate impact may not be huge, but this demographic could increase and lead to an increase in demand for HMOs within the city.

5.4 Private Rented Sector

Recent research carried out for the Guardian newspaper⁵⁹ suggests that nationwide rental prices are increasingly more expensive than monthly mortgage payments. Average monthly rents are reported to be 17% more expensive than mortgage payments. This is predominantly attributed to increasing house prices meaning that first-time buyers cannot get onto the housing market. This trend may well continue as the economy does not look set to redress this balance. This may be a particular issue in Bath, where house prices are relatively high, meaning that the private rented housing supply in Bath may need to increase in order to keep up with demand.

⁵⁹ <http://www.guardian.co.uk/money/2011/nov/11/rental-market-reaches-crisis-point>

6 Options for Intervention

A range of options for intervention are open to B&NES and its partners to manage the impacts of HMOs on local communities and the balance and quality of housing stock therein. We have identified four possible options for intervention:

- **Option 1:** Article 4 Direction plus an additional threshold planning policy introduced through a Development Plan Document (DPD) or a Supplementary Planning Document (SPD).
- **Option 2:** Additional licensing and a planning policy in support of purpose-built student accommodation, introduced through a DPD or SPD.
- **Option 3:** Combined approach. This combines all of the elements in Options 1 and 2.
- **Option 4:** Do nothing. This is „business as usual“ approach, with no additional activity beyond what is already planned.

Each of these interventions is outlined and evaluated more fully below. Additional work is being undertaken to ascertain the resource implications associated with each option for the Council.

6.1 Option 1: Article 4 Direction plus enhanced policy

This option contains the following elements:

- A non-immediate **Article 4 Direction** covering the whole of Bath urban area.
- A new development management policy setting out the approach for determining planning applications made. This would include an additional **threshold policy related the existing HG12 policy within the Core Strategy**. This could be introduced either through a new Supplementary Planning Document (SPD) or through the Placemaking Plan Development Plan Document (DPD).

This option favours a **non-immediate Article 4 Direction** to avoid any possible risk of compensation. This means that the Council will need to give a 12 month notice period before the Direction comes into place. An immediate Direction could expose the Council to potentially considerable financial risks as disadvantaged landowners could claim compensation for refused planning permissions or if additional restrictions are applied by condition. The potential costs associated with this approach are unknown, as all other authorities considering Article 4 Directions to date have opted for the non-immediate route. If B&NES were to implement an immediate Direction then it could be exposed to the potential for test legal cases and unknown costs. It is considered that these risks outweigh any potential benefits.

In addition, this option proposes that the Article 4 Direction is **city-wide**. An Article 4 Direction is a preventative measure, and may limit future conversion of family housing to HMOs. Whilst there are currently high concentrations of HMOs around Oldfield Park in the wards of Oldfield, Westmoreland and Widcombe, Bath is a compact, walkable city and not all of its housing stock is

suitable for conversion into HMOs. If the boundary of the Article 4 Direction is too tightly defined around the areas of existing HMO concentration then there is a possibility that excess activity could be displaced to adjacent areas, particularly those areas within key transport corridors.

Reflecting on the existing concentrations of HMO activity in the most affected areas of Bath⁶⁰, we would recommend setting a threshold limit of 20% HMOs within 100m of the site of a prospective application property. This figure is below the existing levels of concentration found in some of the most affected wards but is comparable with suggestions made by the national HMO lobby for the introduction of threshold policies and is gauged to be an acceptable level for the maintenance of balanced communities.

This approach is likely to lead to the displacement of HMO activity to other areas of the city, but with the introduction of the threshold policy this displacement can be controlled and capped at reasonable levels. Displacement will largely be market driven, and is likely to be based around key criteria such as proximity to the city centre, transport links, flexibility of housing stock and cost. There is a possibility that this approach will mean that those HMOs already within areas exceeding the threshold will start to attract a value premium, and family housing in these areas could decrease in value or be more difficult to sell. The Residential Landlords Association (RLA) asserts that house prices might fall about 30%⁶¹. This is based on research in small areas of Nottingham and Leeds over a short timescale, and the effect is unlikely to be quite as marked in Bath.

Based on a review of threshold policies from elsewhere, proposed policy wording is set out below:

Proposed Wording for B&NES Threshold Policy

Certain types of development will not be permitted where over 20% of households within a 100 metre radius of the application sites fall within one or more of the following categories:

- Exempt from paying Council tax because they are entirely occupied by full time students [n.b. this could be updated on an annual basis, halfway through the academic year]
- Recorded on Private Sector Housing's database as a licensed HMO.
- A property benefiting from C4 or sui generis HMO planning consent

Where evidence can demonstrate that there are shared houses within 100 metres of the application site which do not fall within the categories above the Council will include these.

The following restrictions will be imposed on development in those areas:

- Conversion of C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) will not be permitted;
- Permission will only be granted for extensions to Class C3 dwellings where there is evidence of the property being occupied, or intended for occupation, by students, where:
 - i. The proposal would not unacceptably reduce family housing stock, in terms of both quantity and variety;
 - ii. There would be no unacceptable effects on neighbours' living conditions including

⁶⁰ Lower Super Output Areas around the Oldfield Park area already have up to 29% student properties. This proportion can be much higher if taken as an average on a street by street basis.

⁶¹ Private correspondence with the RLA

through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation;

- iii. The proposal would improve the quality or variety of the stock of student housing
- iv. The scale and character of the proposal would be compatible with the surrounding area;
- The Council will impose conditions or seek a Section 106 agreement on new houses and flats to prevent their uncontrolled occupation by students
- The development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted.

The impacts and challenges for the main stakeholders of this Option are set out below.

Table 8: Option 1: Impacts and Challenges for Stakeholders.

	Positive Impacts	Challenges
B&NES Council	Council is seen to be responding to local residents' environmental concerns related to perceived over-concentration of HMOs in some areas of the city. Possible slight reduction in resource requirements for Environmental Health in dealing with noise, waste complaints.	Medium resource implications for Planning Policy with regards to consulting on and putting additional policy in place. Currently unknown, but potential for additional resource requirements in the Development Management team to process additional planning applications and deal with appeals.
Students	More choice in areas to live likely to be provided.	May push rental prices up in some areas (particularly Oldfield Park, Westmoreland Widcombe area), leading to inequality in where students can affordably live in the city. May mean that HMOs are of a poorer standard as landlords can attract students by location alone. May mean students in new areas feel stranded or isolated if there is a lack of public transport. There is a student campaign with 338 facebook members against the introduction of an Article 4 Direction ⁶² .
Other HMO residents	More choice in areas to live likely to be provided.	May push rental prices up in some areas (particularly Oldfield Park, Westmoreland Widcombe area), meaning inequality and social divide in where people in the private rented sector can afford to live. May mean that HMOs are of a poorer standard as landlords can attract tenants by location alone.
Universities		Students living over a wider area of the city may mean that some students, at least initially, are not well served by public transport. This may lead to an increase in those wanting to take cars to university campuses. There may be an increase in students seeking welfare advice if

⁶² <https://www.facebook.com/groups/259904010727071/>, accessed 18/11/2011

		students have problems with money or social divide or lower standard accommodation.	
Local residents	Should lead to more balanced communities, meaning a wider mix of residents in many areas. Family housing in areas of existing high density of HMOs is likely to become cheaper, meaning it could become easier for new entrants to the housing market.	This may lead to a wider spread across the city of the problems associated with a high density of HMOs. Residents in areas that currently have a high density of HMOs may be disappointed to discover that this does not address any existing problems that they are experiencing. They may also experience a drop in the value of their property. Where existing HMO densities are really high, it may also become difficult to sell homes if they wish to move.	
Local employers	A dispersal of HMOs across the city may lead to more affordable private rented sector accommodation in some areas, which may make it easier to attract new employees to the area.	If the Article 4 Direction leads to a perception amongst property investors that HMOs are not welcome in Bath, then this may lead to a shortage in affordable private rented property. This may make it harder for employers to attract lower paid employees, particularly those at the start of their careers, including new graduates. The Chamber of Commerce has formally objected to the introduction of an Article 4 Direction in Bath ⁶³ .	
Local trade/business	Should lead to more balanced communities, and may result in less seasonal trade in some areas.	May result in loss of trade in some areas, where the business model is currently reliant on HMO residents / landlords.	
Existing HMO landlords	Those with properties in popular areas are likely to experience an increase in revenue as they become more exclusive and can charge more.	Limits options for expansion of portfolio to areas outside of existing concentrations.	
HMO developers	Clear planning policy guidance will help them to assess the potential success of their planning application.	Many will be put off by the process of applying for planning permission, but those who aren't will face a longer time period before they can convert their properties.	
Estate agents	Should lead to a more diverse market across the city. This would provide a more sustainable, long-term market.	Many investor clients will be put off by the red tape and it is likely to be more difficult to sell properties in existing areas of high HMO density, at least initially.	

⁶³ See letter received in appendix D.

6.2 Option 2 –Planning Policy & Additional Licensing

The elements of this approach are:

- Additional licensing for all HMOs in Bath; and
- Planning policy promoting purpose built student accommodation.

This option includes the provision of **additional licensing**. Additional, rather than selective licensing has been proposed as there is anecdotal evidence about the impact that a wider range of HMOs than those that are currently subject to the licensing regime. However, there is no evidence to suggest that this impact extends to the whole private rented sector (as would be required for selective licensing). The evidence gathered for this study shows no correlation between HMO density and their size. We therefore recommend that additional licensing would need to be for all HMO types. This option proposes a staged roll out of additional licensing, with the initial focus on the wards with the highest existing concentration of HMOs (Widcombe, Westmoreland and Oldfield). The introduction of additional licensing does not specifically limit the supply of HMOs in any area of the city, but does provide a mechanism to maintain quality in the sector.

Whilst there is existing policy relating to the expansion of both universities (Policy B5 in the Core Strategy), the guidance therein could be expanded to ensure that expansion in academic floorspace is accompanied by purpose-built accommodation that meets specific design and management criteria, which would help to reduce any possible negative impacts on local communities.

Proposed Wording for B&NES Pro Purpose Built Accommodation Policy.

All increases in student numbers at any Higher Education Institution in Bath as a result of increases in academic floorspace must be matched by a corresponding increase in purpose-built student accommodation. Any purpose-built student accommodation should meet the following criteria.

1. Sites should be easily accessible to the University and college campuses by walking, cycling or public transport
2. High density developments should be sited in locations where this is compatible with existing developments and initiatives, and where retail facilities are within walking distance.
3. Car parking standards should be met, and a green travel plan developed to ensure that proposals should not lead to an increase in on-street parking in the surrounding area.
4. Proposals that can demonstrate a positive regeneration impact in their own right will be given preference over other schemes.
5. Proposals should be designed to be safe and secure. Consideration must be given to increased informal surveillance or other measures to contribute to crime prevention.
6. Accommodation should not have an unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the streetscene either from the proposed development itself or when combined with existing accommodation.

7. Provision and management of waste disposal facilities will be planned within the development at an early stage.
8. Proposals will need to include a management plan.

The positive impacts and challenges for the main stakeholders of the Option are set out below.

Table 9: Option 2: Impacts and Challenges for Stakeholders.

	Positive Impacts	Challenges
B&NES Council	Seen to be responding to local residents' concerns regarding over-concentration of HMOs in some areas of the city. Possible slight reduction in resource requirements for Environmental Health in dealing with noise, waste complaints.	Potentially significant resource required for housing / environmental health in implementing and enforcing new licensing regime. However, this is likely to be near cost-neutral in the longer-term. Limited resource requirements for Planning Policy team in implementing new purpose built policy.
Students	All HMOs would comply with higher standards. Wider range of options to live in purpose built student accommodation.	May marginally push rental prices up if landlords see an opportunity to pass licensing costs on to tenants.
Other HMO residents	All HMOs would comply with higher quality standards. If students move out of HMOs into purpose built accommodation then there is more choice for other tenants (and possible reduction in price if supply outstrips demand).	May marginally push rental prices up if landlords see an opportunity to pass licensing costs on to tenants.
Universities	Increases in purpose-built accommodation likely to be attractive to many new students, and may become increasingly important in an increasingly competitive education market. Higher levels of confidence in recommending properties in the private rented sector if they reach standards for licensing.	Costs associated with building purpose built accommodation (although there may be opportunities for the private sector to meet these costs through joint ventures with universities). There may be delays to academic / teaching space growth if accommodation is required in tandem.
Local residents	Licensing will help to tackle existing perceived and real problems of HMO density and is therefore likely to be popular. If the size of the market for HMOs decreases with an increase in purpose-built student accommodation, then there may be some return to family housing. This may also lead to a reduction in house prices, making it more affordable for first-time buyers.	Disappointment at lack of an Article 4 Direction? Pro purpose-built policies may lead to de-studentification, and not return to family housing as local residents might hope.
Local	A combination of higher quality HMOs and more capacity (as students	

employers	are increasingly catered for in purpose-built accommodation), may make it easier to attract new employees to the area.	
Local trade/business	Relocation of students to purpose-built accommodation may result in an increased concentration in demand for trade, which could benefit local businesses in some areas. Potential for increase in revenue if there is a change from student tenants to young professional tenants, who have more disposal income. Possible opportunities for local building-related trades in the building of new student accommodation and in the conversion of existing student HMOs (to family homes or for other tenants with differing requirements)	May result in loss of trade in some areas, where HMOs are left unoccupied as students move into purpose-built accommodation.
Existing HMO landlords	Less confusion about different definitions for HMOs. Potential for increase in revenue if there is a change from student tenants to young professional tenants with higher income.	Increased costs / red-tape associated with licence applications. Possible need to change business plan if requirements for student HMO accommodation reduces. Potential for decrease in revenue if there is a change from student tenants to A8 migrant tenants.
HMO developers	Less confusion about different definitions for HMOs.	Increased costs / red-tape associated with licence applications.
Estate agents	Less confusion about different definitions for HMOs – less time consuming to give advice to potential landlords. Potential for increase in revenue if there is a change from student tenants to young professional tenants with higher income.	Move away from student market may require more inventive marketing, as there is a less captive audience.

6.3 Option 3 - Combined Approach

This approach combines all of the interventions outlined in Options 1 and 2. It is the most resource intensive of the options for the Council, but it may be the most effective at helping Bath to create balanced and sustainable communities, both in the immediate and longer term, whilst seeking to manage some of the perceived environmental degradation linked to the existing concentrations of HMO activity in Oldfield Park, Westmoreland and Widcombe.

The combination of both options would mean that any possible deterioration of housing quality associated with the restriction of supply as a result of the Article 4 Direction would be dealt with by the additional licensing scheme covering the key areas where this would be an issue. Other benefits and risks remain and consideration needs to be given to the cumulative effects of having these interventions in place.

Table 10: Option 3: Impacts and Challenges for Stakeholders.

	Positive Impacts	Challenges / Risks
B&NES Council	<p>Seen to be responding to local residents' concerns regarding over-concentration of HMOs in some areas of the city, both in terms of existing and potential future problems.</p> <p>Possible reduction in resource requirements for Environmental Health in dealing with noise, waste complaints.</p>	<p>This is the most resource intensive option, with implications for Housing / Environmental Health, Planning Policy and Development Management.</p> <p>Would need to be accompanied by enhanced cross-departmental working to improve efficiency (e.g. when a planning application is approved for an HMO, this information would be passed to licensing). New internal administration procedures may be required to facilitate cross departmental working.</p>
Students	<p>All HMOs would comply with higher quality standards, meaning better surroundings for tenants.</p> <p>Wider range of options to live in purpose built student accommodation.</p> <p>More choice in areas to live likely to be provided as a result of A4D.</p>	<p>May push rental prices up in some areas (particularly Oldfield Park, Westmoreland and Widcombe areas), potentially leading to inequality and social divide in where students live.</p> <p>May mean students in new areas feel stranded or isolated if there is a lack of public transport.</p>
Other HMO residents	<p>All HMOs would comply with higher quality standards, meaning better surroundings for tenants.</p> <p>If students move out of HMOs into purpose built accommodation then there is more choice for other tenants (and possible reduction in price if supply outstrips demand).</p> <p>More choice in areas to live likely to be provided as a result of A4D.</p>	<p>May push rental prices up in some areas (particularly Oldfield Park, Westmoreland Widcombe area), potentially leading to inequality and social divide in where people in the private rented sector can afford to live.</p>
Universities	<p>Increases in purpose-built accommodation likely to be attractive to many new students, and may become increasingly important in an increasingly competitive market.</p> <p>Higher levels of confidence in recommending properties in the private rented sector if they reach standards for licensing.</p>	<p>Costs associated with purpose built accommodation (although there may be opportunities for the private sector to meet these costs).</p> <p>There may be delays to academic and teaching space growth if accommodation is required in tandem.</p> <p>Students living over a wider area may mean that some areas, at least initially, are not well served by public transport. This may lead to an increase in those wanting to take cars to University campuses.</p> <p>There may be an increase in students seeking welfare advice if</p>

			students have problems with money / social divide.
Local residents	<p>Comprehensive solution which seeks to deals with current residents concerns whilst also putting in place limits on future growth in HMO concentrations above sustainable levels.</p> <p>Should lead to more balanced communities, meaning a wider mix of residents in many areas.</p> <p>If the size of the market for HMOs decreases with an increase in purpose-built student accommodation, then there may be some return to family housing. This may also lead to a reduction in house prices; making it more affordable for first-time buyers.</p>	<p>May lead to de-studentification of areas of existing concentration but not necessarily a return to family housing as local residents might hope. Local owner-occupier residents may see a drop in value of their homes. Where existing HMO densities are really high, it may also become difficult to sell the remaining family homes.</p> <p>This may lead to a wider spread across the city of the environmental problems associated with a high density of HMOs.</p>	
Local employers	<p>A combination of higher quality HMOs and more capacity (as students are increasingly catered for in purpose-built accommodation).</p> <p>A dispersal of HMOs across the city may lead to more affordable private rented sector accommodation in some areas. This combination may make it easier to attract new employees to the area.</p>	<p>If the Article 4 Direction leads to a perception that HMO investors are not welcome in Bath, then this may lead to a shortage in affordable private rented property. This may make it harder for employers to attract lower paid employees, particularly those at the start of their careers, including new graduates.</p>	
Local trade/business	<p>Relocation of students to purpose-built accommodation may result in an increased concentration in demand for trade, which could benefit local businesses in some areas.</p> <p>Potential for increase in revenue if there is a change from student tenants to young professional tenants, who have more disposal income. Should lead to more balanced communities, and may result in less seasonal trade in some areas.</p> <p>Possible opportunities for local building-related trades in the building of new student accommodation and in the conversion of existing student HMOs (to family homes or for other tenants with differing requirements).</p>	<p>May result in loss of trade in some areas, where HMOs are left unoccupied, or current tenants are replaced by people with a lower disposable income (e.g. migrants living in HMOs or young families).</p>	
Existing HMO landlords	<p>Less confusion about different definitions for HMOs.</p> <p>Those with properties in popular areas are likely to experience an increase in revenue as they become more exclusive and can charge</p>	<p>Increased costs / red-tape associated with licence applications.</p> <p>Possible need to change business plan if requirements for student HMO accommodation reduces. Potential for decrease in revenue if</p>	

	more. Potential for increase in revenue if there is a change from student tenants to young professional tenants with higher income.	there is a change from student tenants to A8 migrant tenants.
HMO developers	<p>Less confusion about different definitions for HMOs. Clear planning policy guidance will help to assess the potential success of planning applications.</p> <p>Potential for better business model, with wider range of possible tenants (including young professionals who may be willing/able to pay more) in different parts of the city.</p>	<p>Increased costs / red-tape associated with both licence and planning applications.</p> <p>Potential for decrease in revenue if most demand is A8 migrant tenants.</p>
Estate agents	<p>Less confusion about different definitions for HMOs – less time consuming to give advice to potential landlords.</p> <p>Potential for increase in revenue if there is a change from student tenants to young professional tenants with higher income.</p> <p>Should lead to a more diverse market across the city. This would provide a more sustainable, long-term market.</p>	<p>Move away from student market may require more inventive marketing, as there is a less captive audience.</p> <p>Many investor clients will be put off by the red tape and it is likely to be more difficult to sell properties in existing areas of high HMO density, at least initially.</p>

6.4 Option 4 - Do Nothing Approach

Under this scenario, there is no action above the status quo. Existing initiatives and plans will continue. The Student Community Partnership is likely to grow its activity and support local community-student initiatives. Both universities are likely to grow their supply of purpose-built student accommodation if there is sufficient demand and a compelling business case.

B&NES's current Accreditation Scheme will need reviewing regardless of other options taken forward, as it is currently under-resourced.

Table 11: Option 4: Impacts and Challenges for Stakeholders

	Positive Impacts	Challenges
B&NES Council	Limited increase in resources	Seen not to be responding to issues raised by the local community Some increase in environmental health resource required as existing real and perceived problems worsen.
Students	Continue to have the freedom to live where they like (so long as the market can meet the demand).	Potential worsening of quality of HMO accommodation. May feel less and less welcome as neighbourhoods are less tolerant and place the blame for problems on students.
Other HMO residents	Continue to have the freedom to live where they like (so long as the market can meet the demand).	Potential worsening of quality of HMO accommodation.
Universities		May need increased resources as neighbourhoods are less tolerant, place the blame for problems on students and complain to the Universities.
Local residents		May be increasingly exposed to low level anti-social behaviour associated with high density of HMOs. House prices may continue to rise if left unchecked, making home ownership unaffordable for a growing number of local people.
Local employers		Will continue to struggle to attract new graduates and young professionals to the area as housing is expensive.
Local trade/business	Will continue to supply existing markets.	Will continue to operate seasonal business-models, leading to under-employment of some people.
Existing HMO landlords	Will continue to make a profit from existing market. No need to do anything differently.	
HMO developers	Can continue to make a profit from existing market, where there is demand. No need to do anything differently.	
Estate agents	Will continue to make a profit from existing market. No need to do anything differently.	

6.5 Management Initiatives

The possible management initiatives set out in Section 3.3 are considered to be possible additions to any of the four core options above, and as such are not combined into the scenarios set out.

Each management initiative may need to be lead by a different partner. The proposed lead partner for further interventions is set out below:

Higher Education Institutions

- Student Charter and student discipline (rules and regulations) – each of the HEIs in Bath could consider whether a Student Charter might be beneficial in managing the expectations of and on students.

Bath & North East Somerset Council

- Landlord accreditation scheme – as discussed, this is currently under-resourced. Any update to the accreditation scheme should be considered alongside options to introduced additional licensing.
- Residents' parking – parking has not emerged as a major issue in this study, but the Council may want to consider what the impacts of extending the residents' parking zone further into the Oldfield Park area might be.

Student Community Partnership

- Community wardens – Exeter's Community Warden scheme could be further explored to see whether there might be benefits to introducing this in Bath.
- Waste management – Cardiff's waste management activities would seem to represent best practice, and the Student Community Partnership may wish to consider whether they could replicate some more of their approach to complement the existing end of term campaign in Bath.
- Student volunteering – Whilst there are some excellent student volunteering programmes in place, these activities are not often visible to longer-term residents living in student areas. The Partnership may wish to consider whether more could be done to encourage student volunteering the areas where students live.

7 Conclusions

The issues relating to HMOs, studentification and community balance are complex and there are numerous key stakeholders with widely differing views.

There is no conclusive evidence to link anti-social behaviour with areas where there are high concentrations of HMOs. Anecdotal evidence from residents does however suggest that incidences may actually be more localised than the official data indicates.

No option for intervention is perfect, none can be guaranteed to deal with all real and perceived issues at the moment, and some options may create other challenges.

There are a lot of uncertainties relating to the future level of HMOs required for a healthy working housing market in Bath; uncertainties relating to the timing and scale of purpose built student accommodation provision, student numbers and origins and the wider economy. These uncertainties need to be considered as part of the Council's decision making in relation to this issue.

An Equality Impact Assessment has been carried out to assess the potential impact of each of the four options on equality groups in more detail.

In summary, an Article 4 Direction may be an appropriate solution for Bath. It is recommended that this be implemented after a 12 month notice period and that it should be supported by new detailed development management „threshold“ policy (via a DPD or an SPD) to be able to be used to justify refusal of a planning application. In addition, other interventions could also have a positive effect on the Council's ability to regulate HMOs in the city and could be implemented with more immediate effect.

Costs will be incurred to the Council for all interventions, and further work is underway to establish these costs. For costs incurred to planning there is more limited potential to re-charge these than is the case with licensing, which is in theory a more cost neutral intervention.

Appendix A

Stakeholder Workshop Report

Article 4 Direction for HMOs in Bath: Feasibility Study

Workshop Report

10 November 2011

Job title		Article 4 Direction for HMOs in Bath: Feasibility Study		Job number		218116-00	
Document title		Workshop Report				File reference	
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		Name	Ann Cousins	Ann Cousins	Wayne Dyer		
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Appendices

Appendix A

Full List of attendees

Appendix B

Full List of HMO Impacts

Appendix C

Workshop presentation slides

1 Introduction

1.1 Aim of the Study

Houses of Multiple Occupation (HMOs) are defined in the 2004 Housing Act as houses with 3 or more people not from the same family living together. A new planning Use Class (C4) was introduced to reflect this definition in 2010. This is in addition to the previous planning definition of 6 or more people living together (sui generis Use Class).

High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties. In many cities, students are one of the largest groups living in HMOs. This study will consider student housing and other types of HMOs (e.g. young professionals).

The aim of this study is to look at the correlation between these issues and high densities of HMOs in Bath. We will also review the current mechanisms in place in Bath that contribute to alleviating any potential problems, along with the approach taken in other cities in the UK.

This will form an appropriate evidence base to consider, in particular, whether an Article 4 Direction would be a suitable planning tool to assist in the control of conversion of dwelling houses (i.e. family homes) to HMOs in the City of Bath. We will also consider other measures that could be implemented to help create sustainable, balanced communities.

1.2 Study Background

In June 2011 the BANES Cabinet agreed to allocate funding to consider how planning controls (including an Article 4 Direction) could be used to control the spread and increase in Houses in Multiple Occupation (HMOs) in Bath. HMO concentration and the impacts of concentrated activity particular concern for the wards of Widcombe, Oldfield Park and Westmoreland which have a higher % of Houses in Multiple Occupation occupied by students, but there are other wards across the City, which may also be affected.

The Planning Department was instructed to progress a feasibility study to consider the potential for and scope of an Article 4 Direction and has subsequently appointed consultants Arup to support the planning department in making a recommendation to Cabinet.

An Article 4 Direction would mean that express planning permission would be required for a material change of use, although BANES will not be able to collect fees for processing the processing of these applications. Reasons for refusal of planning permission will still be required on a case by case basis.

The study will consider the introduction permitted development rights for change of use from a dwelling house (Use Class C3) to a small HMO (Use Class C4), and define its geographical coverage. The gathering of this evidence base and its interpretation will be the principal activity of Arup.

1.3 Aims of this workshop

As part of this study to consider the potential to introduce an Article 4 Direction for Houses in Multiple Occupation (HMOs) in Bath a workshop was held on Monday 24th October 2011 in the Guildhall, Bath to scope stakeholder's views on the issues.

The aims of the workshop were:

- to bring stakeholders together to share and understand different perspectives related to HMOs in Bath;
- to share the data related to both need for HMOs and impacts of HMOs; and
- to test potential interventions that might help to create balance and sustainable communities

A wide range of stakeholders were represented at the workshop, including:

- Ward Councillors from across Bath
- Planning Officers, B&NES Council
- Housing, Transport, Research, Community and Economic Development Officers, B&NES Council
- University of Bath
- Bath Spa University
- Royal United Hospital
- Bath Spa University Students' Union
- University of Bath Students' Union
- HMO Landlords
- HMO Developers
- Estate Agents
- Local Residents
- Avon and Somerset Police

A full list of attendees can be found in **Appendix A**

2 Report of Workshop

A summary of the outcomes of the workshop is set out below. The presentation material presented by the Arup facilitators (Wayne Dyer & Ann Cousins) during the workshop can be found in **Appendix C**.

2.1 Introduction

As the principal project lead for the study on behalf of B&NES Cleo Newcombe-Jones welcomed everyone to the workshop and explained how the study had come about. The study originated from a motion taken to full Council by Councillor Will Sandry in November 2010; the Planning department then carried out some

initial research and scoped out the requirements of study, before appointing Arup as consultants to work with the Council to undertake further research and recommend a route forward.

2.2 Overview

Wayne Dyer (Arup) introduced how this workshop fitted into the wider context of the Article 4 Direction feasibility study and set out the agenda for the workshop.

The background to the changes in national planning policy, which has led to the option to introduce an Article 4 Direction to control an increase in the numbers of Houses of Multiple Occupation, was described.

2.3 Who lives in HMOs and Why?

A quick „*straw poll*“ survey of room suggested that approximately 80% of attendees had lived in an HMO at some point in their life. Through facilitated discussion in groups a comprehensive list of those who live in HMOs was drawn up by each of the groups, along with possible reasons for living in this type of accommodation. These included:

Who?	Why?
<ul style="list-style-type: none"> Students (including FE, HE undergraduates, postgraduates, mature, overseas, language school students etc.) Nurses Young Professionals / recent graduates Young non-professionals Unemployed – singles and couples Transient workforce Retired – communal dwellings (different use class in planning terms) Hostels/Refuges Special needs – with live in carers etc. Migrant workers Older house sharers/ People who can't afford to buy Lodgers People on bail Newly non-homeless /People being re-habilitated into the community Squatters Housing benefit claimants under 25 	<ul style="list-style-type: none"> Affordability / cost Ease Social reasons /fun Personal development / freedom Short term contracts / flexibility Locality / convenience Lack of university accommodation Cultural / peer support Don't want to live alone Good transport links Only option – kicked out of family home, recently separated, change of personal circumstances. Provided by employer to allow immediate start Housed in HMOs on way back to mainstream society Increasing travel costs Work commitments

(soon to be 35) <ul style="list-style-type: none"> • Live in staff e.g. hotel workers (different use class in planning terms) • Those moving to the area for work • Seasonal /Contract workers 	
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2.4 Impacts of HMO Dwellers

Participants were then asked, individually to identify two or three positive and negative impacts of these groups living in Bath, or of having this type of housing available in Bath. These are summarised below and set out in full in **Appendix B**.

Negative Impacts	Positive Impacts
Lack of Affordable Family Housing	Affordability & Flexible Single Household Housing
Lack of Parking	Support for Public Transport
Degradation of the Public Realm & Neighbourhood Environment	Increased Spend in the Local Economy
Weakening of Community Cohesion & Stability	Community Diversity
Increase in Anti-Social Behaviour	Safety and Security
Reduction in Family Housing Stock in specific areas.	Increased Housing Supply & Efficient use of Stock
Increased Demand on Council Resources	Flexible Housing Supports the Local Economy
Noise	
Waste Management	

2.5 Presenting Data on the Existing HMO Situation.

Ann Cousins (Arup) presented the results of available HMO data that had been gathered to date. This can be found in the slides in **Appendix C**.

Comments were received from the floor that the available data indicating the concentration of HMOs / student properties at the Lower Super Output Area (LSOA¹) level masked significantly higher concentrations on some individual streets. It was noted that there were data protection issues to circulating data at a more localised level than the LSOA.

¹ Lower Super Output Areas (LSOAs) are a sub-ward geography averaging approximately 1,500 people. Wards are divided into several LSOAs.

2.6 Future Trends & Uncertainties

Possible future trends in demographics, education and urban development that might impact on the demand for HMO accommodation in Bath were discussed. The slides in **Appendix C** set this out in more detail. The point was raised that national figures for university applications are so far down by 12% on last year due to the increase in university fees.

2.7 Possible Solutions & Examples from Elsewhere

Five other cities that are introducing, or have introduced an Article 4 Direction, were cited as examples; Manchester (the only city with an Article 4 Direction in place), Canterbury, Exeter, Oxford and York. Further details can be found in **Appendix C**. There was surprise at the proportion of student population relative to total population in Bath.

2.7.1 Article 4 Direction

There was a discussion on the need for a 12 month notice before introducing an Article 4 Direction. It was noted that all other councils have gone down this route to reduce any risk of compensation being sought from property owners. At the workshop it was suggested that Nottingham City Council was considering an immediate application of an Article 4 Direction. It has since been ascertained that they too are using a 12 month notice to avoid the risk of claims².

Comments came from Bath based developers that they would seriously consider putting in a claim (potentially in the order of 7 figures to cover the total investment made in property) against B&NES if an immediate Article 4 Direction was put in place. It was noted that CLG's (Central Government's) guidance had been that the compensation that could be claimed was only related to the cost of putting in a planning application. In reality, as there have been no legal test cases, the real costs of compensation are unknown, but the Council has no control over these risks and funds would need to be put aside in the Council's budget to cover this risk.

2.7.2 Other Planning Policy

A brief description was given of alternative or complementary planning policy options used by other planning authorities, including the threshold approach and policies relating to purpose-built student accommodation. These policies have been put in place either in tandem with Article 4 Directions or in other management solutions.

2.7.3 Other Possible Interventions

A brief description was given of other possible solutions, including licensing of HMOs and management interventions, many of which are already in place in Bath, led by the Student Community Partnership.

² See <http://www.nottinghamcity.gov.uk/index.aspx?articleid=13867> for more detail

2.8 Solutions

Participants were split into 5 groups. Facilitated discussions were held on which of the solutions outlined above were suitable to deal with any real or perceived problems in relation to HMOs in Bath. Groups considered each of the three options in turn (legal (Article 4), policy and management interventions) in rotation, building on the solutions put in place by the previous group.

2.8.1 Article 4 Direction

No overall consensus was reached as to whether or not an Article 4 Direction should be implemented in Bath. Two of the groups voted in favour of implementing an Article 4, two voted against, and one was split equally.

The arguments that were made for and against the use of the Article 4 Direction by each of the groups are summarised in the table below

For	Against
Timeliness <ul style="list-style-type: none"> The use of the A4D maybe too late for those streets where concentrations of HMOs are already found but maybe not for others on the edges of this concentration. This question should not even be considered as Councillors have already made the decision to proceed. 	Too late? <ul style="list-style-type: none"> The A4D will not deal with environmental degradation issues and accommodation quality concerns around existing HMOs. Some residents felt it was already too late to put the A4D in place as the balance had already been tipped.
Current issues <ul style="list-style-type: none"> Needed to address the imbalance in areas with a high percentage of HMOs Landlords dividing rooms to „cram them in“ This would help to deal with many of the negative impacts outlined above. 	Necessary? <ul style="list-style-type: none"> Could help in future to curb growth in HMOs – but how much growth is likely given that HEIs are extending on campus bed spaces to deal with increased demand? Not sufficient evidence of „harm“ to consider the A4D Other interventions would be more appropriate. Encouraging purpose-built student accommodation would be more effective.

<p>Process</p> <ul style="list-style-type: none"> • Should the Council wait for the Localism Bill to be enacted? Is there any prospect for Neighbourhood Forums to decide whether they wish to impose an A4D? • A4D is inevitable, it is what it is. 	<p>Red tape</p> <ul style="list-style-type: none"> • From a private landlords perspective this is just extra red tape and would not be supported. • Cannot assume that just because there is an A4D that planning permission would be refused – in most cases permission would still be granted if conditions are put in place to deal with the environmental issues. • A4D is an additional bureaucracy – impact on planning department resources and costs should be carefully considered • Loss of a family housing has not stood up at appeal before in B&NES
<p>Positive Impacts</p> <ul style="list-style-type: none"> • The A4D would hopefully limit inflation in prices in certain areas of the City and encourage the housing back onto the open market rather than being geared toward investors. 	<p>Adverse impacts</p> <ul style="list-style-type: none"> • The problems cannot only relate to student housing – the introduction of the A4D will impact on other kinds of HMOs serving other (non student) housing markets in the City. • Will it limit families' ability to sub divide the family home i.e. to take in lodgers or provide separate bedrooms for siblings etc? • Will it have adverse impacts on the City's ability to retain graduates? • Having an A4D might put off new HMO landlords and this could restrict housing supply. The City suffers from acute housing supply and affordability issues already • What would be the effects on property values? Could be a positive for buyers but not for existing property owners. • The University loses money on purpose built accommodation (and may need more of this)

	<p>Freedom of Choice</p> <ul style="list-style-type: none"> • Student life is not just about living on campus – many students want to live separately • People should be able to live where they want.
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There was consensus, should an Article 4 Direction be considered an appropriate solution, that it should be implemented **city-wide rather than partially in order to avoid any issues with displacement effects**. Although a question was raised as to how this could be justified in relation to the „evidence of harm“ test, as many areas of the City do not have significant concentrations of HMOs at present and do not suffer from the environmental effects.

One group felt that an Article 4 Direction should be immediate (if a more detailed risk assessment found this to be acceptable); all other groups felt **a 12 month notice period to reduce risk of compensation** would be appropriate.

2.8.2 Other Planning Policy Options

There was a general consensus that **further planning policy and other accompanying interventions would be required** in order to ensure that an Article 4 Direction would be effective. Some key questions were raised in relation to possible planning policy options:

- What would be reasons for refusal – would existing policy HG12 be sufficiently robust?
- Could new policies with criteria be introduced?
- Conditions could be added – even if permission is granted e.g. must be licensed, other controls and measure – how enforceable are these conditions?
- 6 tests for conditions need to be considered – e.g. noise and litter - may not be relevant in planning terms?
- What would the resource implications be for B&NES of the introduction of such policies?

The option of a **threshold policy was broadly supported**, although questions were raised as to how the threshold should be set and what evidence would be required to justify it. One group suggested that dispersal of HMOs across a wider area of the city (which this approach would encourage) may have other knock-on effects on public transport, for example. Questions were also raised about the monitoring of data to implement this policy. There would be a resource implications for the council and a dataset would need to be agreed (one suggestion was to use electoral role data to identify households with 3 or more adults with

different surnames³). One group suggested complementing this threshold approach with **neighbourhood zoning**. This would mean applying the threshold to a neighbourhood (wider than ward) area. However, it was noted that this would not address current problems.

Other options that were considered included a **viability test**. Under this approach the applicant would have to provide evidence that the continued use of a family home is unviable⁴.

Most of the groups who considered the option to have **planning policies in support of purpose-built student accommodation**, felt that this should be **supported**. It was noted that this type of accommodation may have negative impacts for neighbours, but that it would be easier for the universities to control the behaviour of their students. It was suggested that this option would be more expensive for students, and may not always be popular. It was also noted that there were limited available sites for this type of development.

The group that considered **a policy linking growth in academic space to growth in bed spaces was broadly supportive of the idea**. However, its effectiveness was questioned, as a change in teaching methods is likely to mean less teaching space is required in the future.

2.8.3 Other Possible Interventions

Licensing & Accreditation

The Existing Situation:

- HMO licensing is mandatory for all HMOs with more than three storeys or more than five bedrooms. This is chargeable (£750 for a new license)
- Accreditation is voluntary and free. It was estimated at the workshop that approx 50% of student properties in the City are accredited.
- Licenses ensure the safety and upkeep of properties.

Possible Solutions:

- There was **broad support for the introduction of additional or selective licensing** (possibly selective licensing for the whole private rented sector). There was a feeling that in many parts of Bath there are smaller HMOs than will currently be included in the licensing scheme, so a change would deal with some of the existing issues in a way that an Article 4 Direction would not.

³ Post Workshop Note. This approach may be misleading, verifications would be needed and reviews required annually. Many students do not register to vote at their term time address and international students would also not register.

⁴ Post Workshop Note. This would work in much the same way as applications for change of use from an office to retail outside a local centre would have to provide evidence that the continued use as an office was unviable. The onus would be on the applicant to demonstrate that they had placed the property on the open market for a reasonable period.

- The **resource implications of increased licensing** were discussed. There was concern as to whether they would cover their own costs, and about the difficulties of identifying properties.
- Comments were made that the **costs of licenses** are likely to be **passed to the consumer**, possibly **making the Private Rented Sector less affordable** (but this pricing mechanism **may also lead to a reduction in the total number of HMOs**).

Student Community Partnership

- There was **support for the existing good work of the Student Community Partnership (SCP)**.
- Other ideas of campaigns that could be run by the SCP included a **campaign improving the positive image of students** and benefits they bring to communities; **increased student volunteering locally to where they live**; and **increased publicity of the Student Action Line**.

Other Possible Solutions

- There was a suggestion by one group that **better/wider public transport** would give more choice to students on where they live.
- There was a suggestion by one group that an **Affordable Bath** campaign to help attract a wider range of people, including young professionals and recent graduates to the City.

3 Next Steps

The final Arup report to the Council is expected later this month (November 2011). Following this the Council will need to consider the response to the recommendations of the report in early 2012. Should the Council decide to advertise an intention to implement the Article 4 Direction, public consultation will follow.

Appendix A

Full List of attendees

Attendees

Name	Role	Organisation
Alex Bowater	Andrews Estate Agents	Bear Flat
Amy Young	Advice and Support Advisor	University of Bath Students' Union
Andrew Furse (Cllr)	Ward councillor for Kingsmead	Bath & North East Somerset Council
Ben McGibney	HMO Landlord	
Ben Stevens (Cllr)	Ward Councillor for Widcombe	Bath & North East Somerset Council
Beth Shire		Avon and Somerset Police
Brian Webber (Cllr)	Ward councillor for Abbey	Bath & North East Somerset Council
Will Long	Madison Oakley	
Caroline Puddicombe	Director of Estates	Bath Spa University
Chris Wilmot	Oldfield resident	
Christopher Cooke	HMO Landlord	
Colin Mounsey	Telecom and Accommodation Manager	Royal United Hospital
David Dixon (Cllr)	Ward councillor for Oldfield	Bath & North East Somerset Council
David Martin (Cllr)	Ward councillor for Bathwick	Bath & North East Somerset Council
David Trigwell	Divisional Director for Planning and Transport	Bath & North East Somerset Council
David Steadman	Developer	
Debbie Kearin	Private sector accommodation officer	Bath Spa University
Del Davies	Housing Officer	University of Bath
Duncan Kerr	Principal Economy Enterprise & Business Officer	Bath & North East Somerset Council
Douglas Nicol (Cllr)	Ward Councillor for Kingsmead	Bath & North East Somerset Council
Emma Delves-Broughton	Oldfield resident	
Ginny DayrImple	Bath HMO Landlord	
Graham Sabourn	Housing	Bath & North East Somerset Council
Hannah Freeman	Research and Intelligence	Bath & North East Somerset Council
Ian Gilchrist (Cllr)	Ward Councillor for Widcombe	Bath & North East Somerset Council
Iestyn Lewis	Developer	

June Player (Cllr)	Ward Councillor for Westmoreland	Bath & North East Somerset Council
Lauren Curtis	Community Liaison Co-ordinator	Student Community Partnership
Leonie Cooke	Bath HMO Landlord	
Naomi Mackrill	Vice President Community & Diversity	University of Bath Students' Union
Nicholas Coombes (Cllr)	Ward councillor for Bathwick	Bath & North East Somerset Council
Peter Wood	Westmoreland resident	
Rab Smith	Transport	Bath & North East Somerset Council
Richard Bidgood	Students' Union President	Bath Spa University Students' Union
Richard Daone	Planning Policy Team Leader	Bath & North East Somerset Council
Richard Stott	Development Management Officer	Bath & North East Somerset Council
Rob Appleyard (cllr)	Housing Scrutiny	Bath & North East Somerset Council
Roland Ingleby-Mackenzie	Andrews Estate Agents	Bear Flat
Ros Foreman	Westmoreland resident	
Rosemary Elmsley		Widcombe Association
Jane Loveys	Accommodation Manager	University of Bath
Shaun McGall	former Ward Councillor for Oldfield	
Stacy Pritchard	Community Projects Officer	Bath & North East Somerset Council
Will Sandry (Cllr)	Ward Councillor for Oldfield	Bath & North East Somerset Council

Apologies

Name	Role	Organisation
Elio Pezzotta	Apple Estate Agents	Oldfield Park
Ian Bell		Bath Chamber of Commerce
Harry Birch	Campaigns and Communications Officer	Bath Spa University Students' Union
Lisa Bartlett	Development Manager	Bath & North East Somerset Council
Rob Colbourne	Oldfield resident	
Simon de Beer	Policy & Environment Manager	Bath & North East Somerset Council
Steve Witcomb	Apple Estate Agents	Oldfield Park

Facilitators

Name	Role	Organisation
Ann Cousins	Consultant	Arup
Wayne Dyer	Associate Director	Arup
Cleo Newcombe-Jones	Planning Policy Officer (B&NES Project Lead)	Bath & North East Somerset Council
Neil Best	Planning Policy Officer	Bath & North East Somerset Council
Kaoru Jacques	Planning Policy Officer	Bath & North East Somerset Council

Appendix B

Full List of HMO Impacts

B1 Positive and Negative Impacts of HMOs

Negative Impacts	Positive Impacts
Affordability <ul style="list-style-type: none"> • Reduce stock of accommodation for locals • Restrict stock for purchase • Young people unable to buy property • Negative for locals - house prices up • Increase in house prices/ Local house prices raised 	Affordability <ul style="list-style-type: none"> • Upkeep of large houses expensive for families, more cost effective as HMOS • Increase in house prices • Affordability • Enables those who may not be able to afford housing to live here • Affordable housing • The only accommodation a lot of young people (inc. professionals) can afford in Bath • Affordable housing provision • Provides a choice and variety of accommodation
Parking <ul style="list-style-type: none"> • Car parking issues • Negative impact on parking if all have cars • Parking problems • High density living problems e.g. multiple cars • Excess parking demand 	Transport <ul style="list-style-type: none"> • Improved transport links due to demand • Improved transport in popular areas
Public Realm/Environment <ul style="list-style-type: none"> • Can be badly kept and shabby / House may not be maintained • Street scene impact • Loss of character • Lack of pride in property • Area image • Large numbers of “to let” signs have a negative impact on the streets contributing to putting off families from moving to the area • landlords don’t keep houses to same standard as owner/residents 	Spend in the Local Economy <ul style="list-style-type: none"> • Support small businesses • Local economy (retail) • Contribute to economy • Revenue • Provides work for builders, cleaners etc • Good for local businesses • Higher disposable income • Bring disposable income • Money coming into the area – shops etc • more people means more money spent in the local economy • Students spend money • Improved/increase business in local shops etc due to demand • Economic benefits x3 • Students – high yield lets, influx of money to area, creates money • Income to city x2

<p>Community Cohesion and Stability</p> <ul style="list-style-type: none"> • Holiday ghost town • Loss of community • Lack of community • Lack of long term ownership • Bath is not seen as a place to settle • Transient – ghost town in summer • Lack of a sense of community – if people disappear during holidays etc • Instability with comings and goings • Erodes community spirit • Transient – lack of stability in community • Transient populations don't always respect the areas • Loss of community mix • No pride in the area • Vacant in summer • Effect on local schools • Effort to welcome people on a yearly basis so it's easier not to bother – makes HMO residents unwelcome from the start • Isolation particularly elderly people • Ghettos • Tighter smaller groupings and ghettos • Lack of empathy with indigenous population • Different lifestyles can result in noise/waste issues • Transient community can make building long term relationships difficult • Distrust can build up of a group from one or two bad experiences 	<ul style="list-style-type: none"> • Income and revenue to the city <p>Community Diversity</p> <ul style="list-style-type: none"> • Vibrancy • Efficient use of housing stock/build accommodation • Increases diversity • Diverse community • Vibrant communities • Cultural diversity • Mixed communities • Added diversity • Social interaction • Diversity – greater mix of people • Bring some variety to a neighbourhood • Vibrant mixtures of ages and cultures • Increases diversity • Brings diversity into the community • Provides cultural diversity • Potential varied and diverse community • Adds diversity to the area • With localism will allow students to bring new ideas from their areas
<p>Anti-Social Behaviour</p> <ul style="list-style-type: none"> • Potential ASB or conflict • Thefts/burglary • Crime rates – student properties are targeted by burglars • Bad neighbours • Stigmatise a locality • Anti-social behaviour • Night time economy – can encourage drink related problems • Can intimidate residents 	<p>Safety and Security</p> <ul style="list-style-type: none"> • Provides security for migrant workers • Safety • Allows them to grow into adulthood

<p>Housing Mix</p> <ul style="list-style-type: none"> • Less houses available for families • Lost families so no interaction for children of all ages • Population getting bigger no more space to build 	<p>Housing Supply and Efficiency</p> <ul style="list-style-type: none"> • Meet a housing need • Effective use of stock • Use of housing capacity • Stops vacant property • Availability (more accom) • Best use of housing capacity • Provides housing that's needed • Efficient use of rooms • Maximises density • Uses housing efficiently • Shortage of property, more accommodation • Capacity utilisation • Gives people a place to live
<p>Council Resources</p> <ul style="list-style-type: none"> • Strain on resources • Increase in council tax / Effect on Council tax • Compliance adherence • Noise (Environmental Health) • Litter (Waste Services) • Stress for councillors • Use resources – e.g. more waste collection, vacant properties out of term time causes resentment 	<p>Skills in the Local Economy</p> <ul style="list-style-type: none"> • Graduates keep the uni expertise in the local area • Having HMOs available encourages students to stay in the area post-graduation • Developing workforce – graduates stay in the area and support or create new businesses • Young workforce • Good range of skills base within the community • Revenue to city – diversity of labour supply • Provide employees for key services e.g. hospitals • People adding to the local economy • Diverse range of skills and abilities brought to the city and market place • Facilitate economic growth
<p>Noise</p> <ul style="list-style-type: none"> • Noise disturbance • Can be noisy and inconsiderate • More people in the house means more potential for complaints around noise • Noise (x2) • Students noisy • Don't respect neighbours • Bad language • Come back at 3am drunk and noisy 	
<p>Waste</p> <ul style="list-style-type: none"> • Unclear responsibility especially who takes bins out • Complaints of noise and rubbish issues • Rubbish in street • Large amount of rubbish produced by households with high number of occupants • Don't put rubbish out • Inappropriate behaviour re waste etc. 	

Appendix C

Workshop presentation slides

24th October 2011

Planning Control for HMOs/Student HMOs in Bath

Considering an Article 4 Direction

Stakeholder Workshop

Study Background

- Councillors' Motion to Full Council
- Planning Department scoped feasibility study
- Arup commissioned to carry out study
- Today...

Aim of Study

- To explore the implementation of Planning Controls, in particular an Article 4 Direction to limit the expansion of Houses of Multiple Occupation (HMOs) in Bath

Aims of Workshop

- to share and understand different perspectives on the impact of HMOs on Bath
- to share data on the need & impacts of HMOs
- to test potential interventions that might help to support balanced & sustainable communities.



Planning Policy Background

- HMOs = 3 or more people not from the same family living together.
- Use Class C3 = family home.
- Use Class C4 = 3-6 people. No planning permission currently required
- Sui generis = 6+ people. Planning permission required.
- Article 4 Direction = could be applied to all or part of Bath, would mean planning permission would be required for change of use to C4



Who lives in HMOs and why?

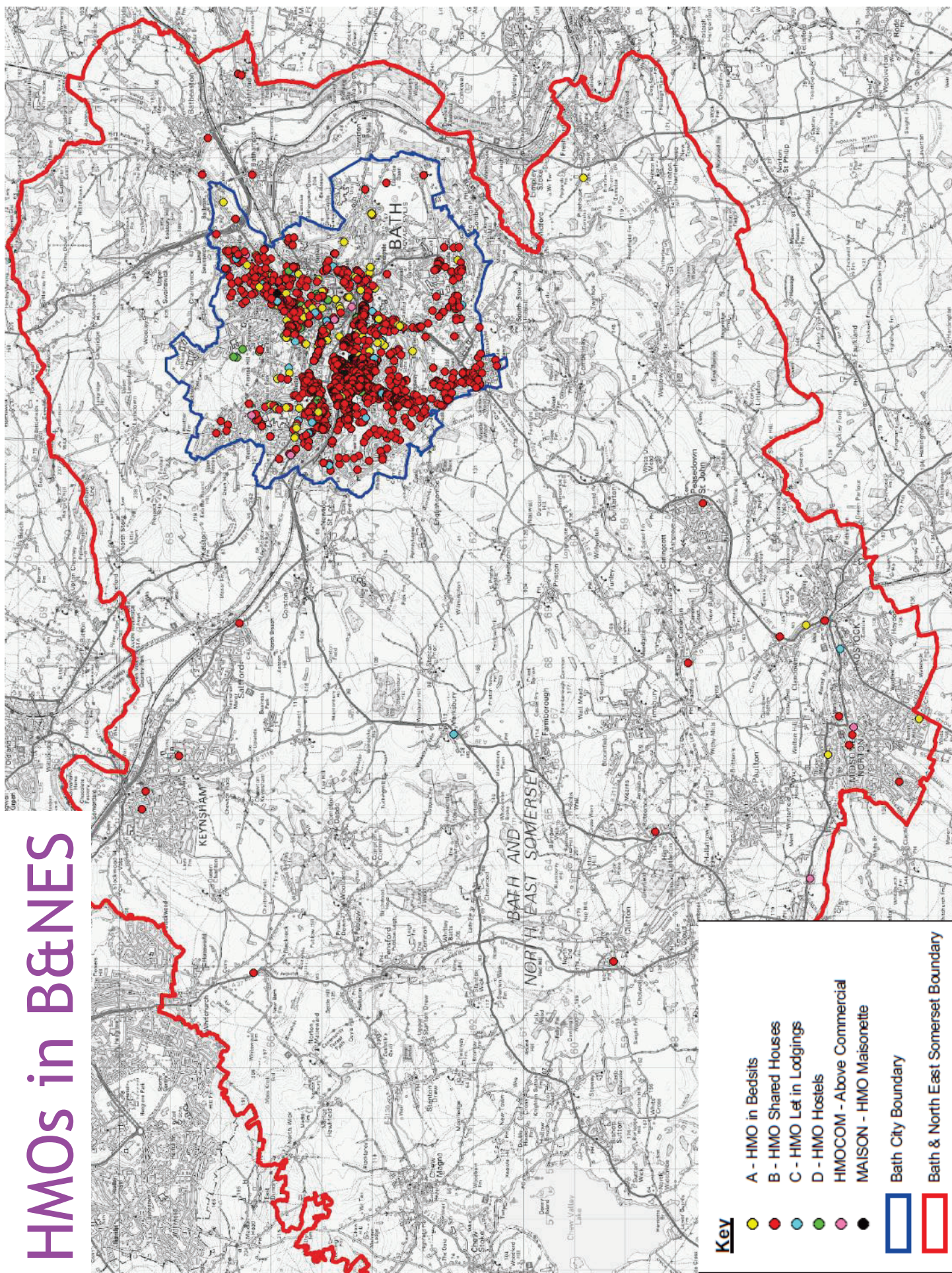
Student Communities: Positive Impacts

Social	Cultural	Physical	Economic
<p>Student volunteering</p> <p>Student housing needs prevent serious depopulation</p> <p>Increases the range of goods, services and attractions</p> <p>Transport links</p> <p>Nurseries and multi faith centres</p>	<p>Diverse range of cultural events</p> <p>Enhances reputation of Bath as vibrant, dynamic location and as an attractive destination</p> <p>Creates an international/cosmopolitan feel/outlook</p>	<p>Higher/rising property prices provide a level of incentive for upgrading properties</p> <p>Many older properties receive considerable investment by private landlords</p> <p>The existence of large numbers of young people help to make city centres attractive to social and retail spaces</p> <p>Changes in type of retail and entertainment services available</p>	<p>High demand for student housing and the stimulus to private rented sector leads to rising house prices</p> <p>Growth in buy-to-let market and private investment opportunities</p> <p>Flexible part-time labour force undertaking seasonal employment</p> <p>Student presence can help stimulate urban regeneration</p> <p>Student presence ensures the viability of some retail businesses</p> <p>Repairs, renovations and extensions = benefits the construction and service sector of the economy</p> <p>Availability of a graduate workforce</p>

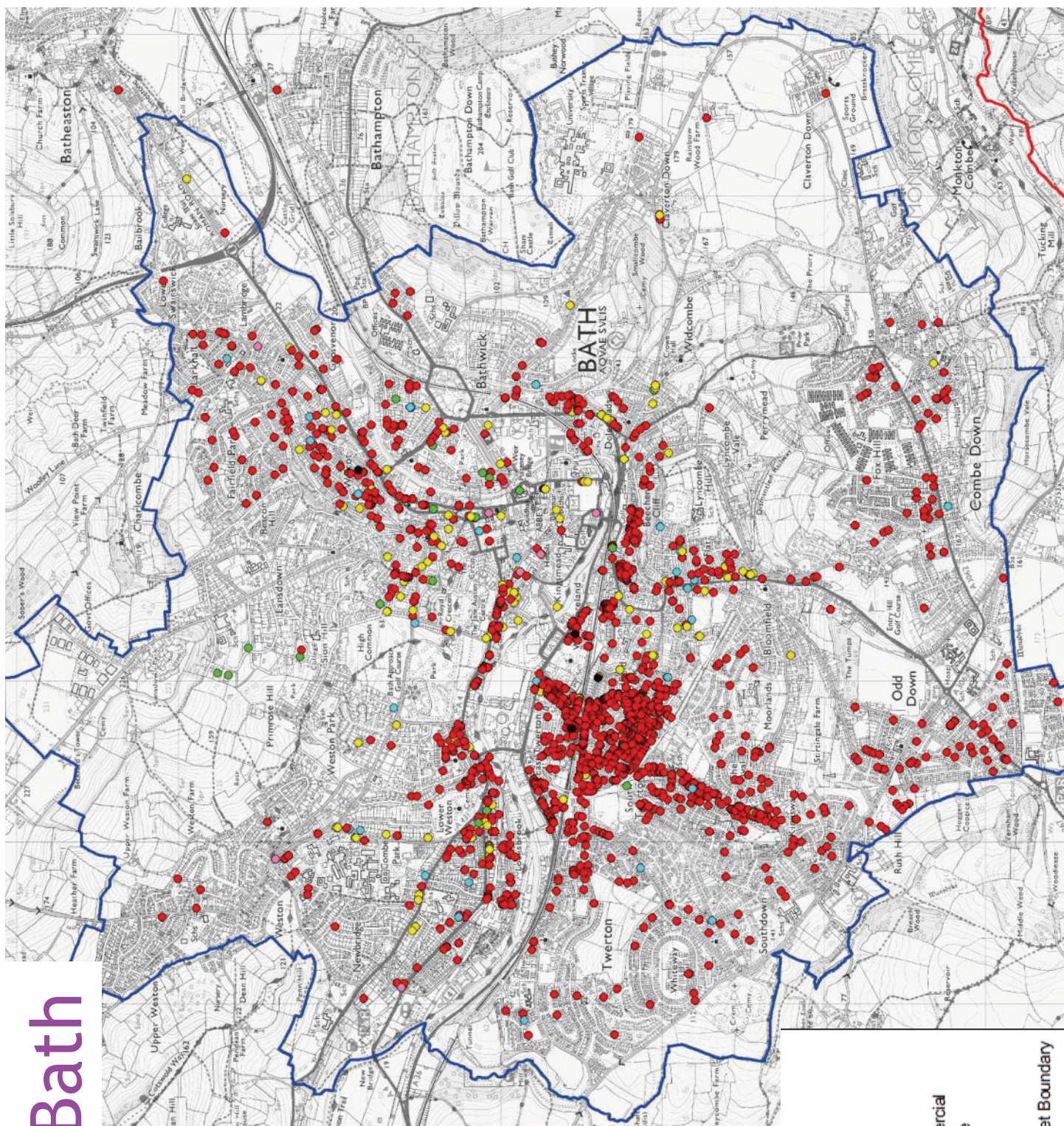
Communities of Students: Challenges

Social	Cultural	Physical	Economic
<p>Increase in low-level anti-social behaviour</p> <p>Concentration of vulnerable young people = increase in levels of crime</p> <p>Decreased demand for some local services leading to closure</p> <p>marginalised and isolated permanent residents</p> <p>Increased competition for private rented houses</p> <p>Establishments catering for night time entertainment</p> <p>Seasonal availability of some retail and service provision</p>	<p>Expansion of HMOs in family areas can lead to change in nature of communities</p> <p>Gradually self-reinforcing unpopularity of area for families</p> <p>Conversion of houses into student residences, often make difficult transformation back into family homes</p> <p>Transient occupation engenders a lack of community integration</p> <p>Turnover and short stay are disincentive and barrier to self-policing and aversion to crime</p> <p>Different perceptions of what is considered acceptable behaviour and communal obligations</p> <p>Lifestyle frictions</p>	<p>Reduction in quality of housing stock and neglect of external appearance to properties</p> <p>Turnover of properties and preponderance of property letting boards</p> <p>Increased pressures on services (policing, cleansing, highways, planning, public transport)</p> <p>Increased on-street parking pressures</p> <p>Increase of squalor (litter/refuse), as infrastructure is designed for lower density usage,</p> <p>Noise between dwellings at all times</p>	<p>High demand for student housing and the stimulus to private rented sector leads to a rise in house prices</p> <p>A rising concentration of students acts as a inducement to owner-occupiers to take advantage of a lucrative sale to private student landlords</p> <p>Changes in type of retail and entertainment services available</p> <p>Fluctuating demand for private rented housing</p> <p>Seasonal employment and provision of retail and leisure services</p>

HMOs in B&NES



HMOs in Bath



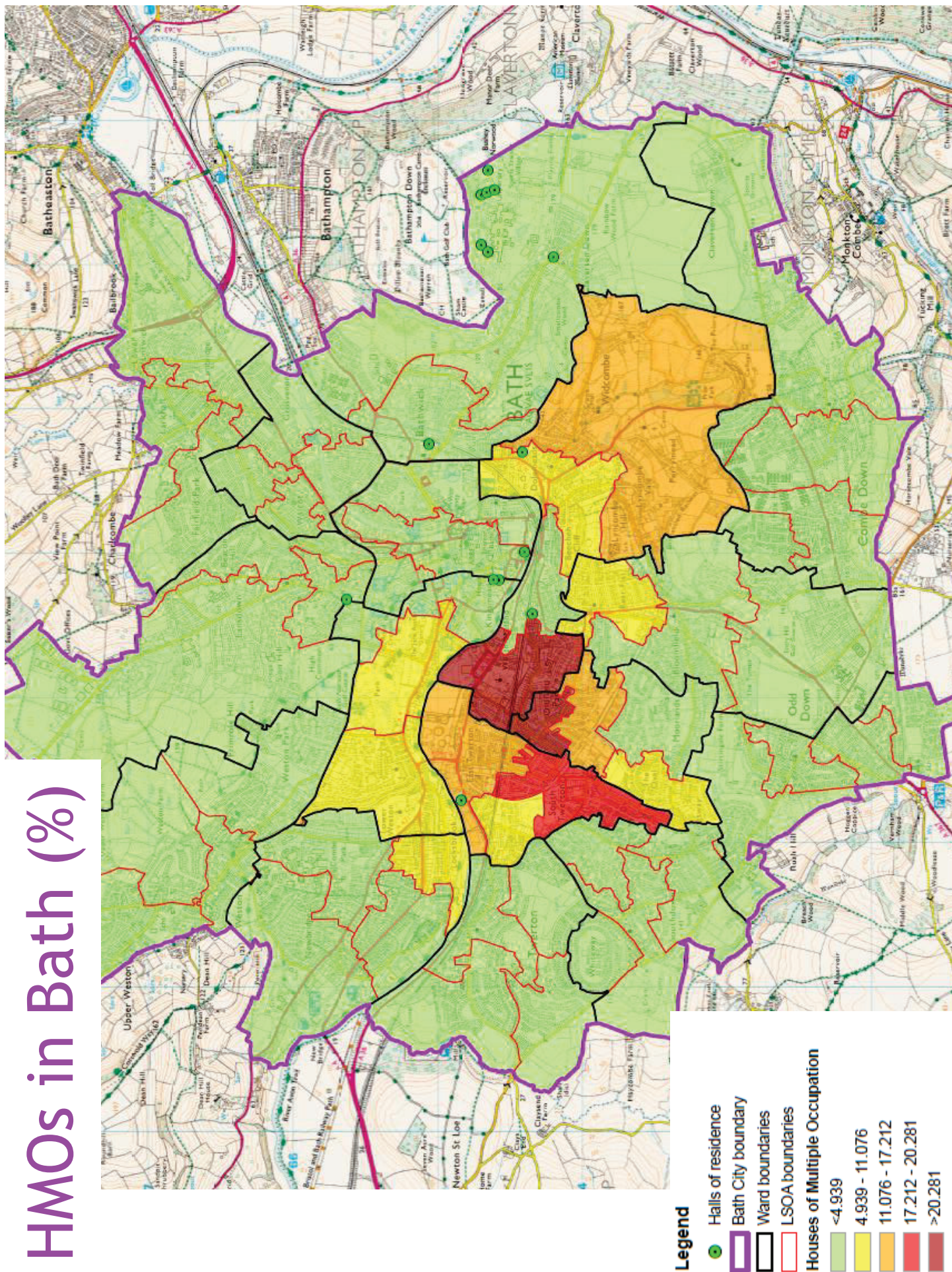
Key

- A - HMO in Bedsites
- B - HMO Shared Houses
- C - HMO Let in Lodgings
- D - HMO Hostels
- HMOCOM - Above Commercial
- MAISON - HMO Maisonette

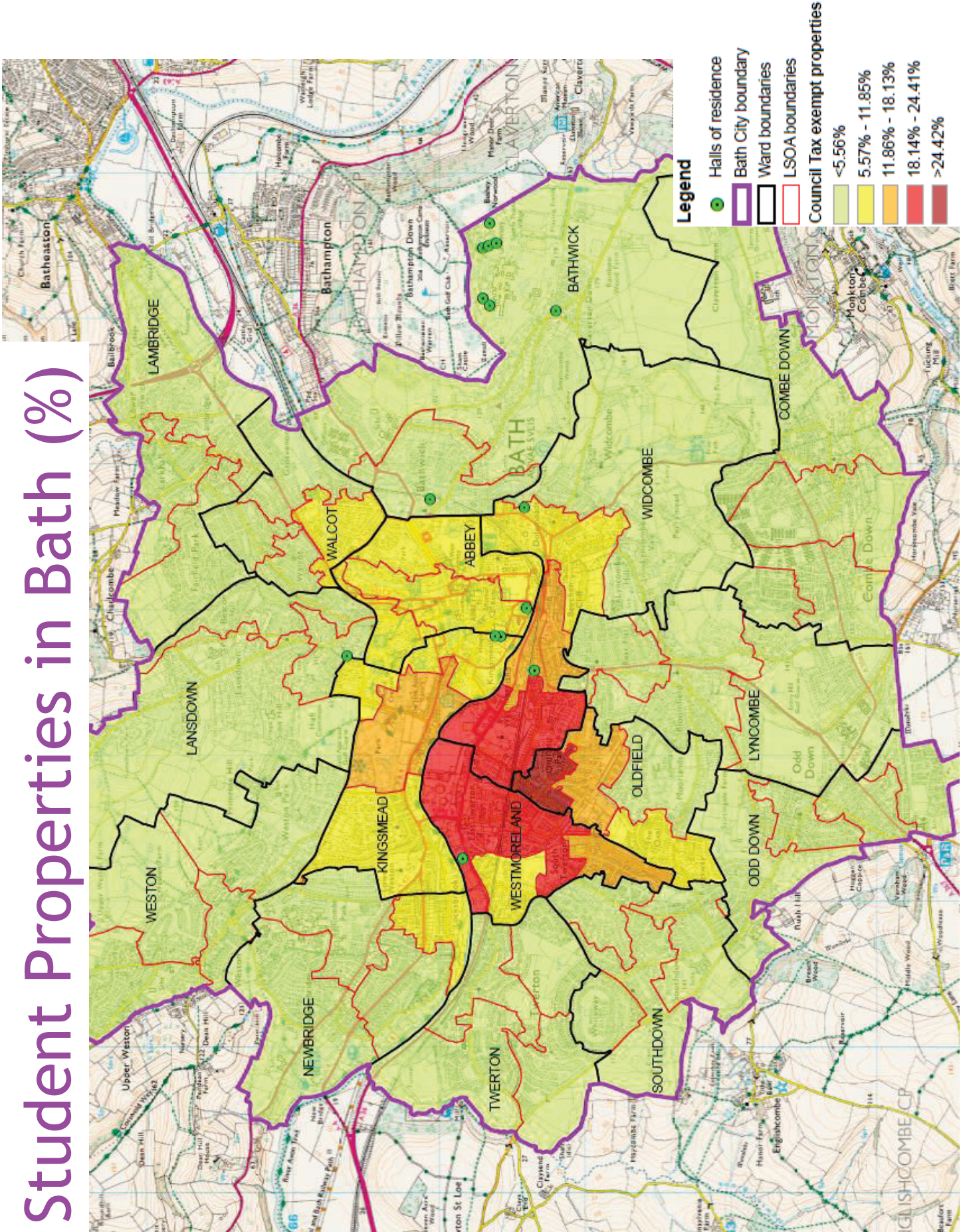
Bath City Boundary

Bath & North East Somerset Boundary

HMOs in Bath (%)



Student Properties in Bath (%)



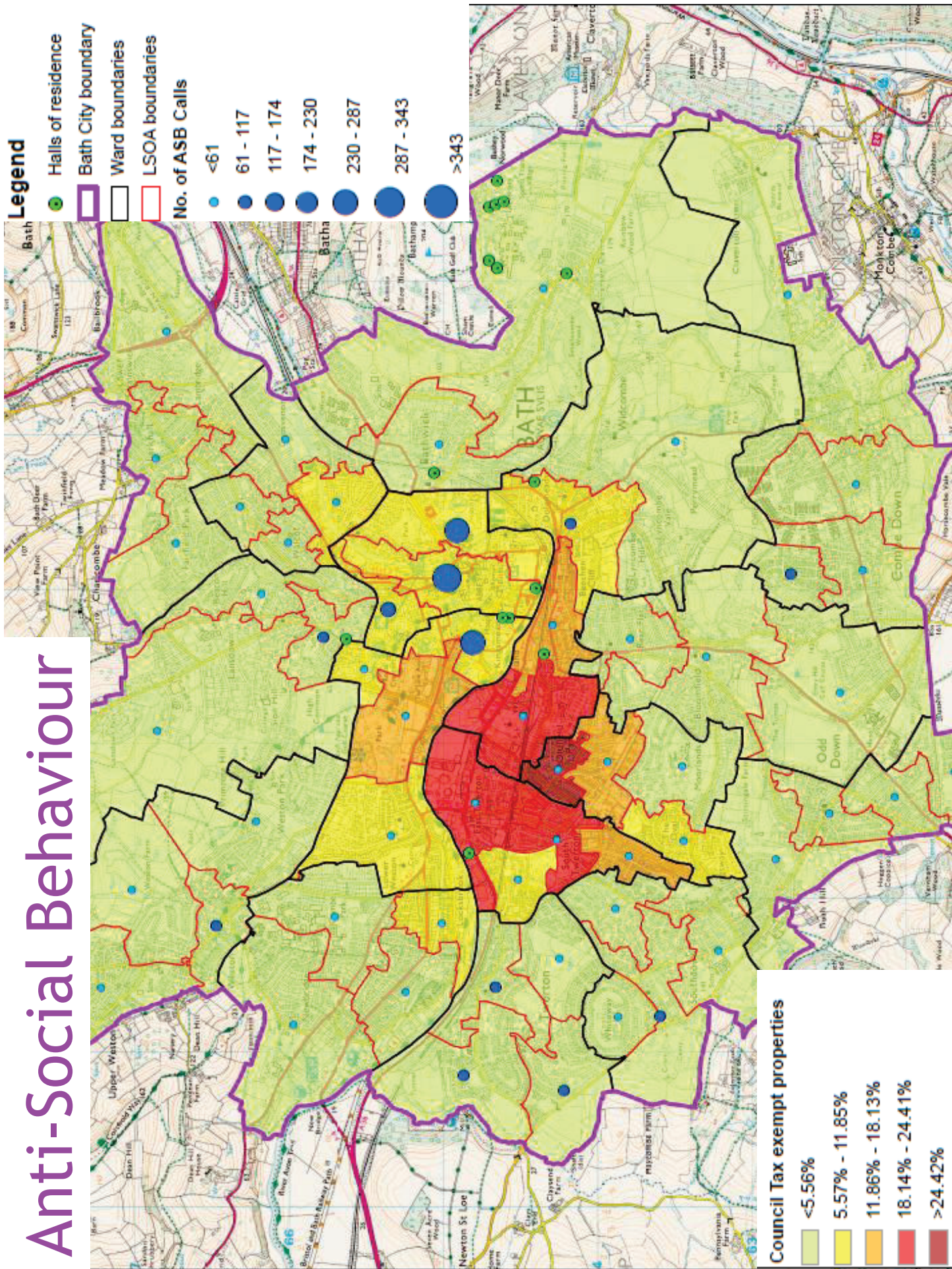
% student properties in top student areas

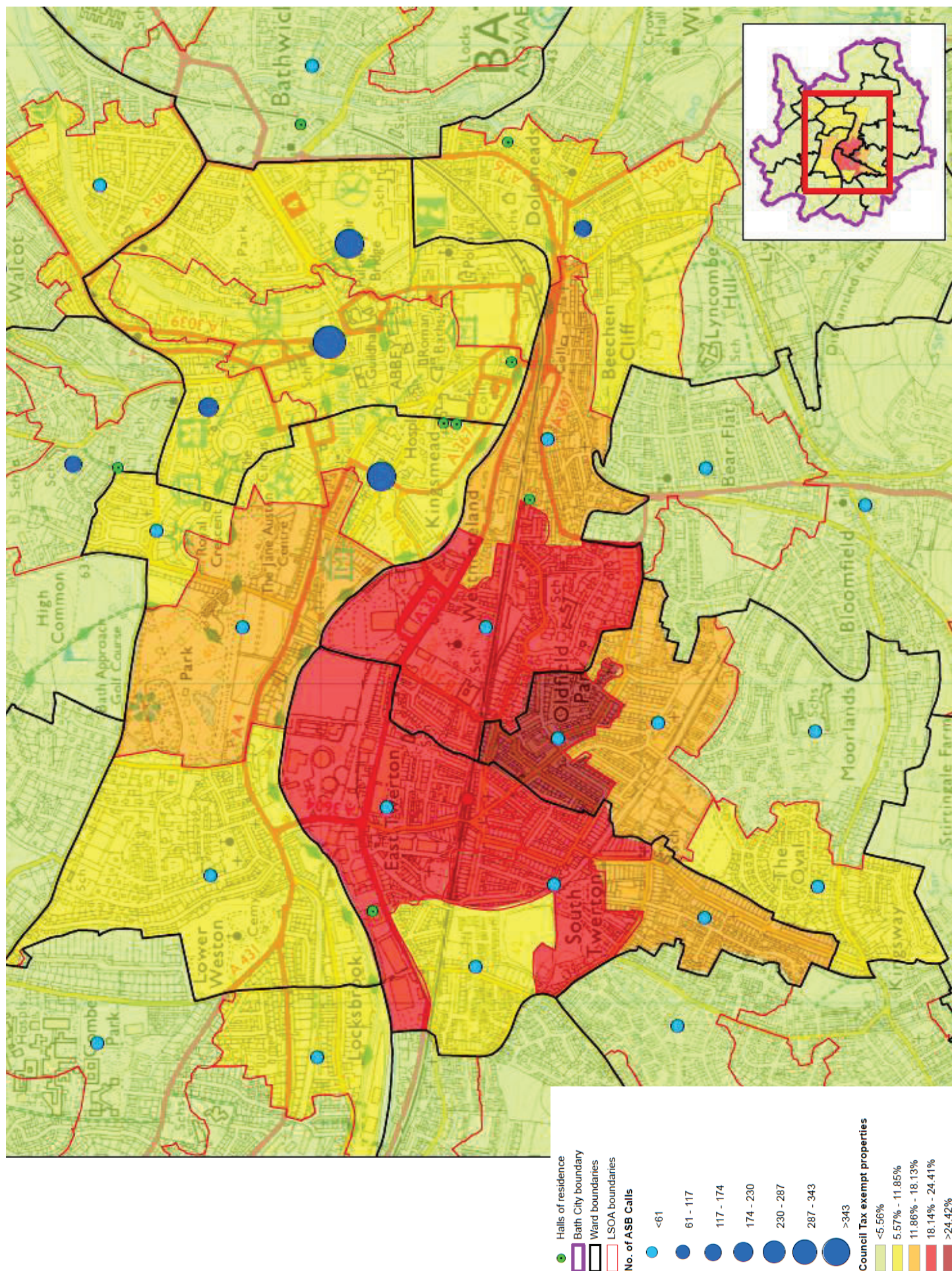
Area	Number of student houses	Number of dwellings	% student properties
Oldfield Park North	151	515	29.3%
Westmoreland	130	590	22.0%
Westmoreland West	129	619	20.8%
Oldfield Park West	115	586	19.6%
South Twerton East	90	514	17.5%
Oldfield Park	95	628	15.1%
Widcombe St Marks	83	557	14.9%
Victoria Park	86	701	12.3%

Summary

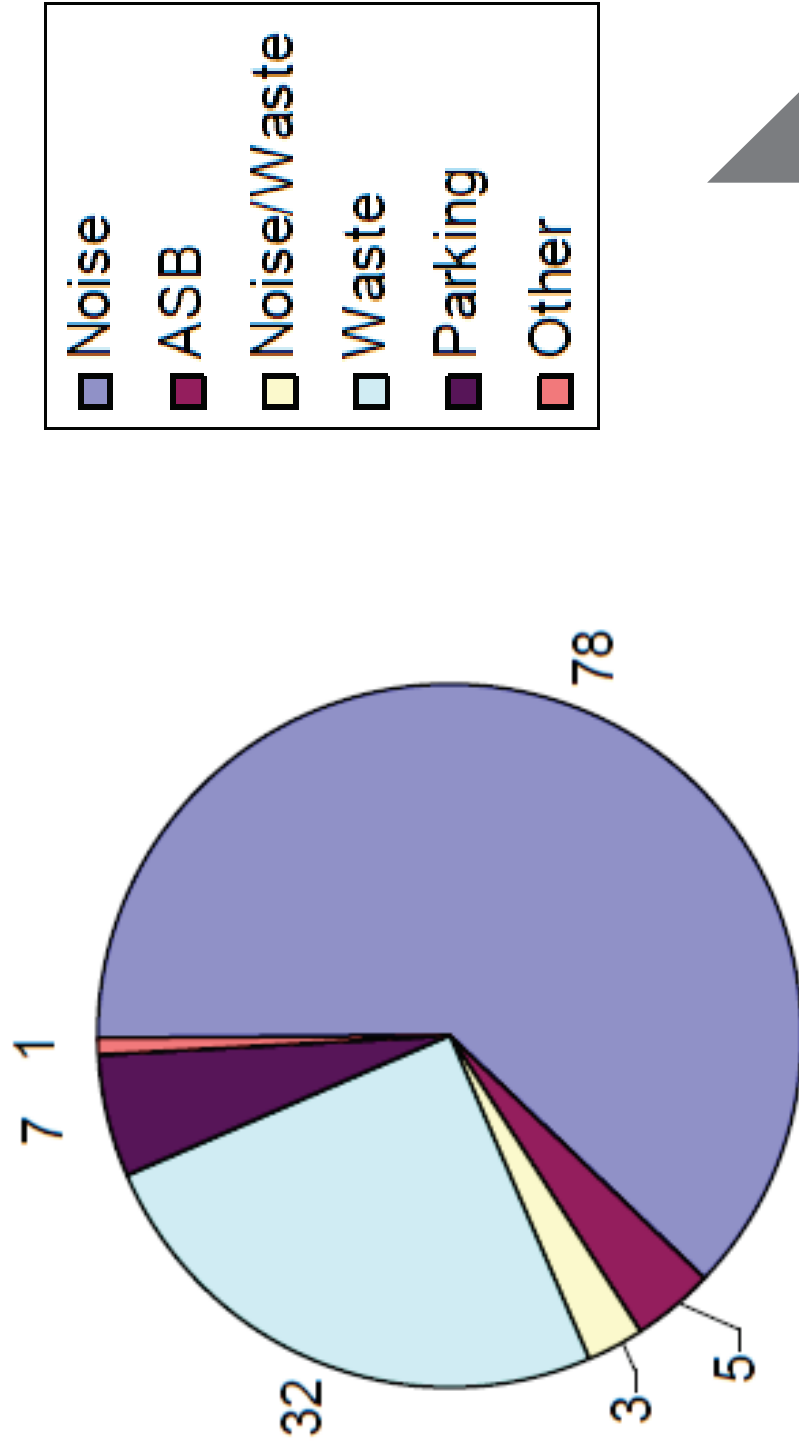


Anti-Social Behaviour



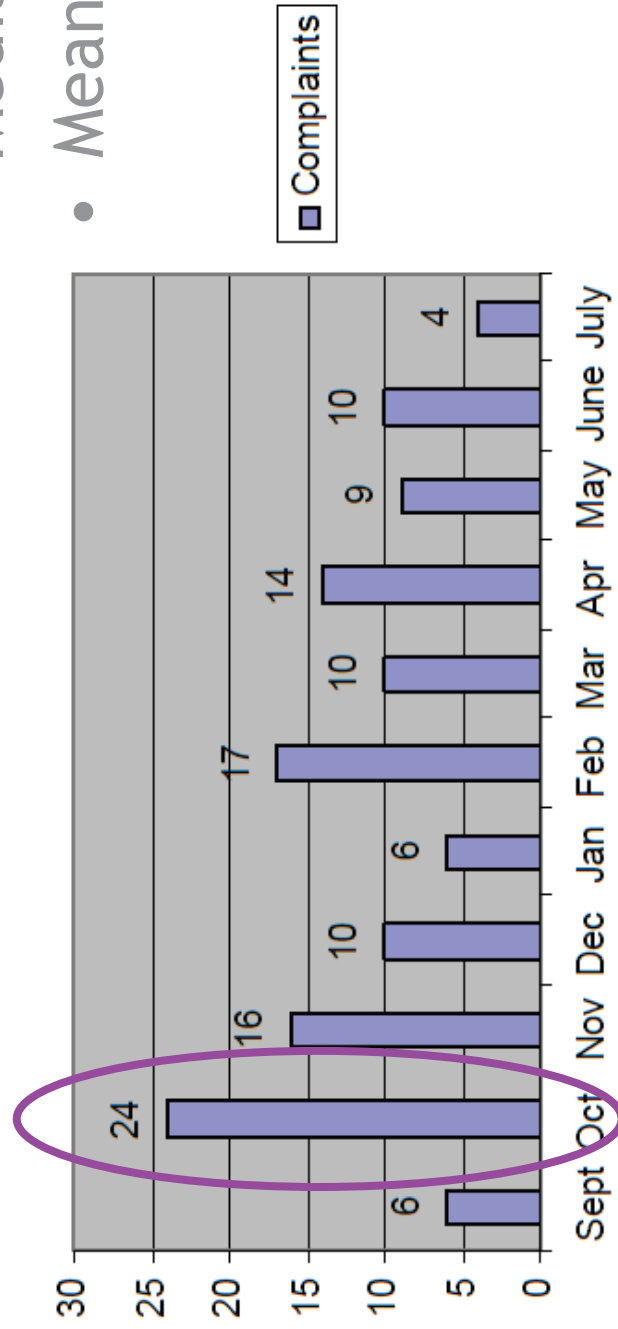


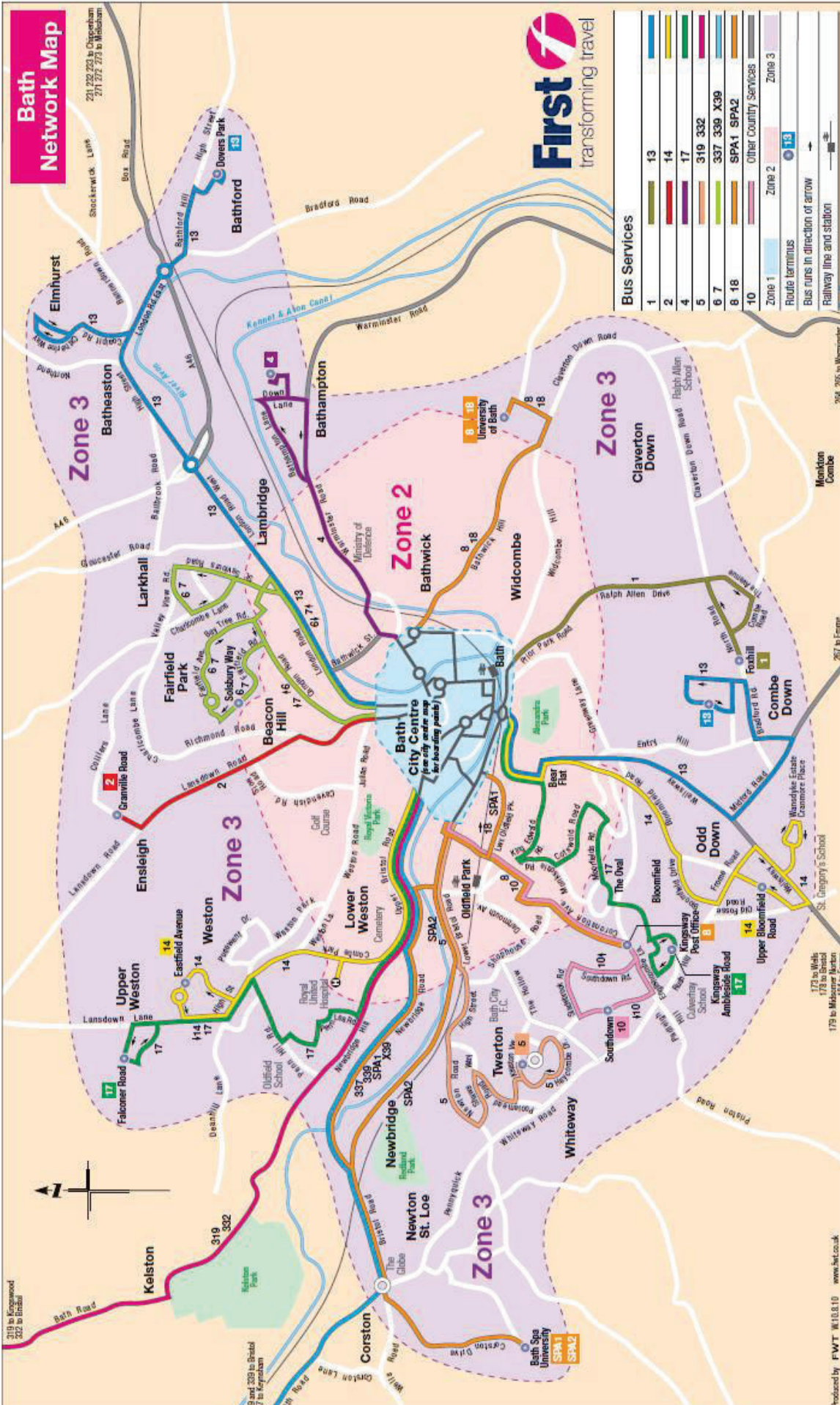
Complaints to Student Action Line 2009/10



Complaints to Student Action Line 2009 /10

- Median = 10/month
- Mean = 11.4/month

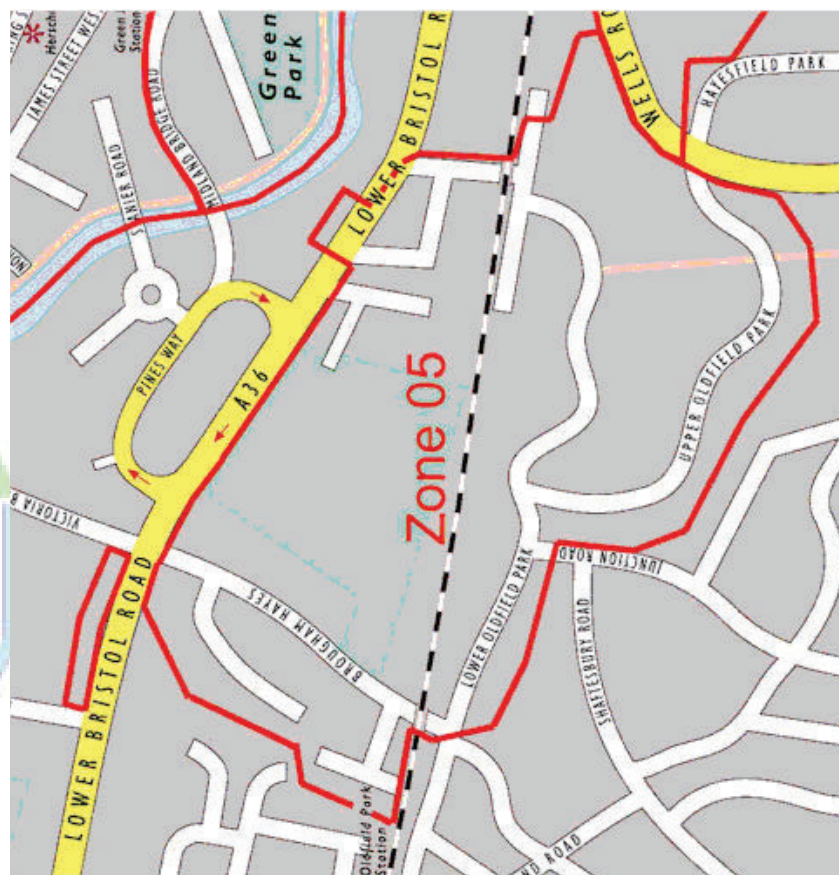
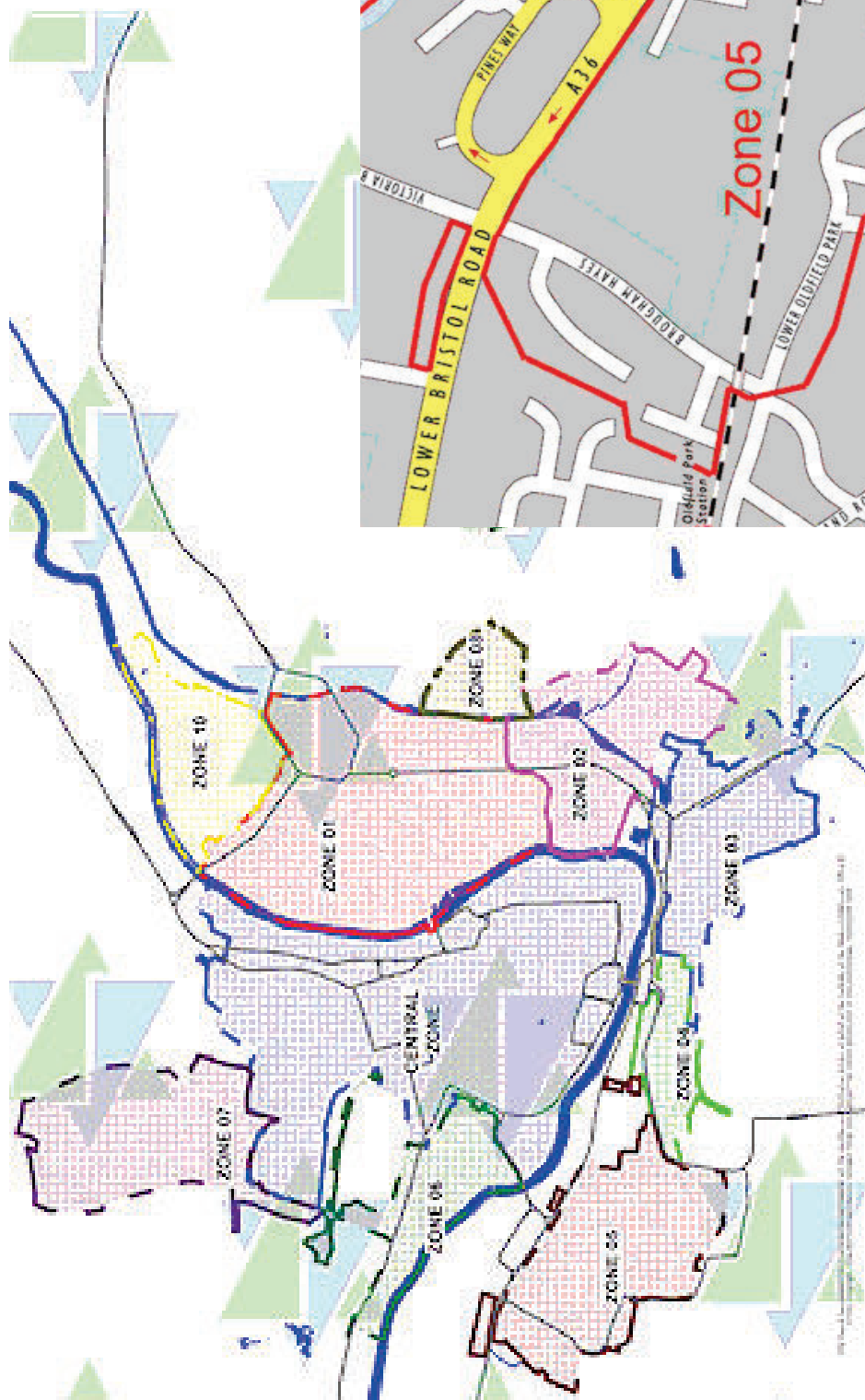




ARUP

L D F
Bath and North East Somerset
Local Development Framework

**Bath & North East
Somerset Council**



Housing Costs in Bath

House	Cost	Deposit	Rent	Buy-to-let mortgage repayment	'Family' Mortgage
3-bed, 2 reception terrace	£245,000 ¹	20% (£49,000)	£1400 ² as 4 bed HMO (60% of min. student loan) £930 ³ as 3 bed house (53% of ave. take home pay)	£1,225 ⁴	£1,035 (4%) Total household income required approx. £50,000

B&NES = Highest mean rent in South West for 2 bed house (£764)

¹ Bath and North East Somerset Council, *Viability Study*, June 2010

² Estimated from local letting agents' adverts

³ Shelter Private Rent Watch, *Analysis of local rent levels and affordability*, October 2011

⁴ / 5 London and Country Mortgage calculator

Future Trends & Uncertainties:

Students

- UK Fee increase
LV= Reports a predicted 35% drop in numbers in B&NES (5,852 fewer students by 2020?)
- Change in regulated student numbers
- Private universities?
- Student types - local, international, FT, PT
- University masterplans



Future Trends and Uncertainties:

HE and FE

- **University of Bath:**
 - 1-3% annual growth to 2020 (1%=130 students)
 - Possible campus expansion would include 1500 - 1800 bedspaces
- **Bath Spa University**
 - No planned growth in student numbers over next 10 years (2010)
 - Masterplan includes 500 new bedspaces - aiming for Sep 2014
- **City of Bath College**
 - Expanding international offer
 - The creation of a professional business school
 - Establishing the Bath English Language school
 - Expanding and further improving the HE portfolio

Future Trends and Uncertainties: Other Groups



- Housing Benefit (70 people in B&NES)
- Graduate Retention
- Other changes to the economic profile of Bath?

Examples from Elsewhere



Belfast



Leeds



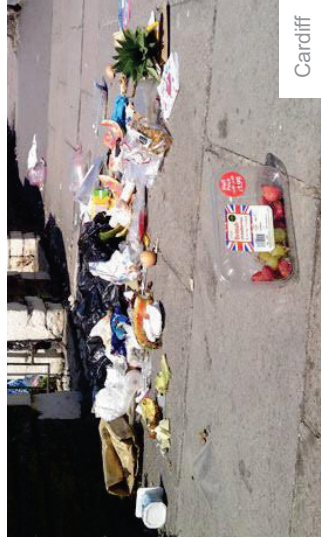
Belfast



Leeds



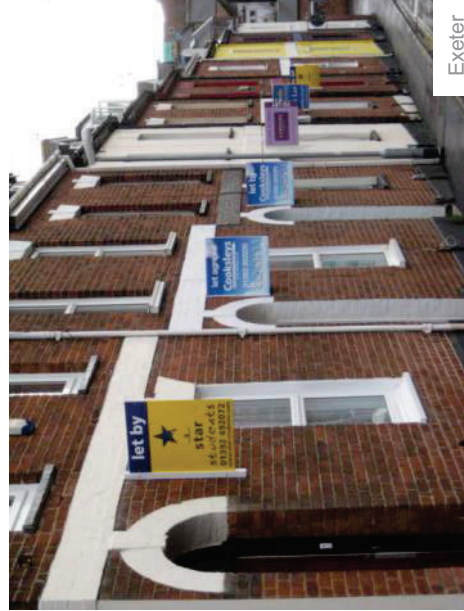
Belfast



Cardiff



Bournemouth



Exeter

Examples from Elsewhere

	Bath	Manchester	Canterbury	Exeter	Oxford	York
Estimated FT Student Population	16,845	51,565	24,000	16,175	31,620	17,350
Estimated Total Population	93,238	498,800	46,978	119,600	153,700	144,202
Area	29km ²	117 km ²	36 km ²	47 km ²	46 km ²	78 km ²
Students as % of Total Population	18%	15%	51%	14%	21%	12%
Students per km ²	581	441	667	344	687	222

Article 4 Direction

- Should be implemented in “*exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity*”
- Planning permission would be required for conversion from C3 to C4
- Reasons for refusal would still be required
- Cost of applications falls to local authority
- Whole city vs partial?
- Immediate vs 12 month?



Article 4 Direction Implementation

Examples from elsewhere.

	Manchester	Canterbury	Exeter	Oxford	York
Date (to be) introduced	8 th October 2011	30 th November 2011	31 st December 2011	24 th February 2012	20 th April 2012
Whole city or partial?	Whole city	All of urban area	Partial (with some streets excluded)	Whole city	All of urban area
12 month notice?	Yes	Yes	Yes	Yes	Yes

Other Planning Policy Options

- **Threshold:** A ceiling is set above which certain forms of development are not permitted (e.g. 20% of student properties). This might be on a street-by-street basis across the city, or on a neighbourhood basis.
- **Linking growth in academic space to growth in accommodation provision:** Not allowing planning permission for growth in University space that is likely to lead to a growth in student numbers, without an equivalent amount of purpose-built accommodation.
- **Purpose-built accommodation:** Defining areas for, or having policy in favour of, purpose-built student accommodation
- **Planning conditions on purpose-built:** to control the negative impacts of large concentrations of students

Other Planning Policy Options:

What's happening elsewhere?

Approach	Manchester	Canterbury	Exeter	Oxford	York
Threshold approach	✓ (Core Strategy)	✓ (SPD)	✓		
Linking growth in academic space to purpose-built accommodation		✓ (Local Plan)		✓ (Core Strategy)	✓ (Core Strategy)
Planning conditions on purpose-built	✓ (Core Strategy)			✓ (Core Strategy)	
Other policies				Promotion of family housing (Balance of Dwellings SPD)	

Other Options (1): Licensing

- A **license**: specifies the maximum number of people who live in an HMO, and also requires:
 - A valid current gas safety certificate, which is renewed annually.
 - That all electrical appliances and furniture are kept in a safe condition.
 - That all smoke alarms are correctly positioned and installed.
 - A written statement of the terms on which each tenant occupies the property (e.g. a tenancy agreement).
- **Standard** (already in place): For properties with more than 5 occupiers and 3 storeys or over.
- **Additional**: licensing to cover other HMO types not covered by mandatory licensing. Can be area-specific, or LA-wide
- **Selective**: licensing for all private rented properties in an area.

Other Options: Licensing

What's happening elsewhere?

Approach	Manchester	Canterbury	Exeter	Oxford	York
Standard					✓
Additional		Under consideration	Under consideration	✓ (whole city - all HMOs by Jan 2012)	
Selective	✓				

Other Options (2): Management (in place)

- **Student disciplinary / rules and regs:** Inclusion of actions in the community in HEI rules and regulations and enforcement of these
- **Student-Community Liaison:** Staff employed by HEI and/or LA to promote liaison between community and students
- **Activities to promote cohesion:** Activities organised by community groups, HEIs, SUs or LAs to encourage groups to come together
- **Residents' Parking:** Restrictions for on-street parking
- **Landlord accreditation scheme:** accreditation scheme to ensure quality of accommodation in the private rented sector
- **Student information provision:** Provision of information on responsibilities when living in community and on choice of areas to live
- **Community Helpline:** Phone line for queries and complaints

Other Options: Management

What's happening elsewhere?

Approach	Manchester	Canterbury	Exeter	Oxford	York
Student discipline / rules and regs	✓	✓ (University of Kent)	✓	✓ (Oxford Brookes)	✓ (York St John)
Student - Community Liaison	✓	✓	✓	✓	✓
Activities to promote cohesion	✓		✓ (University fund)	✓ (Local residents)	✓
Residents' Parking	✓	✓	✓	✓	✓ Special permits for HMOs
Landlord accreditation scheme	✓ (compulsory for student properties; star ratings)	✓			✓ for all HMOs
Student information provision	✓	✓	✓	✓	✓
Community Helpline	✓		✓	✓ (Oxford Brookes)	✓ (York SU)

Other Options (3): Management

- **Student Charter:** An agreement on rights and responsibilities between student and HEI
- **‘Community Wardens’:** Students employed to act as ‘wardens’ in the local community
- **Public transport improvements:** Improvements to public transport from universities and other journey attractors to other parts of the city
- **Waste services?**
- **Public realm improvements?**

Other Options: Management

What's happening elsewhere?

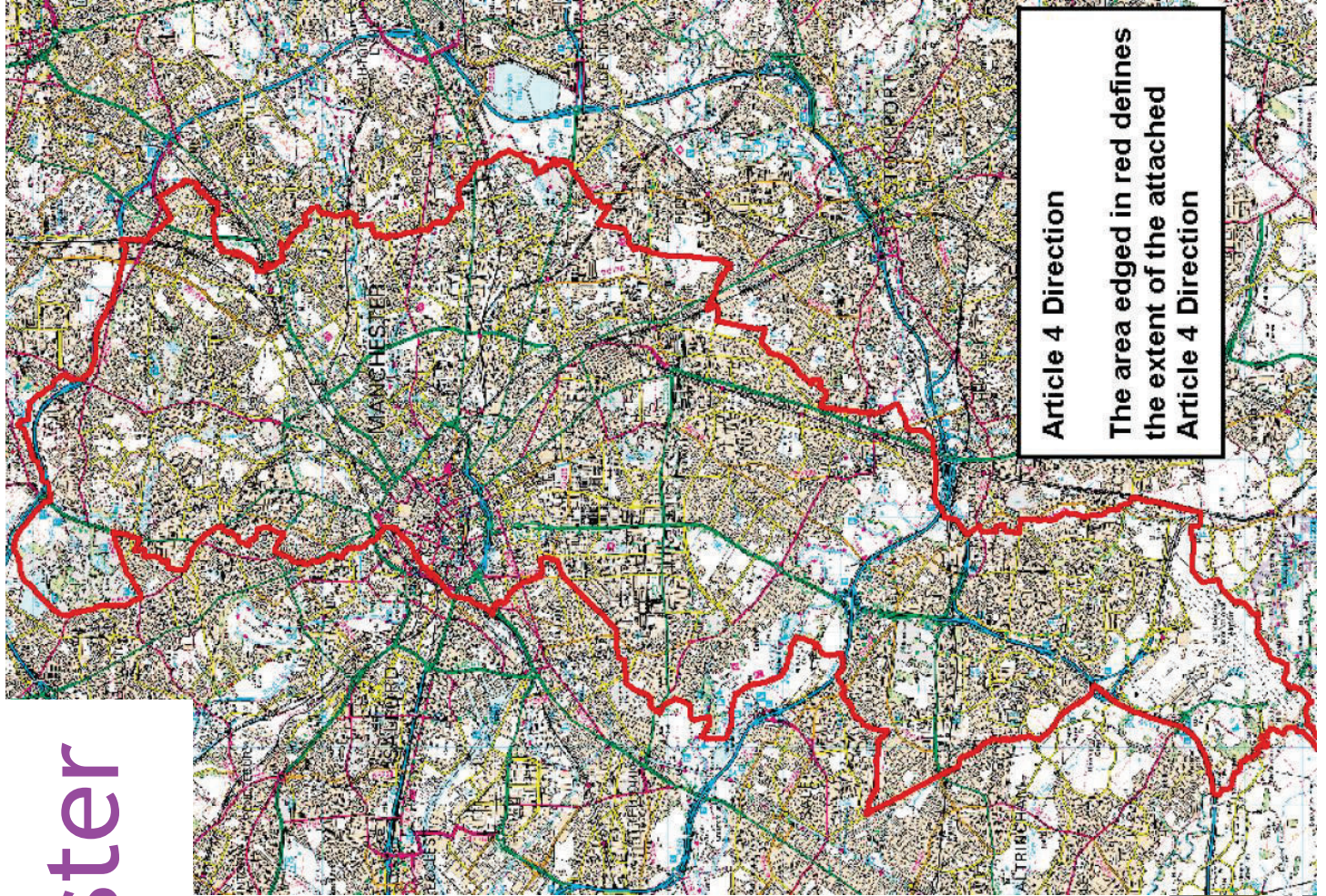
Approach	Manchester	Canterbury	Exeter	Oxford	York
Student Charter				✓ (Oxford Brookes)	✓ (York St John)
Community Wardens	✓		✓		
Public Transport Improvements	✓	✓	✓	✓	✓
Waste Services					
Public Realm Improvements					

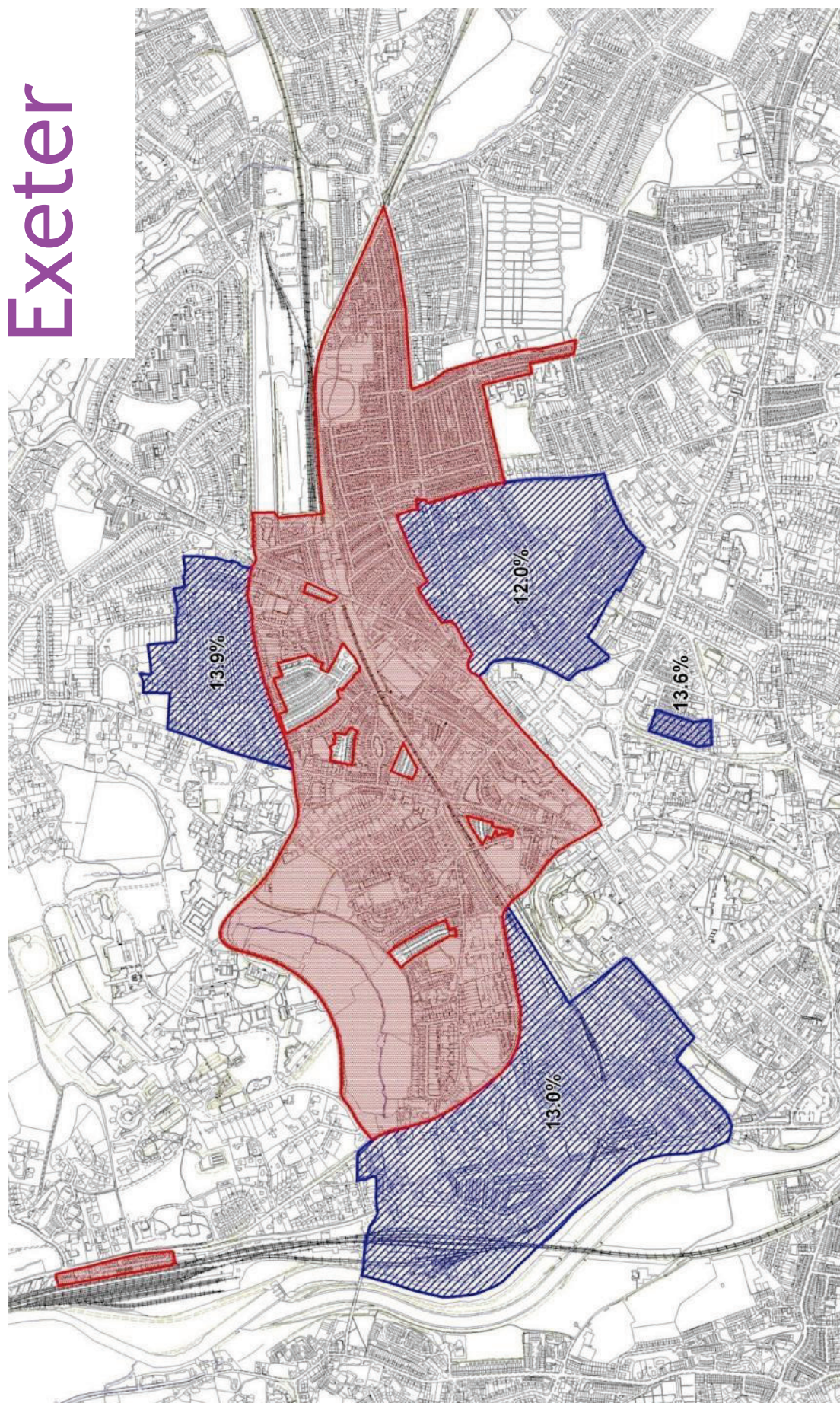
Next Steps

- Report of Workshop - Nov 2011
- Final Arup Report - Dec 2011
- Council Decision Making - Jan 2011

APPENDIX

Manchester





Scale 1:10 000

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10/06/2011

Planning policy restricting additional houses in multiple occupation (including Class C4 uses)

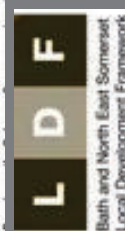
An area subject to immediate restriction

An area subject to future restriction when Council tax exemptions reach 20% (Existing percentage shown)



Exeter City Council

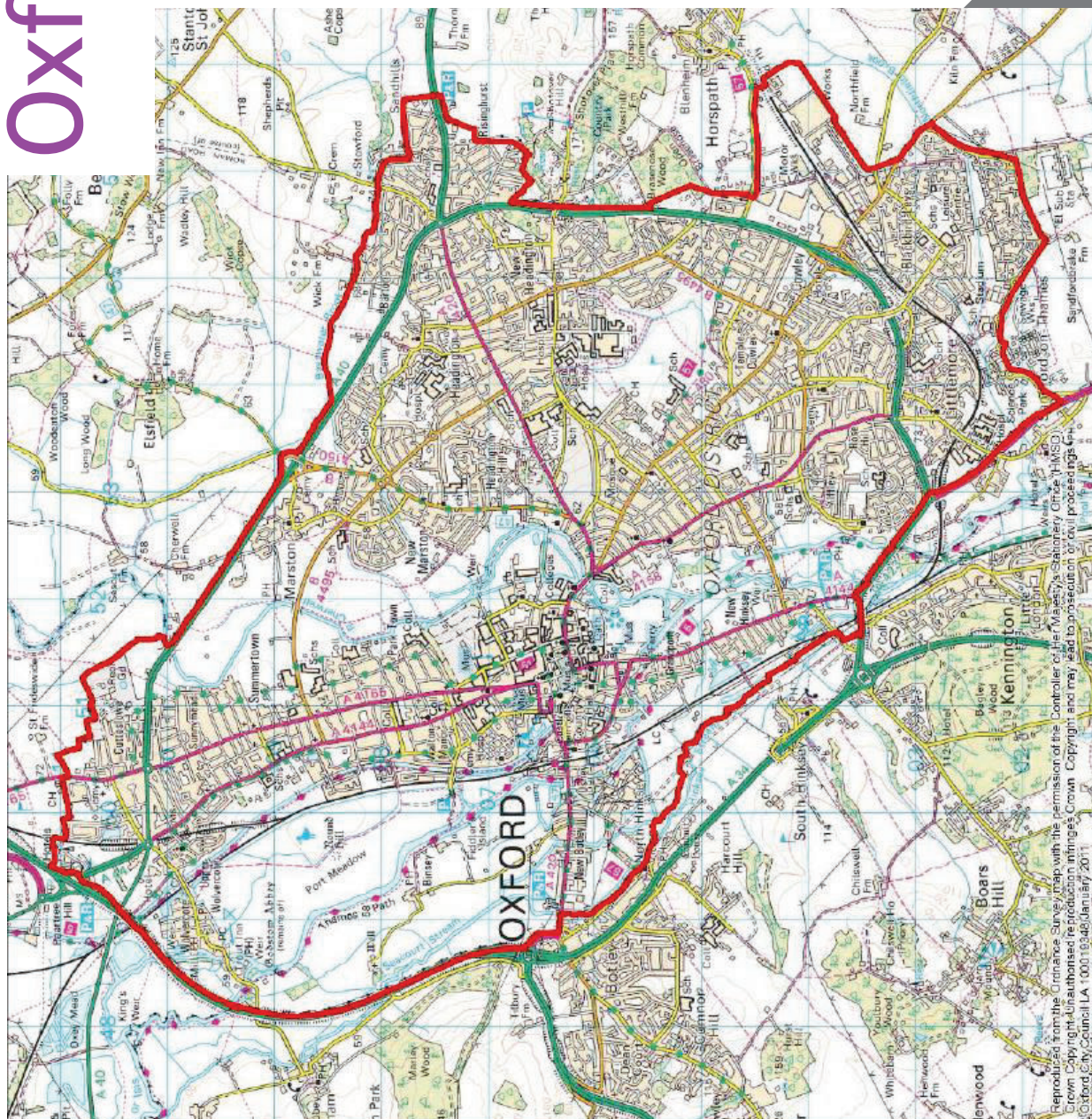
Planning Services, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

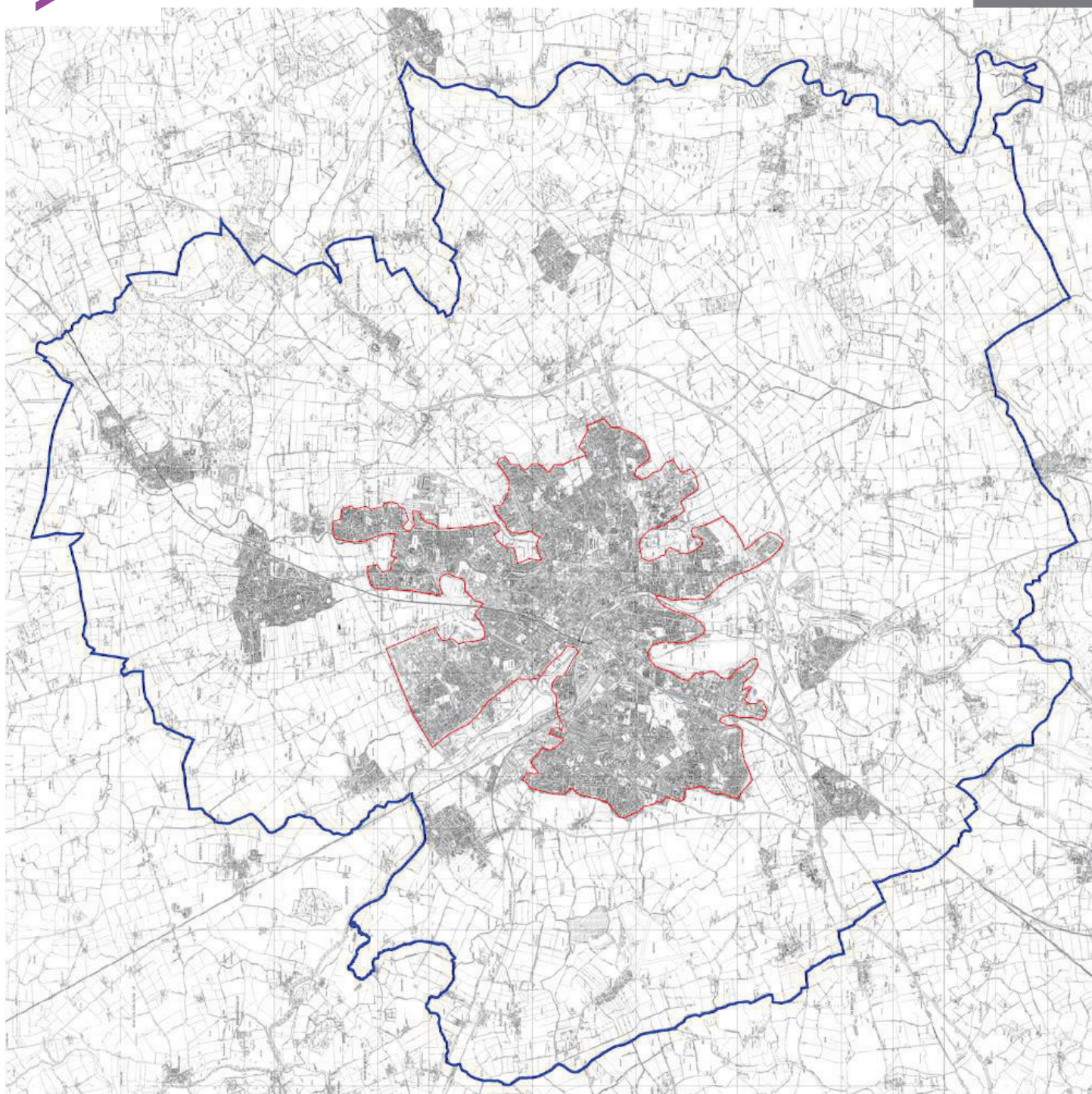


Bath and North East Somerset
Local Development Framework

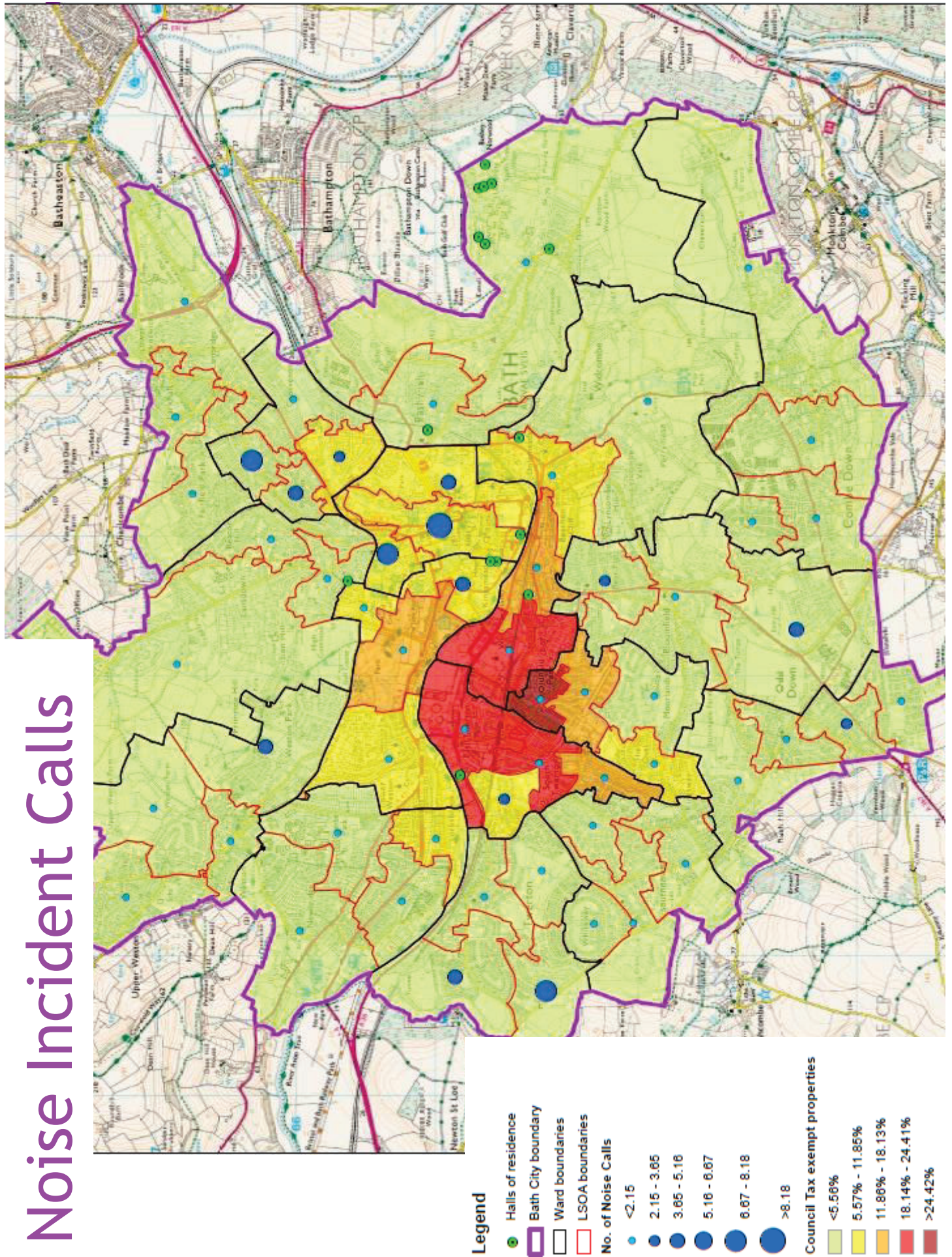


Oxford

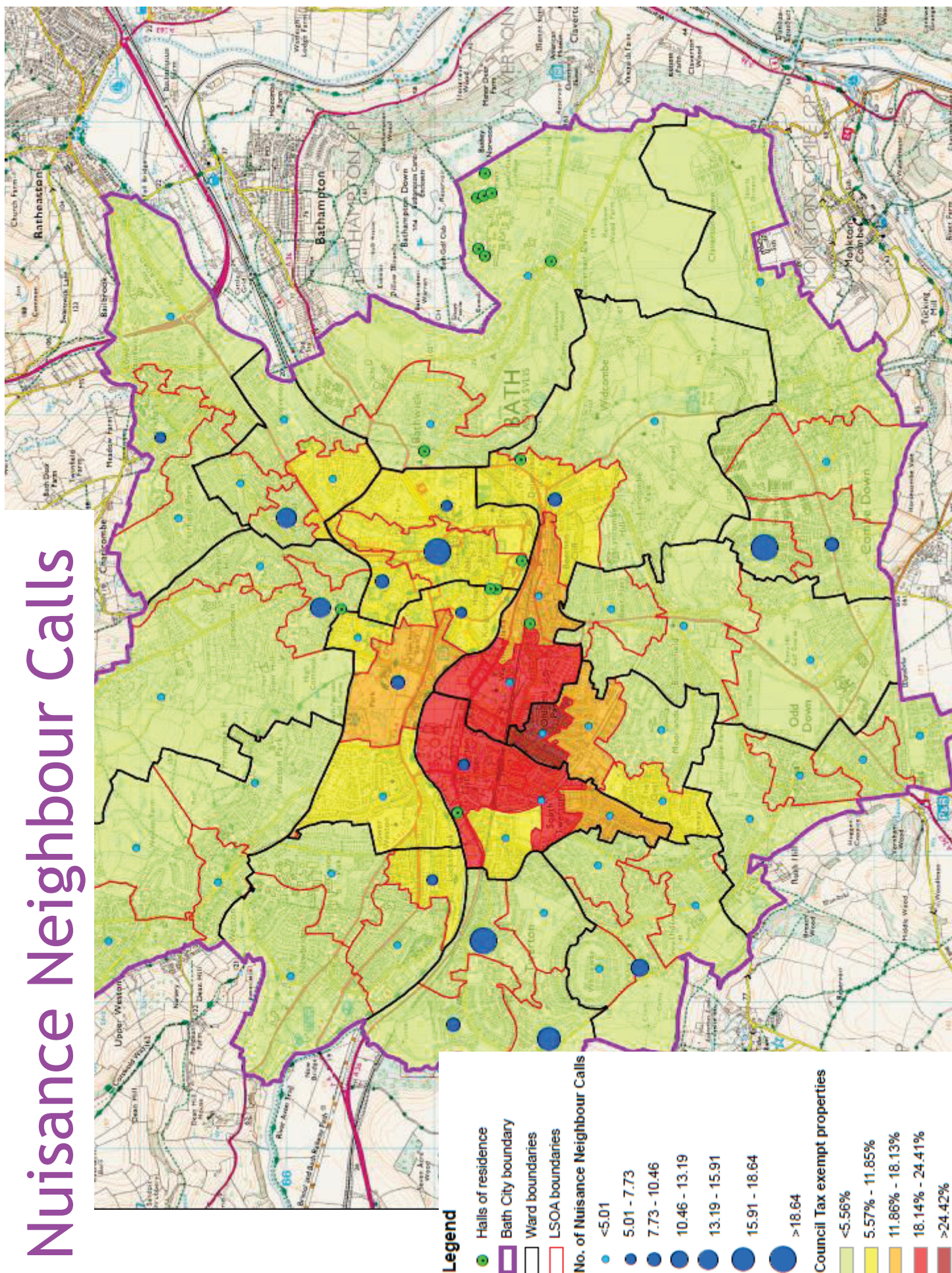




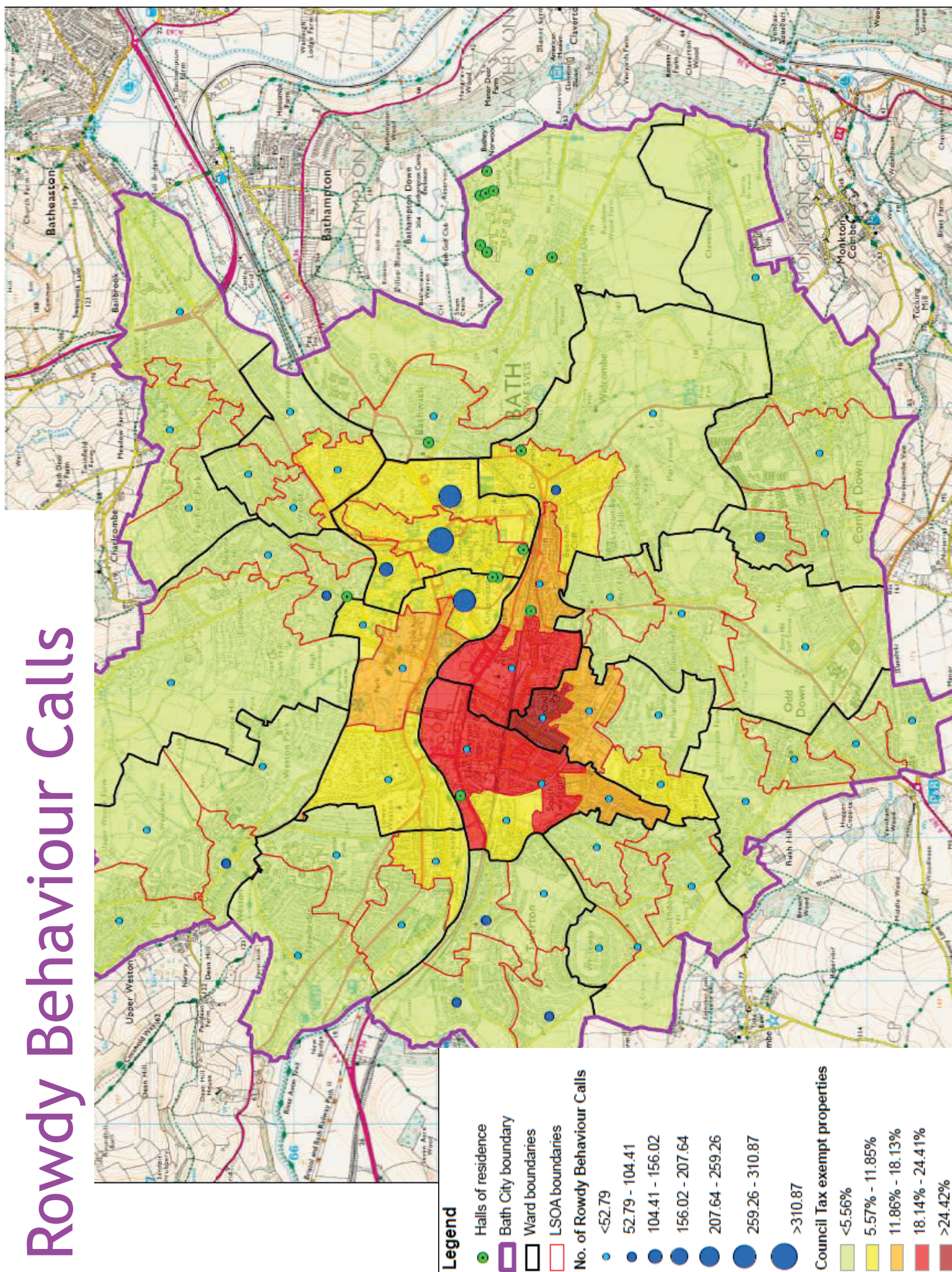
Noise Incident Calls



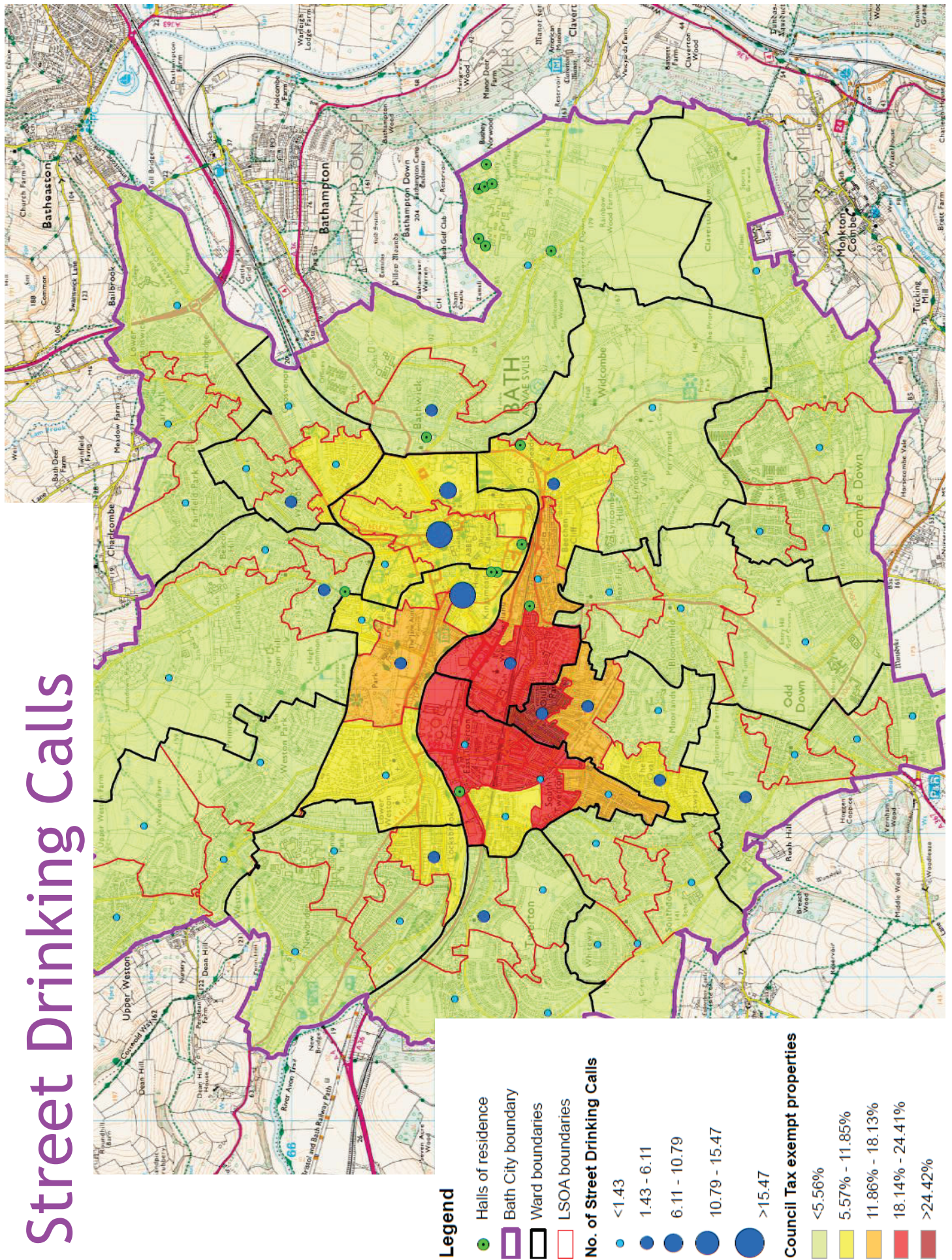
Nuisance Neighbour Calls



Rowdy Behaviour Calls



Street Drinking Calls



Appendix B

National Discussion on Studentification

B1 Studentification

Studentification can be defined as „the social and environmental changes caused by very large numbers of students living in particular areas of a town or city.“⁶⁴ Whilst the definition is neutral in tone, local residents often perceive the impacts of an increased student population as negative.

A 2006 report⁶⁵ by Universities UK, the principal representative body for the higher education sector, usefully defines the impacts of students on local environments as falling into four categories; social, economic, physical and cultural. Both the positive effects and challenges identified by the Universities UK research are set out in the tables below.

Table 12: Student populations: positive effects

Social	Cultural	Physical	Economic
<p>Student volunteering makes an important contribution to many aspects of social life</p> <p>Student housing needs prevent serious depopulation in many inner-city areas</p> <p>Increases the range of goods, services and attractions available to the town/city's population</p> <p>A critical mass of students can ensure transport links to the benefit of the whole community</p> <p>Student communities can also support nurseries and multi faith centres</p>	<p>Create a critical mass and demand for diverse range of cultural events</p> <p>Enhances reputation of city/town as vibrant, dynamic location and as an attractive destination for e.g., night-clubbing, evening economy, or tourism</p> <p>Creates an international/cosmopolitan feel/outlook</p>	<p>Higher/rising property prices provide a level of incentive for upgrading properties which might otherwise remain empty, languish in a neglected state or be generally unfit for habitation</p> <p>Many older properties receive considerable investment by private landlords which extends their life</p> <p>The existence of large numbers of young people help to make city centres attractive to social and retail spaces</p> <p>Changes in type of retail and entertainment services available – e.g. local shops becoming cafes, bookshops, live music venues</p>	<p>High demand for student housing and the stimulus to private rented sector leads to rising house prices</p> <p>Growth in buy-to-let market and private investment opportunities</p> <p>Students constitute a flexible part-time labour force undertaking seasonal employment</p> <p>Student presence can help stimulate urban regeneration</p> <p>Student presence ensures the viability of some retail businesses</p> <p>Repairs, renovations and extensions to student properties benefits the construction and service sector of the economy</p> <p>Availability of a graduate workforce</p>

⁶⁴ Macmillan English Dictionary (2003)

⁶⁵ Universities UK, 'Studentification': a guide to opportunities, challenges and practice, 2006, http://www.universitiesuk.ac.uk/Publications/Documents/studentification_guide.pdf

Table 13: Communities of students: challenges

Social	Cultural	Physical	Economic
<p>Increase in low-level anti-social behaviour</p> <p>Concentration of vulnerable young people with low awareness of security and highly attractive possessions leading to increased levels of crime. This can result in higher insurance premiums (i.e., house, contents, vehicle)</p> <p>Decreased demand for some local services leading to closure – particularly educational services</p> <p>Residents feel pressure to move to avoid becoming marginalised and isolated as permanent residents. This can lead to the demoralisation of established residents</p> <p>Increased competition for private rented houses</p> <p>Pressure for greater provision of establishments catering for night time entertainment and consequent detrimental impact on residential amenity</p> <p>Seasonal availability of some retail and service provision – development of a „resort economy“</p>	<p>Expansion of HMOs in traditional owner-occupied, family areas can lead to change in nature of communities</p> <p>Gradually self-reinforcing unpopularity of area for families wishing to bring up children</p> <p>Conversion of houses into student residences, often make difficult transformation back into family homes</p> <p>Transient occupation engenders a lack of community integration and cohesion and less commitment to maintain the quality of local environment</p> <p>Turnover and short stay are disincentive and barrier to self-policing and aversion to crime</p> <p>Different perceptions of what is considered acceptable behaviour and communal obligations by different social groups</p> <p>Lifestyle frictions – late night student culture disturbs children and working people</p>	<p>Reduction in quality of housing stock and neglect of external appearance to properties including gardens, due to lack of investment by absentee landlords</p> <p>Turnover of properties and preponderance of property letting boards – recurring annually – detract from streetscape</p> <p>Increased population density and increased pressures on services (policing, cleansing, highways, planning, public transport)</p> <p>Increased on-street parking pressures arising from shared households and seasonal traffic congestion (e.g. at graduations, end of term)</p> <p>Increase of squalor (litter/refuse), as infrastructure is designed for lower density usage, low awareness of refuse collection arrangements and different conceptions of what is tolerable</p> <p>Noise between dwellings at all times especially music and at night – parties and gatherings and late night street noise disturbance</p>	<p>High demand for student housing and the stimulus to private rented sector leads to a rise in house prices, deterring access to housing ladder for other sections of community</p> <p>A rising concentration of students in particular streets acts as a strong inducement to owner-occupiers of non-student properties to take advantage of a lucrative sale to private student landlords</p> <p>Changes in type of retail and entertainment services available – e.g. local shops becoming takeaways and cafes, and re-orientation of stock</p> <p>Fluctuating demand for private rented housing</p> <p>Seasonal employment (in shops, pubs) and provision of retail and leisure services</p>

A stakeholder workshop run as part of the evidence gathering for this study recognised the impacts of HMOs in Bath as being slightly different from the impacts of students recognised nationally.

Appendix C

Background to Article 4 Directions for HMOs

C1 Pre Circular 5/10 Regulatory Position

Prior to the guidance set out in Circular 5/10 the regulatory framework did not define „multiple occupation“ nor „HMO“ but relied on the concepts of „single household“ and „family“ in order to assist with making distinctions between use classes. To this end, HMOs were unclassified by the Use Class Order and grouped as a *sui generis use* (of its own kind).

Pre Circular 5/10 the Use Classes Order defined a dwelling house as Class C3. This use class was subdivided into the following categories:

- a) C3 (a): Covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary, personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- b) C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. On this basis, planning permission would be required to change the use of a dwelling house to an HMO (with over 6 bedrooms), provided a material change of use had occurred.

C2 Amendment to the Town and Country Planning (Use Classes) Order 1987 & Circular 5/10

On the 27th January 2010, the Department for Communities and Local Government (CLG) published a document entitled *'Houses in multiple occupation and possible planning responses: consultation – summary of responses'*⁶⁶. This document provided a summary of responses to the aforementioned consultation and outlined the Government's response. The chosen route the then Government decided to adopt was twofold:

1. Amend the Town and Country Planning (Use Classes) Order 1987 to provide a specific definition of a HMO. This definition should be in line with the definition provided by the Housing Act 2004 in order to provide clarity and align housing and planning legislation. As a result of this amendment, planning permission will be required where a material change of use has occurred, for properties changing use from Class C3 (dwelling house) to the new use class, C4 (HMO).
2. An additional C3(C) Class, which allows for up to 6 people living together as a single household (e.g. small religious community, or owner occupier plus lodger), and amend the Town and Country Planning (General Permitted Development) Order 1995 to permit the movement from the

⁶⁶ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/housesmultipleresponses.pdf>

new C4 (HMO) class back to the C3 Class (dwelling house) without the need to obtain planning permission. CLG also stated that the new legislation would not be applied retrospectively.

C3 Announcements on HMOs since June 2010

The Housing Minister, Grant Shapps, announced on the 18th June 2010 that greater flexibility should be given to LPAs to deal with HMO properties. Amendments to the regulations became effective as of 1st October 2010 as follows:

- Retention of the C4 HMO class but amending the Town and Country Planning (General Permitted Development) Order 1995 further to allow a use class change both from C3 to C4 and back again. This will reserve the decision made by the previous government requiring planning permission for conversion to an HMO.
- The ability for the local authority to introduce an Article 4 Direction to override the above provisions for areas of their district where they wish to control the concentration of HMOs. These proposals were subject to a judicial review challenge by three local authorities in October/November 2010. However, this challenge was not successful.

Appendix D

Letter from Bath Chamber of
Commerce

David Trigwell
Divisional Director
Planning & Transport Development
By e-mail: david_trigwell@bathnes.gov.uk

cc Cleo Newcombe-Jones
Planning Officer, Planning Policy:
By e-mail: Cleo_Newcombe-Jones@BATHNES.GOV.UK

10.11.11

Dear David,

I am writing on behalf of members of the Initiative in B&NES and Bath Chamber of Commerce to express their anxiety about the proposal to require planning permission for Houses of Multiple Occupancy.

We perfectly understand the issues generated by a high density of HMOs such as noise disturbances and parking difficulties. However, this kind of accommodation plays an important role in the local economy and members are concerned that it should continue to do so.

The demography of Bath indicates a higher proportion of older people than is desirable for a sustainable economy. Consequently, we have been vigorous in our campaign, now widely supported, to encourage more graduates to stay to live and work in the area after they finish their studies at our two universities. We are similarly keen to see more young people of all kinds remain, to find employment, and make a contribution to local prosperity.

We know that one of the principal reasons young people move away is the cost of housing. Realistically, it is unlikely that many of them will, in the first instance, be able to afford to buy a home and even to rent a house or flat. Instead they will rely on a ready supply of accommodation in HMOs.

Our fear is that if it became necessary to seek planning permission, investors may veer away from Bath to other places where the process was less onerous. The result would be a reduction in supply, an increase in price and an exodus of young talent – the very opposite of what we need for the long term success of our community.

We would encourage the Council to reject the proposal to require planning permission for HMOs and instead to look at other methods of ensuring they are distributed around the City.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Bell', with a stylized flourish underneath.

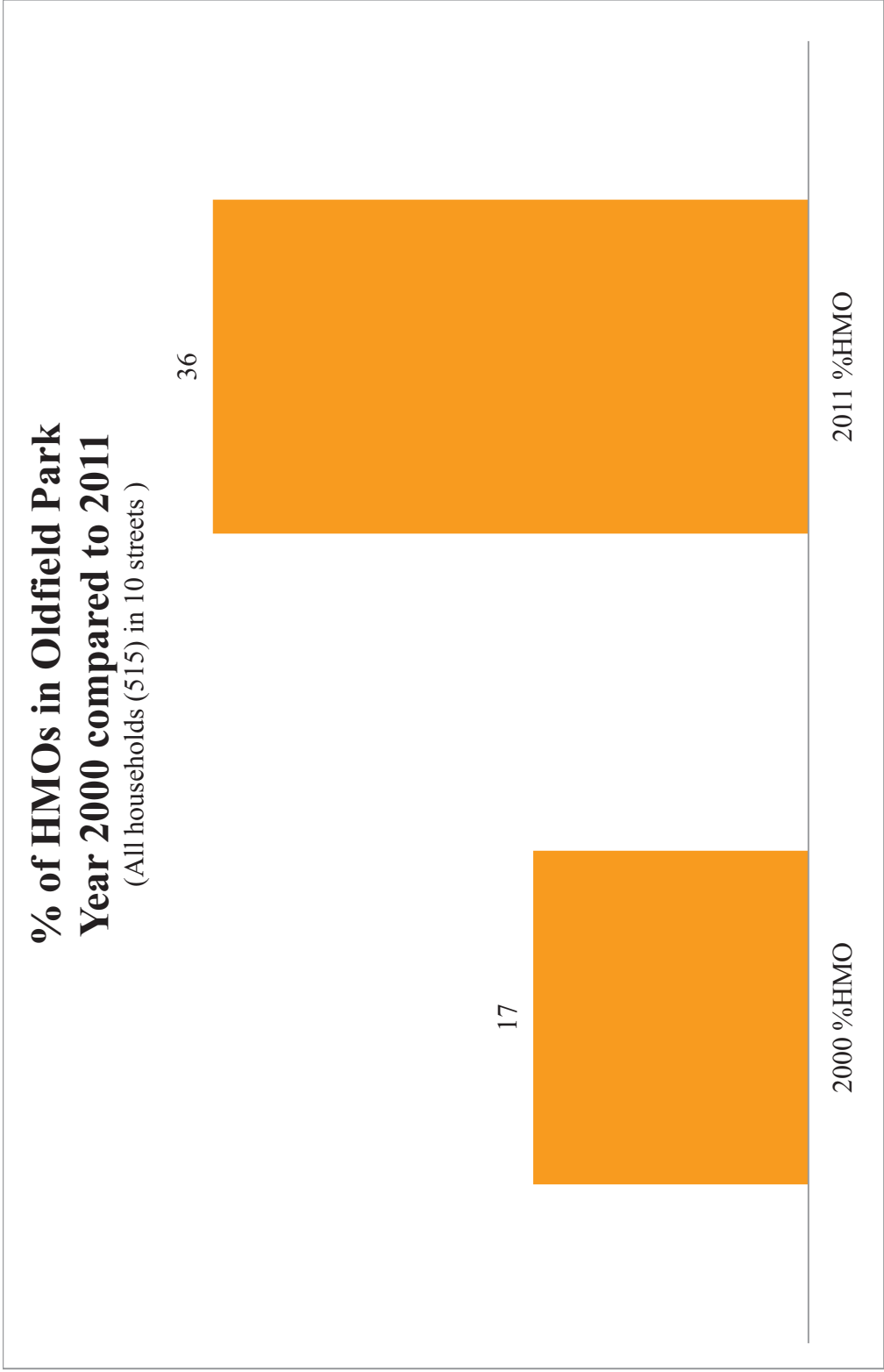
Ian Bell
Executive Director

Appendix E

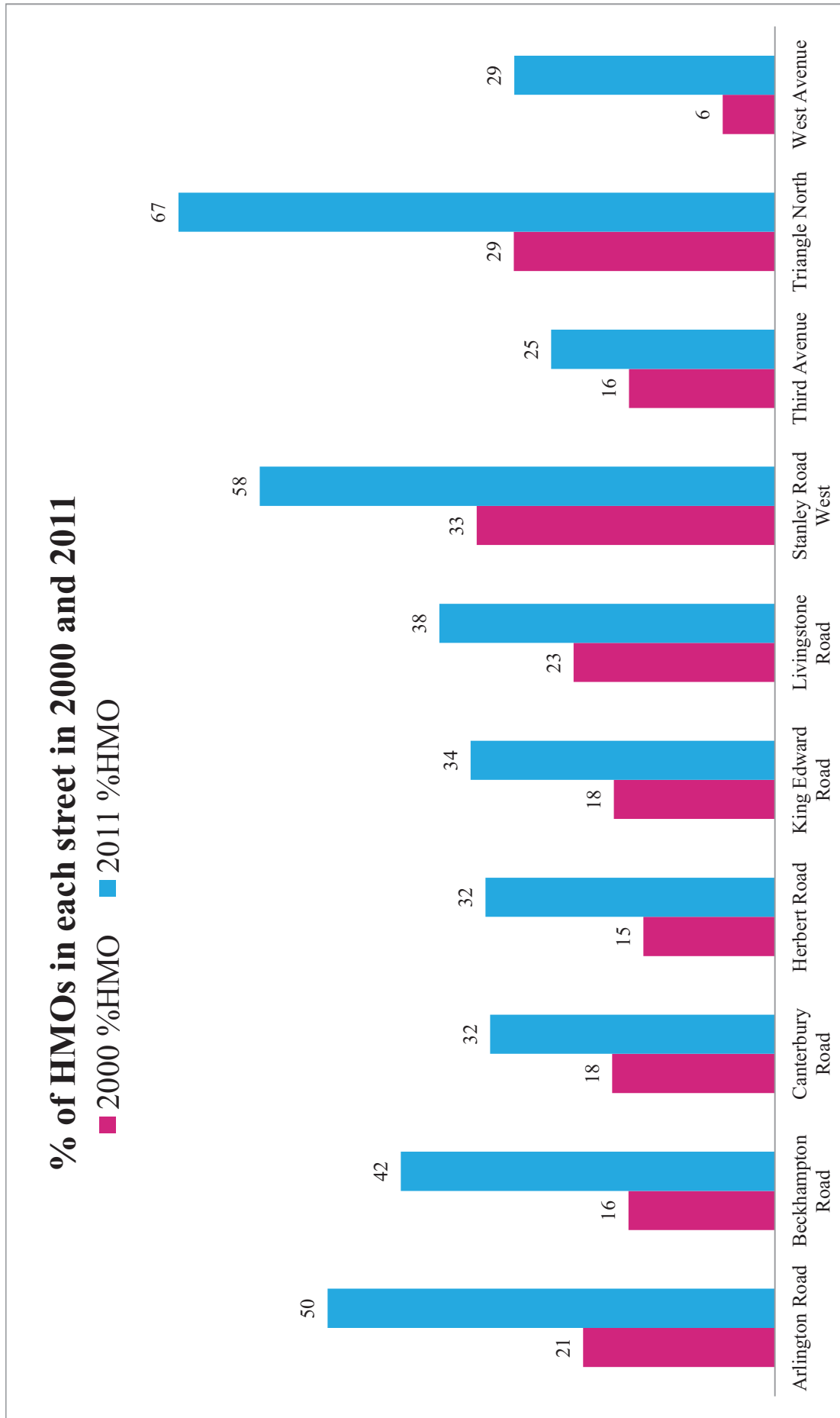
Changes in HMO numbers between 2000 and 2011

E1 The HMO effect on the Community in Oldfield Park

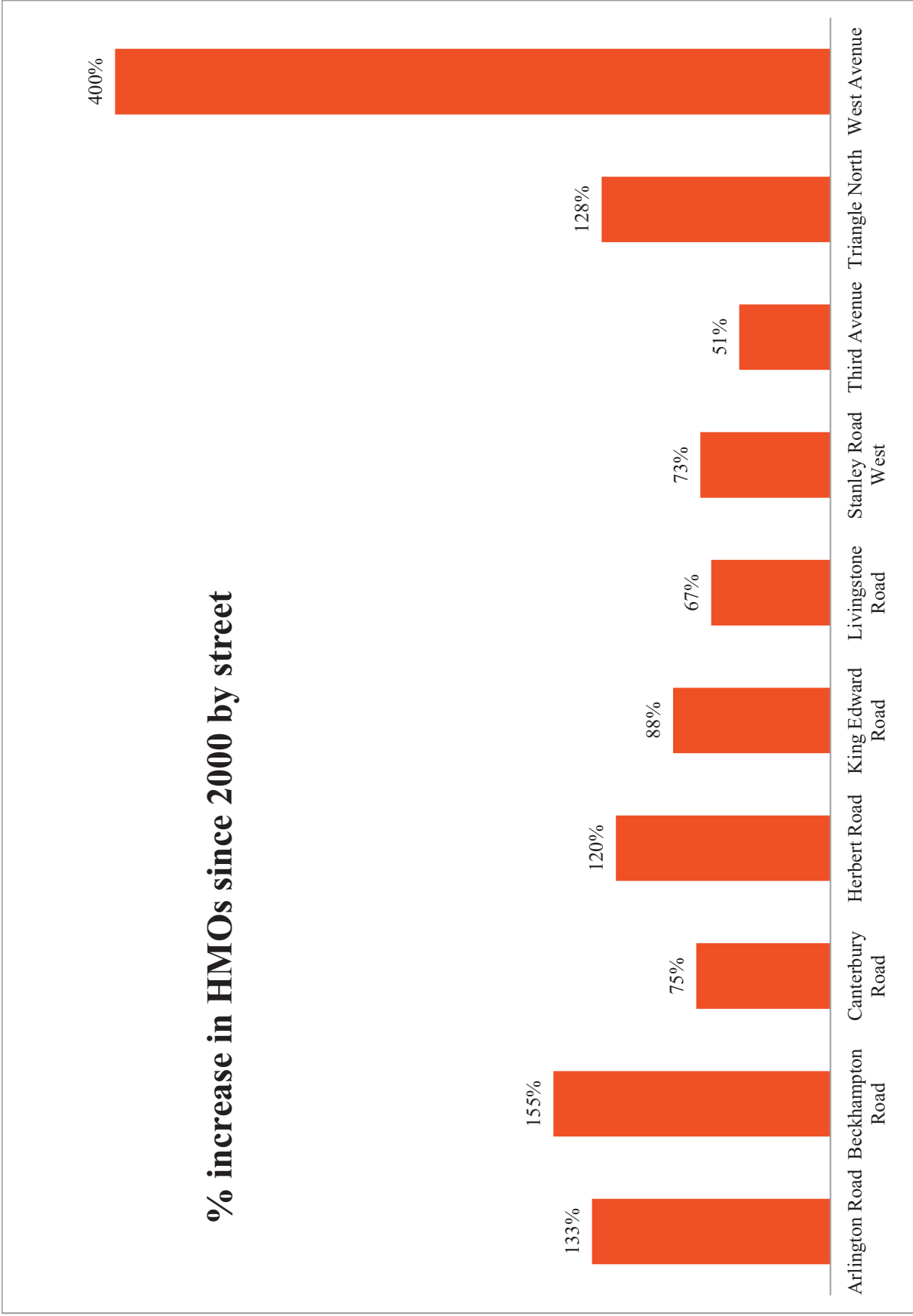
Mr Chris Wilmot and Cllr Will Sandry collected data from electoral registers from 2000 and 2011 has been collected from 10 random streets in Oldfield Park - a total of 515 homes. This shows that the numbers of HMOs have more than doubled.



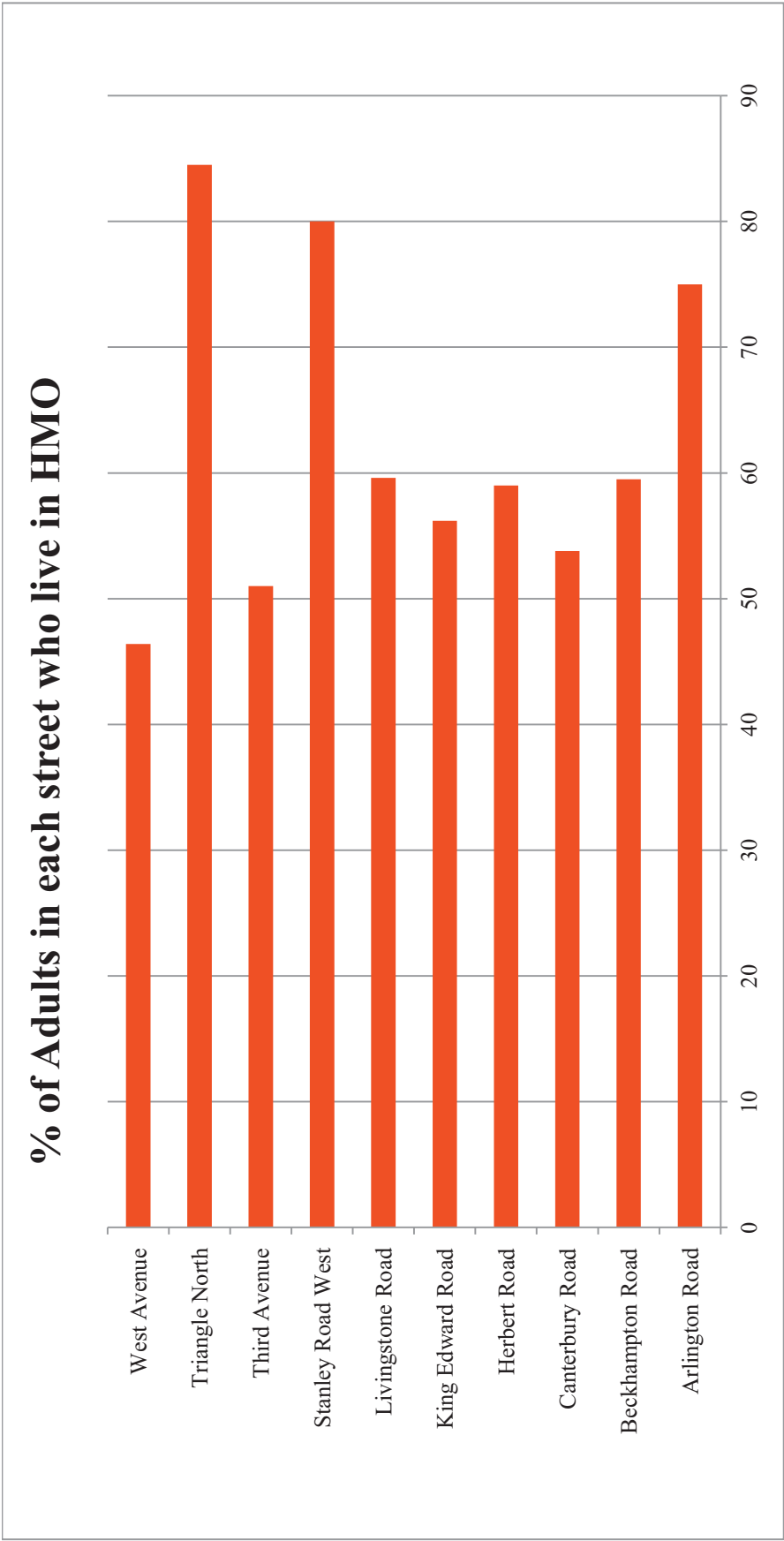
The Graph below shows the percentage of HMO's in each street in the year 2000 compared to 2011.



This graph shows the percentage increase of HMOs between 2000 and 2011 on a street by street basis



Finally, and perhaps most importantly in respect of a balanced community, the graph below represents the percentage of adults in any one street now living in an HMO



Notes on data source

- This data was collected by an Oldfield Park resident from the Electoral Registers of 2000 and 2011. Registers are available for inspection in the Bath Records Office.
- A property with three or more registered adults with different surnames was counted as an HMO¹.

¹ It should be noted that this will not always be an accurate description.

Appendix B

Equality Impact Assessment / Equality Analysis

Title of service or policy	B&NES Article 4 Direction Feasibility Study. Implementation Option 1: Article 4 Direction and an additional planning policy to control HMOs (incorporating additional planning policy setting out a threshold approach to future HMO management)
Name of directorate and service	Directorate: Service Delivery Service: Planning Service
Name and role of officers completing the EIA	Planning Consultants (Arup) on behalf of Cleo Newcombe-Jones, Planning Policy Officer
Date of assessment	18 th November 2011

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council’s and NHS Bath and North East Somerset’s websites.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	Briefly describe purpose of the service/policy including <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	Implementation of the following: <ul style="list-style-type: none"> • A non-immediate Article 4 Direction covering the whole of Bath urban area • Additional policy setting out the approach for determining planning applications made. This includes additional planning policy setting out a threshold approach to the management of future HMO activity. The additional policy would be developed by the planning policy department, and the Article 4 Direction implemented between various departments including, development management, housing and planning enforcement. The enforcement of the Article 4 Direction and additional policy would be overseen by the Planning Service. The intended outcomes include: <ul style="list-style-type: none"> • Removal of Permitted Development Rights for changes of use from family dwellings to HMO's so that the LPA can more closely monitor and manage the tenure mix across the city. • Residents feeling that their concerns of environmental degradation in specific areas of the City have been addressed;

		<ul style="list-style-type: none"> • More balanced communities; • More affordable housing in some areas for both the rented sector and the to buy market; and • Clear planning policy guidance to help developers assess the potential success of their applications.
1.2	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? • Is it a national requirement?). • How much room for review is there? 	<p>Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people not from the same family living together. High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties.</p> <p>This option is one of four options being considered following a feasibility study by Arup looking at the correlation between these negative issues and high densities of HMOs in Bath.</p> <p>This study was prompted by a change in the law in 1st October 2010, which stated that all change of use from a C3 dwelling (a family home) to a C4 HMO is classed as permitted development and will not require planning permission. The introduction of an Article 4 Direction would mean that express planning permission would be required for a material change of use.</p> <p>This will form an appropriate evidence base to consider, in particular, whether an Article 4 Direction and an accompanying Supplementary Planning Document would be suitable tools to assist in the control of conversion of dwelling houses (i.e. family homes) to HMOs in the City of Bath. Other measures that could be implemented to help create sustainable, balanced communities are also reviewed.</p> <p>The imposition of an HMO Article 4 Direction is at the discretion of Local Authorities. Central Government has made the necessary changes to legislation to facilitate the process. If progressed the Article 4 Direction would be placed on a 12 month notice period before a final decision is made by the Council to proceed with the A4D. Legislation allows for period review of the A4D once in place so the Council has the ability to monitor the impacts of the A4D and review its status.</p>

1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	The Option 1 proposals fit with the saved Local Plan Policy HG12 which regulates larger HMO conversions. It also fits with the overarching objective for balanced communities as detailed in the emerging Core Strategy and the Housing and Well Being Strategy.
2. Consideration of available data, research and information		
<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> ● Demographic data and other statistics, including census findings ● Recent research findings (local and national) ● Results from consultation or engagement you have undertaken ● Service user monitoring data (including ethnicity, gender, disability, religion/belief, sexual orientation and age) ● Information from relevant groups or agencies, for example trade unions and voluntary/community organisations ● Analysis of records of enquiries about your service, or complaints or compliments about them ● Recommendations of external inspections or audit reports 		
	Key questions	Data, research and information that you can refer to
2.1	What is the equalities profile of the team delivering the service/policy?	Wide range of service deliverers including public, private and voluntary sectors.
2.2	What equalities training have staff received?	Planning policy team have received corporate equalities training and EQIA training. A number of the service deliverers within the Council will have received corporate equalities training.
2.3	What is the equalities profile of service users?	Through equalities mapping and population profile analysis (B&NES Equality Profile 2009) we now know more about the wider groups of user who will benefit from any improvements to services

		<p>Students make up the largest proportion of occupants of HMO's in Bath. Data is available from the Higher Education Statistics Agency, on the age, gender and socio-economic profile of students at the Higher Education Institutions in Bath http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=2060&Itemid=141</p> <p>The B&NES Residential Review 2007 provides data across the B&NES wards on items such as population age profile, tenure profile, affordable housing profile and location of accredited properties.</p>
2.4	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	<p>All data is referred to above.</p> <p>The total number of HMO's in the City based on existing data is considered to be Data on the profile of landlords/HMO developers is lacking.</p> <p>Data on the profile of other HMO residents other than students is lacking.</p>
2.5	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	<p>As part of the feasibility study a workshop was held on Monday 24th October 2011 in the Guildhall, Bath to scope stakeholders' views on the issues. The aims of the workshop were:</p> <ul style="list-style-type: none"> • to bring stakeholders together to share and understand different perspectives related to HMOs in Bath; to share the data related to both need for HMOs and impacts of HMOs; and • to test potential interventions that might help to create balance and sustainable communities <p>A wide range of stakeholders were represented at the workshop, including:</p> <ul style="list-style-type: none"> • Ward Councillors from across Bath • Planning Officers, B&NES Council • Housing, Transport, Research, Community and Economic Development Officers, B&NES Council • University of Bath • Bath Spa University • Royal United Hospital

		<ul style="list-style-type: none"> • Bath Spa University Students' Union • University of Bath Students' Union • HMO Landlords • HMO Developers • Estate Agents • Local Residents • Avon and Somerset Police <p>The results included analysis of the benefits and challenges of implementing an Article 4 direction. It was concluded that the majority of stakeholders felt that that should an Article 4 Direction be implemented a city wide approach should be taken and that a threshold policy approach include as an new planning policy.</p>
2.6	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	If the option is taken forward a full consultation process would be undertaken targeting all groups of user who would be affected by the proposals. The recommendation is for a non immediate Article 4 Direction which means that the intention to introduce the direction is consulted upon for a period of 12months before a decision to proceed is made by B&NES.
3. Assessment of impact: 'Equality analysis'		
	<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> • Meets any particular needs of equalities groups or helps promote equality in some way. • Could have a negative or adverse impact for any of the equalities groups 	
		<p>Examples of what the service has done to promote equality</p> <p>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</p>
3.1	Gender – identify the impact/potential impact of the	<p>The process of requiring a planning application often</p> <p>An A4D would potentially lead to a more dispersed pattern of HMO's in the City with students in particular</p>

	policy on women and men. (Are there any issues regarding pregnancy and maternity?)	<p>means that action will have to be taken to resolve hazards and ensure higher standards of development in the public environment (particularly for energy efficiency and security). NB these positive impacts will apply to all the groups considered below.</p> <p>The intended outcome of the option is to support the ability of B&NES as the housing authority to encourage and maintain a balanced and sustainable housing market that provides housing choice for all equalities groups.</p>	<p>living in a wider range of neighbourhoods than currently experienced. The intention of the A4D and the threshold policy is to encourage and maintain balanced and mixed communities that support the needs of all groups in society.</p> <p>Potential negative impacts of a more dispersed set of students or young professionals over a larger area could lead to feelings of isolation for individuals who are forced to live further out with less access to public transport and may feel unsafe travelling at night, this could impact on some equalities groups more than others e.g. women.</p> <p>Note this will apply to all the groups considered below</p> <p>Action</p> <p>Ensure the provision of good public transport and amenity in all areas where there is likely to be a high proportion of HMOs.</p>
3.2	Transgender – – identify the impact/potential impact of the policy on transgender people	As above	As above
3.3	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	As above	As above
3.4	Age – identify the	As above	May push up rental prices in some areas (particularly

	<p>impact/potential impact of the policy on different age groups</p>	<p>Current issues associated with HMOs include isolation/ feelings of vulnerability among the elderly, the proposal should lead to more balanced communities with proportions of family housing within neighbourhoods being maintained as the A4D and the threshold planning policy provide tools for the regulation of the proportion of HMO's within all neighbourhoods in the City. as more students move into purpose built accommodation.</p> <p>Family housing in areas of high density of HMOs/high HMO demand are likely to become more affordable to new entrants to the housing market.</p> <p>More choice of high quality HMOs will make it easier to attract and retain young professionals/lower paid employees who require flexible accommodation in Bath.</p>	<p>Oldfield Park, Westmoreland and Widcombe area) that will affect those with lower salaries and students, both groups tend to be younger people.</p> <p>Ensure the provision of good public transport and amenity in all areas where there is likely to be a high proportion of HMOs.</p>
3.5	<p>Race – identify the impact/potential impact on different black and minority ethnic</p>	<p>As in 3.1 above and</p> <p>The planning application</p>	<p>Wards with highest proportion of BME populations Bathwick with 16% and Abbey with 15%, also have high proportions of HMOs, so these groups may be</p>

	groups	process will assist in the implementation of a framework for good management, the provision of a good basic level of standard amenities and the subsequent remedying of actionable hazards in HMOs has a positive impact for all ethnic groups. This would particularly be the case where a property is used for asylum seekers. Any cultural issues will be considered before enforcing standards.	adversely affected by the potential inflated rental prices in existing HMO's that arise out of the policy. Action Ensure other areas where people may end up living, have good levels of public transport and amenity.
		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
3.6	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	The Article 4 Direction and additional policy are unlikely to create an impact on individuals because of their sexual orientation.	
3.7	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	Potentially increasing the choice in areas to live.	None identified
3.8	Socio-economically disadvantaged – identify the impact on people who are	Potentially increasing the choice in areas to live.	May push up rental prices in some areas (particularly Oldfield Park, Westmoreland and Widcombe area) that will affect those with lower salaries.

	disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	Family housing in areas of high density of HMOs/ high HMO demand may become cheaper, meaning it could become easier for new entrants to the housing market.	Action Ensure other areas where people may end up living, have good levels of public transport and amenity
3.9	Rural communities – identify the impact / potential impact on people living in rural communities	Potentially increasing the choice in areas to live within the city, although potentially increasing their price e.g. young people living at home in rural areas, may not be able to afford to move out.	

4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Ensure the consultation on the draft Article 4 direction and additional policy is accompanied by appropriate summary information and guidance and that additional support is	Ensure equalities is included in the plan for the formal consultation on the Article 4 direction and additional policy	Preparation of appropriate summary information and guidance in time for the consultation.	Planning Policy Team	In time for consultation

available for equalities groups.				
HMO occupants encouraged to live in other areas, due to rising prices in certain areas.	Ensure good levels of amenity and public transport in the alternative areas where people may end up living	Review in conjunction with local transport policy and proposals.	Planning Policy, Development Management. All officers dealing with public transport.	
Potential feelings of isolation for students and other HMO residents who live in less accessible areas	Information provision, e.g. on transport access, local amenities, safety measures, and support help lines	Included within student information and housing packs	Student Community Liaison Officer	To coincide with students arriving at University and during housing week

5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by:

(Divisional Director or nominated senior officer)

Date:

Equality Impact Assessment / Equality Analysis

Title of service or policy	B&NES Article 4 Direction Feasibility Study. Implementation Option 2: Planning Policy promoting purpose built student accommodation & Additional Licensing
Name of directorate and service	Directorate: Service Delivery Service: Planning Service
Name and role of officers completing the EIA	Planning consultants (Arup) on behalf of Cleo Newcombe-Jones, Planning Policy Officer
Date of assessment	18 th November 2011

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	<p>Implementation of the following:</p> <ul style="list-style-type: none"> • Pro Purpose-Built Accommodation Policy (Linking growth in academic space to purpose built accommodation). • Additional HMO Licensing (All HMOs in Oldfield Park, Westmoreland and Widcombe as initial phase. Consider extending to the whole city thereafter). <p>The responsibility for regulating the pro-purpose-built accommodation policy would be with the planning policy & development management teams, the additional HMO Licensing scheme would be managed and enforced by the Housing team.</p> <p>The intended outcomes of this option include:</p> <ul style="list-style-type: none"> • To ensure all HMOs comply with higher standards; • To provide a wider range of options for purpose built student accommodation to relieve the pressure on the private student accommodation (HMOs) in the city; • Provide wider choice in HMOs for non-students, if students have the option to move into purpose-built accommodation; • Licensing will address real and perceived problems associated with the quality of existing HMOs ; and • Higher quality HMOs may make it easier to attract employees to Bath.

1.2	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? • Is it a national requirement?). • How much room for review is there? 	<p>Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people not from the same family living together. High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties.</p> <p>This option is one of four options being considered following a feasibility study by Arup looking at the correlation between these negative issues and high concentrations of HMOs in Bath.</p> <p>This study was prompted by a change in the law in 1st October 2010, which stated that all change of use from a C3 dwelling (a family home) to a C4 HMO is classed as permitted development and will not require planning permission.</p> <p>The imposition of an HMO Article 4 Direction would not have an impact on the quality of existing HMOs. The study assesses whether the provision of additional licensing along with a pro-purpose built student accommodation policy will address the environmental concerns associated with existing HMOs.</p> <p>It is recommended that an additional licensing scheme is put in place for the wards of Oldfield Park, Westmoreland and Widcombe. Additional licensing is used to tackle specific problems in specific areas, rather than covering all HMOs across a local authority area.</p> <p>Other measures that could be implemented to help create sustainable, balanced communities have also been reviewed.</p>
1.3	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>The benefits of this option are highlighted in section 1.1. Several challenges have been identified with this option including that:</p> <ul style="list-style-type: none"> • The costs of additional licensing to landlords may push up rental prices marginally if landlords see an opportunity to pass on costs to the tenants; • It may result in a loss in trade in some areas, where HMOs are left unoccupied as students move into purpose built accommodation.

2. Consideration of available data, research and information

Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:

- **Demographic** data and other statistics, including census findings
- Recent **research** findings (local and national)
- Results from **consultation or engagement** you have undertaken
- Service user **monitoring data** (including ethnicity, gender, disability, religion/belief, sexual orientation and age)
- Information from **relevant groups** or agencies, for example trade unions and voluntary/community organisations
- Analysis of records of enquiries about your service, or **complaints** or **compliments** about them
- Recommendations of **external inspections** or audit reports

	Key questions	Data, research and information that you can refer to
2.1	What is the equalities profile of the team delivering the service/policy?	Wide range of service deliverers including public, private and voluntary sectors and the Universities.
2.2	What equalities training have staff received?	Planning policy team have received corporate equalities training and EQIA training. A number of the service deliverers within the Council will have received corporate equalities training.
2.3	What is the equalities profile of service users?	Through equalities mapping and population profile analysis (B&NES Equality Profile 2009) we now know more about the wider groups of user who will benefit from any improvements to services Students make up the largest proportion of occupants of HMO's in Bath. Data is available from the Higher Education Statistics Agency, on the age, gender and socio-economic profile of students at the Higher Education Institutions in Bath http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=2060&Itemid=141

		The B&NES Residential Review 2007 provides data across the B&NES wards on items such as population age profile, tenure profile, affordable housing profile and location of accredited properties
2.4	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	<p>All data is referred to above.</p> <p>The total number of HMO's in the City based on existing data is considered to be an underestimate of the real level of provision.</p> <p>Data on the profile of landlords/HMO developers is lacking.</p> <p>Data on the profile of other HMO residents than students is lacking.</p>
2.5	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	<p>As part of the feasibility study a workshop was held on Monday 24th October 2011 in the Guildhall, Bath to scope stakeholder's views on the issues. The aims of the workshop were:</p> <ul style="list-style-type: none"> • to bring stakeholders together to share and understand different perspectives related to HMOs in Bath; • to share the data related to both need for HMOs and impacts of HMOs; and • to test potential interventions that might help to create balance and sustainable communities <p>A wide range of stakeholders were represented at the workshop, including:</p> <ul style="list-style-type: none"> • Ward Councillors from across Bath • Planning Officers, B&NES Council • Housing, Transport, Research, Community and Economic Development Officers, B&NES Council • University of Bath • Bath Spa University • Royal United Hospital

		<ul style="list-style-type: none"> • Bath Spa University Students' Union • University of Bath Students' Union • HMO Landlords • HMO Developers • Estate Agents • Local Residents • Avon and Somerset Police <p>The results included broad support for the introduction of additional or selective licensing (possibly selective licensing for the whole private rented sector). There was a feeling that in many parts of Bath there are smaller HMOs than will currently be included in the licensing scheme, so a change would deal with some of the existing issues in a way that an Article 4 Direction would not.</p>
2.6	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	If the option is taken forward a consultation process would be undertaken targeting all groups of users who would be affected by the proposals.
3. Assessment of impact: 'Equality analysis'		
	<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> • Meets any particular needs of equalities groups or helps promote equality in some way. • Could have a negative or adverse impact for any of the equalities groups 	
	Examples of what the service has done to promote equality	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this

3.1	Gender – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)	<p>The process of requiring a license will mean that action will be taken to raise the quality of private rented accommodation, resolve hazards and ensure higher standards (particularly for energy efficiency and security).</p> <p>Purpose built accommodation, will provide safety and security for those living in the accommodation.</p> <p>Providing greater choice in areas to live.</p> <p>NB these positive impacts will apply to all the groups considered below.</p>	None identified
3.2	Transgender – – identify the impact/potential impact of the policy on transgender people	As in 3.1 above	None identified
3.3	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	<p>As in 3.1 above; and</p> <p>The higher standards applied with the additional licensing will mean that provision with respect to disabled persons is improved.</p> <p>New purpose built accommodation will ensure that new buildings provide good facilities for disabled persons.</p>	<p>The completion of a complicated licence application form can be difficult for those with certain impairments. There can also be communication difficulties if legal action is taken for noncompliance with the HMO licence provisions.</p> <p>Action <i>Assistance to be offered to to all landlords to complete the application form.</i></p>

3.4	Age – identify the impact/potential impact of the policy on different age groups	<p>As in 3.1 above</p> <p>Current issues associated with HMOs include isolation/ feelings of vulnerability among the elderly, the proposal should lead to more balanced communities as more students move into purpose built accommodation.</p> <p>Family housing in areas of high density of HMOs are likely to become cheaper, meaning it could become easier for new entrants to the housing market.</p> <p>More choice of high quality HMOs will make it easier to attract young professionals/lower paid employees to Bath.</p>	<p>Licensing may push up rental prices if landlords see the opportunity to pass on costs to tenants, (will affect those with lower salaries and students that tend to be younger people).</p> <p>Action <i>Balance this with the provision of purpose built accommodation.</i></p>
3.5	Race – identify the impact/potential impact on different black and minority ethnic groups	<p>As in 3.1 above and</p> <p>Increasing availability of HMOs and choice of HMOs for people to live in.</p> <p>The imposition of a framework for good management, the provision of a good basic level of standard amenities and the subsequent remedying of actionable hazards in licensed HMOs has a positive impact for all ethnic groups. This would particularly be the case where a property is used for asylum seekers. Any cultural issues will be</p>	<p>Wards with highest proportion of BME populations Bathwick with 16% and Abbey with 15%, also have high proportions of HMOs, so these groups may be adversely affected by the potential inflated rental prices that arise from the potential increase in costs that arise from the licensing requirements.</p> <p>May result in a loss of trade in some areas that could affect BME business owners, if places are left unoccupied as students move into purpose built accommodation.</p> <p>Action</p>

		considered before enforcing standards.	<i>Accommodation only built in line with projected increase in demand to minimise the number of HMOs left empty.</i>
		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
3.6	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	The licensing requirements and new purpose built accommodation are very unlikely to create an impact on individuals because of their sexual orientation. However, should someone consider that this is in fact the case we will consider the points made.	
3.7	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	As in 3.1 above	None identified
3.8	Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	As in 3.1 above Family housing in areas of high density of HMOs are likely to become cheaper, meaning it could become easier for new entrants to the housing market	May push up rental prices as landlords pass the licensing costs onto the tenants which would affect students and those with lower incomes.. Action <i>Balance this with the provision of purpose built accommodation.</i>
3.9	Rural communities – identify the impact / potential impact on people living in rural communities	Potentially increasing the choice of affordable areas within the city to live, e.g. young people living at home in rural areas, may be able to move out.	

4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
The completion of a complicated licence application form can be difficult for those with certain impairments. There can also be communication difficulties if legal action is taken for noncompliance with the HMO licence provisions.	Assistance to be offered to all landlords to complete the application form.	Assistance available from when the licensing requirements are implemented.	Housing department	When licensing requirements are implemented
Licensing may push up rental prices if landlords see the opportunity to pass on costs to tenants, (will affect those with lower salaries and students).	Ensure licensing is balanced with the roll out of provision of purpose built student accommodation	Ensure purpose built accommodation policy is implemented at the same time as the licensing requirements	Planning policy teams in discussion with Universities.	Concurrently with the implementation of the purpose built accommodation policy.
Potential loss of trade in some	Balance this by ensuring that	Purpose built accommodation	Planning	Concurrently

areas that could affect BME business owners, if places are left unoccupied as students move into purpose built accommodation.	purpose built accommodation is only built in line with demand. University to produce demand forecasts for future demand for accommodation	policy implemented at the same time as licensing requirements. Ongoing demand forecasting, with annual update.	policy teams University	with the implementation of the licensing requirements. .
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5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by:
Date:

(Divisional Director or nominated senior officer)

Equality Impact Assessment / Equality Analysis

Title of service or policy	B&NES Article 4 Direction Feasibility Study. Implementation Option 3: Article 4 Direction and a Supplementary Planning Document on HMOs (including a threshold approach); Planning Policy promoting purpose built student accommodation & Additional Licensing.
Name of directorate and service	Directorate: Service Delivery Service: Planning and Accommodation Services
Name and role of officers completing the EIA	Planning consultants (Arup) on behalf of Cleo Newcombe-Jones, Planning Policy Officer
Date of assessment	18 th November 2011

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	<p>Implementation of the following:</p> <ul style="list-style-type: none"> • A non-immediate Article 4 Direction covering the whole of Bath urban area; • An additional policy setting out the approach for determining planning applications made. This would include an additional threshold policy related the existing HG12 policy within the Core Strategy; • Pro Purpose-Built Student Accommodation Policy (Linking to growth in academic space); and • Additional HMO Licensing (All HMOs in Oldfield Park, Westmoreland and Widcombe as initial phase. Consider extending to the whole city thereafter). <p>The responsibility for regulating would be shared between the Planning Policy, Development Management, Housing and Environmental Health departments.</p> <p>The intended outcomes include:</p> <ul style="list-style-type: none"> • Response to local residents' concerns regarding over-concentration of HMOs in some areas of the city, both in terms of existing and potential future problems. • All HMOs would comply with higher quality standards, meaning better surroundings for tenants.

		<ul style="list-style-type: none"> • Wider range of options to live in purpose built student accommodation. • Dispersal of HMOs rather than concentration in certain areas of the City leading to more choice in areas to rent privately across Bath • All HMOs would comply with higher quality standards, meaning better living environments for tenants and stricter regulation of landlords upkeep of properties. • If students move out of HMOs into purpose built accommodation then there is more choice in the private rental sector for other tenants groups (and possible reduction in price if supply outstrips demand). • Increases in purpose-built accommodation likely to be attractive to many new students, and may become increasingly important in an increasingly competitive market. • Higher levels of confidence in recommending properties in the private rented sector if they reach standards for licensing. • Should lead to more balanced communities, meaning a wider mix of residents in many areas. • If the size of the market for HMOs decreases with an increase in purpose-built student accommodation, then there may be some return to family housing. This may also lead to a reduction in house prices; making it more affordable for first-time buyers. • A combination of higher quality HMOs and more capacity (as students are increasingly catered for in purpose-built accommodation). • A dispersal of HMOs across the city may lead to more affordable private rented sector accommodation in some areas. This combination may make it easier to attract new employees to the area.
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1.2	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? • Is it a national requirement?). • How much room for review is there? 	<p>Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people not from the same family living together. High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties.</p> <p>This option is one of four options being considered following a feasibility study by Arup looking at the correlation between these negative issues and high densities of HMOs in Bath.</p> <p>This study was prompted by a change in the law in 1st October 2010, which stated that all change of use from a C3 dwelling (a family home) to a C4 HMO is classed as permitted development and will not require planning permission. The introduction of an Article 4 Direction would mean that express planning permission would be required for a material change of use.</p> <p>This will form an appropriate evidence base to consider, in particular, whether an Article 4 Direction and additional policy would be suitable tools to assist in the control of conversion of dwelling houses (i.e. family homes) to HMOs in the City of Bath. Other measures that could be implemented to help create sustainable, balanced communities including the use of licensing are also reviewed.</p> <p>The imposition of an HMO Article 4 Direction is at the discretion of Local Authorities. Central Government has made the necessary changes to legislation to facilitate the process. If progressed the Article 4 Direction would be placed on a 12 month notice period before a final decision is made by the Council to proceed with the A4D. Legislation allows for period review of the A4D once in place so the Council has the ability to monitor the impacts of the A4D and review its status.</p> <p>The Article 4 Direction would not have an impact on the quality of existing HMOs. The study assesses whether the provision of additional licensing along with a pro-purpose built student accommodation policy will address the environmental concerns associated with existing HMOs. It is recommended that an additional licensing scheme is put in place for the wards of Oldfield Park, Westmoreland and Widcombe. Additional licensing is used to tackle specific problems in specific areas, rather than covering all HMOs across a local authority area.</p>
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1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	<p>Option 3 proposals fit with the saved Local Plan Policy HG12 which regulates larger HMO conversions. It also fits with the overarching objective for balanced communities as detailed in the emerging Core Strategy and the Housing and Well Being Strategy.</p> <p>The benefits of this option are highlighted in Section 1.1. Several challenges have been identified with this option including:</p> <ul style="list-style-type: none"> • May push rental prices up in some areas (particularly Oldfield Park, Westmoreland and Widcombe areas), potentially leading to inequality in where HMO residents can afford to live. • May mean students in new areas feel isolated if there is a lack of public transport. • Students living over a wider area may mean that some areas, at least initially, are not well served by public transport. This may lead to an increase in those wanting to use private modes to access University campuses. • There may be an increase in students seeking welfare advice if students have problems with money / social divide. • May lead to de-studentification, and not return to family housing as local residents might hope. This may lead to local owner-occupier residents may seeing a drop in value of their homes in areas where high concentrations of HMOs already exist. Where existing densities are really high, it may also become difficult to sell homes if they want to move. • If the Article 4 Direction leads to a perception that HMOs are not welcome in Bath, then this may lead to a shortage in affordable private rented property. This may make it harder for employers to attract lower paid employees, particularly those at the start of their careers, including new graduates. • May result in loss of trade in some areas, where HMOs are left unoccupied, or current tenants are replaced by people with a lower disposable income (e.g. migrants living in HMOs or young families).
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2. Consideration of available data, research and information		
<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> ● Demographic data and other statistics, including census findings ● Recent research findings (local and national) ● Results from consultation or engagement you have undertaken ● Service user monitoring data (including ethnicity, gender, disability, religion/belief, sexual orientation and age) ● Information from relevant groups or agencies, for example trade unions and voluntary/community organisations ● Analysis of records of enquiries about your service, or complaints or compliments about them ● Recommendations of external inspections or audit reports 		
	Key questions	Data, research and information that you can refer to
2.1	What is the equalities profile of the team delivering the service/policy?	Wide range of service deliverers including public, private and voluntary sectors and the Universities.
2.2	What equalities training have staff received?	Planning policy team have received corporate equalities training and EQIA training. A number of the service deliverers within the Council will have received corporate equalities training.
2.3	What is the equalities profile of service users?	<p>Through equalities mapping and population profile analysis (B\$+&NES Equality Profile 2009) we now know more about the wider groups of user who will benefit from any improvements.</p> <p>Data is available from the Higher Education Statistics Agency, on the gender, age and socio-economic profile of students at the Higher Education Institutions in Bath</p>

		http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=2060&Itemid=141 The B&NES Residential Review 2007 provides data across the B&NES wards on items such as population age profile, tenure profile, affordable housing profile and location of accredited properties.
2.4	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	All data is referred to above. The total number of HMO's in the City based on existing data is considered to be an underestimate of the real level of provision. Data on the profile of landlords/HMO developers is lacking. Data on the profile of other HMO residents than students is lacking.
2.5	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	As part of the feasibility study a workshop was held on Monday 24th October 2011 in the Guildhall, Bath to scope stakeholder's views on the issues. The aims of the workshop were: <ul style="list-style-type: none"> • to bring stakeholders together to share and understand different perspectives related to HMOs in Bath; • to share the data related to both need for HMOs and impacts of HMOs; and • to test potential interventions that might help to create balance and sustainable communities A wide range of stakeholders were represented at the workshop, including: <ul style="list-style-type: none"> • Ward Councillors from across Bath • Planning Officers, B&NES Council • Housing, Transport, Research, Community and Economic Development Officers, B&NES Council • University of Bath • Bath Spa University

		<ul style="list-style-type: none"> • Royal United Hospital • Bath Spa University Students" Union • University of Bath Students" Union • HMO Landlords • HMO Developers • Estate Agents • Local Residents • Avon and Somerset Police <p>The results included analysis of the benefits and challenges of implementing an Article 4 Direction. It was agreed that should an Article 4 Direction be implemented it should adopt a city wide approach and include a threshold approach.</p> <p>The results also included broad support for the introduction of additional or selective licensing. There was a feeling that in many parts of Bath there are smaller HMOs than will currently be included in the licensing scheme, so a change would deal with some of the existing issues in a way that an Article 4 Direction alone would not.</p> <p>There was support for planning policies in support of purpose-built student accommodation. It was noted that this type of accommodation may have negative impacts for neighbours, but that it would be easier for the universities to control the behaviour of their students.</p>
2.6	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	If the option is taken forward a full consultation process would be undertaken with respect to the Article 4 Direction and additional policy and separately for the licensing. The consultation would target all groups of user who would be affected by the proposals.

3. Assessment of impact: 'Equality analysis'			
	<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> Meets any particular needs of equalities groups or helps promote equality in some way. Could have a negative or adverse impact for any of the equalities groups 		
		Examples of what the service has done to promote equality	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this
3.1	<p>Gender – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)</p>	<p>The process of requiring a planning application and licensing will mean that action will have to be taken to resolve hazards and ensure higher standards (particularly for energy efficiency and security). NB these positive impacts will apply to all the groups considered below.</p> <p>The SPD will set out standards for properties that will have positive impacts for all the groups considered.</p> <p>Providing greater choice in terms of areas to live</p> <p>NB these positive impacts will apply to all the groups considered below.</p>	<p>The A4D will potentially lead to a more dispersed pattern of HMO's in the City with students in particular living in a wider range of neighbourhoods than currently experienced. The intention of the A4D and the threshold policy is to encourage and maintain balanced and mixed communities that support the needs of all groups in society.</p> <p>Potential negative impacts of a more dispersed set of students or young professionals over a larger area could lead to feelings of isolation for some groups e.g. women who are forced to live further out and may feel unsafe travelling at night.</p> <p>Note this will apply to all the groups considered below</p> <p>Action <i>Ensure the provision of good public transport and amenity in all areas where there is likely to</i></p>

			<i>be a high proportion of HMOs.</i>
3.2	Transgender – – identify the impact/potential impact of the policy on transgender people	As in 3.1 above	None identified
3.3	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	<p>As in 3.1 above; and</p> <p>The higher standards applied with the additional licensing will mean that provision with respect to disabled persons is improved.</p> <p>New purpose built accommodation will ensure that new buildings provide good facilities for disabled persons.</p>	<p>The completion of licence application forms and planning applications can be difficult for those with certain impairments. There can also be communication difficulties if legal action is taken for noncompliance with the HMO licence provisions.</p> <p>Action <i>Guidance to be offered to landlords to complete the licensing application and the planning application process.</i></p>
3.4	Age – identify the impact/potential impact of the policy on different age groups	<p>As in 3.1 above and</p> <p>Current issues associated with HMOs include isolation/ feelings of vulnerability among the elderly, the proposal should lead to more balanced communities as more students move into purpose built accommodation.</p> <p>Family housing in areas of high density of HMOs are likely to become cheaper, meaning it could become easier for new entrants to the housing market.</p> <p>More choice of high quality HMOs will make it easier to attract young</p>	<p>May push up rental prices in some areas (particularly Oldfield Park, Westmoreland and Widcombe area) that will affect those with lower incomes and students.</p> <p>Action <i>Balance this with the increased provision and marketing of purpose built accommodation</i></p> <p><i>May lead to students and young people living in peripheral areas of the City possibly leading to feelings of isolation for young people that are forced to live further out.</i></p> <p>Action <i>Ensure the provision of good public transport</i></p>

		professionals/lower paid employees to Bath.	<i>and amenity in all areas where there is likely to be a high proportion of HMOs.</i>
3.5	Race – identify the impact/potential impact on different black and minority ethnic groups	As in 3.1 above and The imposition of improved standards in licensed HMOs has a positive impact for all ethnic groups. This would particularly be the case where a property is used for asylum seekers. Any cultural issues will be considered before enforcing standards.	Wards with highest proportion of BME populations Bathwick with 16% and Abbey with 15%, also have high proportions of HMOs, so these groups may be adversely affected by the potential inflated rental prices that arise out of the proposals. Action <i>Ensure other areas where people may end up living, have good levels of public transport and amenity.</i>
		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
3.6	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	The proposals are very unlikely to create an impact on individuals because of their sexual orientation. However, should someone consider that this is in fact the case we will consider the points made.	
3.7	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	As in 3.1 above and	None identified
3.8	Socio-economically disadvantaged – identify the	As in 3.1 above	May push up rental prices in some areas (particularly Oldfield Park, Westmorel and

	impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	Family housing in areas of high density of HMOs are likely to become more affordable, meaning it could become easier for new entrants to the housing market	Widcombe area) that will affect those with lower salaries. Action <i>Ensure other areas where people may end up living, have good levels of public transport and amenity</i>
3.9	Rural communities – identify the impact / potential impact on people living in rural communities	Potentially increasing the choice in areas to live within the city, e.g. young people living at home in rural areas, may be able to move out	

4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Ensure the consultation on the draft Article 4 Direction and additional policy accompanied by appropriate guidance and that additional support is available for equalities groups.	Ensure equalities is included in the plan for the formal consultation on the Article 4 direction and SPD	Preparation of appropriate guidance in time for the consultation.	Planning Policy Team	In time for consultation
Completion of the licensing application form may be difficult for certain groups	Ensure appropriate guidance is provided	Guidance available	Housing department	In place when extended licensing requirements are activated
HMO occupants forced to live in other areas, due to rising prices in central locations.	Ensure good levels of amenity and public transport in the alternative areas where people may end up living	Review in conjunction with local transport policy and proposals. Review accessibility of wards within Bath where HMO housing are likely to grow as a proportion of housing stock. Planning policy team to monitor	Planning Policy Team	Ongoing
Licensing may push up rental prices if landlords see the opportunity to pass on costs to tenants, (will affect those with lower salaries and students).	Ensure this is balanced with the provision of purpose built accommodation	Ensure purpose built accommodation policy is implemented at the same time as the licensing requirements	Planning policy teams	At the same time that the purpose built accommodation policy is implemented
Potential feelings of isolation for students and other HMO	Information provision, e.g. on transport access, local	Included within student information and housing packs	Student Community	To coincide with students

residents who live in less accessible areas	amenities, safety measures, and support helplines		Liaison Officer	arriving at University and during housing week
Potential loss of trade in some areas that could affect BME business owners, if places are left unoccupied as students move into purpose built accommodation.	Balance this by ensuring that purpose built accommodation is only built in line with demand. University to produce demand forecasts for future demand for accommodation	Purpose built accommodation policy implemented at the same time as licensing requirements. Ongoing demand forecasting, with annual update.	Planning policy teams University	Purpose built accommodation policy implemented at the same time as licensing requirements.

5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by:

(Divisional Director or nominated senior officer)

Date:

Equality Impact Assessment / Equality Analysis

Title of service or policy	B&NES Article 4 Direction Feasibility Study. Implementation of Option 4 : Do nothing but continuation of existing initiatives including the Student Community Partnership, the Accreditation scheme, Growth in University Accommodation and use of existing policies.
Name of directorate and service	Directorate: Service Delivery Service: Planning Service
Name and role of officers completing the EIA	Planning Consultants (Arup) on behalf of Cleo Newcombe-Jones, Planning Policy Officer
Date of assessment	21 st November 2011

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	<p>This Option means that there is no action taken over and above the status quo. Existing initiatives and plans will continue. Conversion of family housing to HMO's will progress unfettered under permitted development rights. The Student Community Partnership is likely to grow its activity and support local community-student initiatives. Both Universities are likely to grow their supply of purpose-built student accommodation if there is sufficient demand and a compelling business case.</p> <p>Bath and North East Somerset Council's current accreditation scheme will need reviewing regardless of other options taken forward, as it is currently under-resourced.</p> <p>Intended outcomes:</p> <ul style="list-style-type: none"> • Strengthened Student Community Partnership; • Strengthened landlord accreditation scheme; • Students and other HMO residents continue to have freedom to live where they like <p>The strengthened landlord accreditation scheme would be run by the housing department, and the Student Community Partnership initiatives would be strengthened in partnership with the Universities.</p>
1.2	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? 	<p>Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people not from the same family living together. High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties.</p> <p>This option is one of four options being considered following a feasibility study by Arup looking at the correlation between these negative issues and high densities of HMOs in Bath.</p>

	<ul style="list-style-type: none"> • Is it a national requirement?). • How much room for review is there? 	<p>This study was prompted by a change in the law in 1st October 2010, which stated that all change of use from a C3 dwelling (a family home) to a C4 HMO is classed as permitted development and will not require planning permission.</p> <p>The study assesses the outcomes and challenges associated with this approach.</p> <p>The imposition of an HMO Article 4 Direction is at the discretion of Local Authorities. Central Government has made the necessary changes to legislation to facilitate the process. If progressed the Article 4 Direction would be placed on a 12 month notice period before a final decision is made by the Council to proceed with the A4D. Legislation allows for period review of the A4D once in place so the Council has the ability to monitor the impacts of the A4D and review its status.</p>
1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	<p>The benefits are highlighted in 1.1, and the challenges that may conflict with other policies of the Council include that:</p> <ul style="list-style-type: none"> • This Option will be seen as not responding to issues raised by the local community; • Doing nothing creates potential for worsening of quality of HMO accommodation; • Doing nothing may see the balance of communities tip in certain parts of the City • May impact on house prices, if left unchecked, making homeownership unaffordable for a growing number of people; • Residents may be increasingly exposed to low level anti-social behaviour associated with high density of HMOs; • House prices may continue to rise if left unchecked, making home ownership unaffordable for a growing number of local people; • There is potential for HMO expansion which might benefit local employers who may struggle to attract new graduates and young professionals if housing in the area is expensive; and • Seasonal business trade model may lead to under employment of some people.
2. Consideration of available data, research and information		

Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:

- **Demographic** data and other statistics, including census findings
- Recent **research** findings (local and national)
- Results from **consultation or engagement** you have undertaken
- Service user **monitoring data** (including ethnicity, gender, disability, religion/belief, sexual orientation and age)
- Information from **relevant groups** or agencies, for example trade unions and voluntary/community organisations
- Analysis of records of enquiries about your service, or **complaints** or **compliments** about them
- Recommendations of **external inspections** or audit reports

	Key questions	Data, research and information that you can refer to
2.1	What is the equalities profile of the team delivering the service/policy?	Wide range of service deliverers including public, private and voluntary sectors and the Universities which mirrors the equality profile of Bath and North East Somerset.
2.2	What equalities training have staff received?	Housing and Planning Departments have received corporate equalities training.
2.3	What is the equalities profile of service users?	<p>Through equalities mapping and population profile analysis (B&NES Equality Profile 2009) we now know more about the wider groups of user who will benefit from any improvements to services</p> <p>Students make up the largest proportion of occupants of HMO's in Bath. Data is available from the Higher Education Statistics Agency, on the age, gender and socio-economic profile of students at the Higher Education Institutions in Bath http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=2060&Itemid=141</p> <p>The B&NES Residential Review 2007 provides data across the B&NES wards on items such as population age profile, tenure profile, affordable housing profile and location of accredited properties.</p>
2.4	What other data do you have in	All data is referred to above.

	terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	The total number of HMO's in the City based on existing data is considered to be an underestimate of the real level of provision Data on the profile of landlords/HMO developers is lacking. Data on the profile of other HMO residents than students is lacking.
2.5	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	<p>As part of the feasibility study a workshop was held on Monday 24th October 2011 in the Guildhall, Bath to scope stakeholder's views on the issues. The aims of the workshop were:</p> <ul style="list-style-type: none"> • to bring stakeholders together to share and understand different perspectives related to HMOs in Bath; • to share the data related to both need for HMOs and impacts of HMOs; and • to test potential interventions that might help to create balance and sustainable communities <p>A wide range of stakeholders were represented at the workshop, including:</p> <ul style="list-style-type: none"> • Ward Councillors from across Bath • Planning Officers, B&NES Council • Housing, Transport, Research, Community and Economic Development Officers, B&NES Council • University of Bath • Bath Spa University • Royal United Hospital • Bath Spa University Students' Union • University of Bath Students' Union • HMO Landlords • HMO Developers • Estate Agents • Local Residents • Avon and Somerset Police <p>The results included support for a strengthened Student Community Partnership, including support for a campaign improving the positive image of students and benefits they bring to communities; increased student volunteering locally to where students live;</p>

		and increased publicity of the Student Action Line. There was a suggestion by one group that better/wider public transport would give more choice to students on where they live. There was also a suggestion that an Affordable Bath campaign should be considered to help attract a wider range of people, including young professionals and recent graduates to the City.	
2.6	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	No additional consultation would be planned under this option. Existing practices would need to be kept under review.	
3. Assessment of impact: 'Equality analysis'			
	Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy: <ul style="list-style-type: none">Meets any particular needs of equalities groups or helps promote equality in some way.Could have a negative or adverse impact for any of the equalities groups		
		Examples of what the service has done to promote equality	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this
3.1	Gender – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)		Potential worsening of quality of HMO accommodation. Action <i>Campaigns to encourage landlords to sign up to the accreditation scheme, encouraging students to use landlords on the accreditation scheme</i> Students may feel less welcome as

			<p>neighbourhoods are less tolerant and place the blame for problems on students.</p> <p>Action <i>Campaigns run by the Student Community Partnership to address these issues</i></p> <p>Increasingly low levels of anti-social behaviour associated with high densities of HMOs.</p> <p>Action <i>Campaigns run by the Student Community Partnership to address these issues</i></p> <p>House prices may continue to rise if left unchecked, making home ownership unaffordable for a growing number of local people. It also may mean that people are forced to live in further out areas, leading to feelings of isolation etc.</p> <p>Action <i>Growth in University Accommodation to address this</i></p> <p>Ensure all areas where there are high levels of HMOs have good access to public transport and amenity.</p> <p>These adverse impacts will apply to all groups below.</p>
3.2	Transgender – – identify the impact/potential impact of the policy on transgender people		See 3.1 above.

3.3	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)		<p>See 3.1 above, to emphasise</p> <p>Potential worsening of quality of HMO accommodation could particularly affect disabled persons.</p> <p>Action <i>Campaigns to encourage landlords to sign up to the accreditation scheme as well as encouraging students to use landlords on the accreditation scheme would mean higher standards that would benefit disabled people.</i></p> <p>Growth in University Accommodation to provide accommodation that suits the needs of disabled persons.</p>
3.4	Age – identify the impact/potential impact of the policy on different age groups		<p>See 3.1. above</p> <p>To emphasise, younger groups tend to be those on lower incomes who may be particularly affected by rising house prices associated with the demand for HMOs</p> <p>Actions <i>Address this through the growth of University accommodation to meet the demand.</i></p>
3.5	Race – identify the impact/potential impact on different black and minority ethnic groups		See 3.1. above
		Examples of what the service has done to promote equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this

3.6	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	It is considered that the do nothing option is unlikely to create an impact on individuals because of their sexual orientation.	
3.7	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.		See 3.1. above
3.8	Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances		<p>See 3.1 above, and to emphasise</p> <p>House prices may continue to rise if left unchecked, making home ownership unaffordable for a growing number of local people.</p> <p>Action <i>Growth in University Accommodation to address this</i></p> <p>Action Ensure other areas where people may end up living, have good levels of public transport and amenity.</p>
3.9	Rural communities – identify the impact / potential impact on people living in rural communities	Potentially more diverse rural communities as people from the city move out to the countryside to avoid the problems of high HMO density in the city.	<p>Potentially increasing house prices with increased demand in the countryside.</p> <p>Action <i>Balance with growth in University</i></p>

			<i>Accommodation.</i>
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4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Responsibility	By when
House prices may continue to rise if left unchecked, making home ownership unaffordable for a growing number of local people. It also may mean that people wishing to live centrally are forced to live in peripheral areas of the city, leading to feelings of isolation or disassociation from communities they have affiliation with etc.	Ensure good levels of amenity and public transport in the alternative areas where people may end up living Growth in purpose built student accommodation to address the demand for private sector HMO's	Review in conjunction with local transport policy and proposals. Review accessibility of wards within Bath where HMO residents are likely to live Demand forecasts developed for university accommodation	Planning Policy Team University.	Ongoing
Potential worsening of quality of HMO accommodation.	Develop action plan for widening the landlord accreditation scheme Campaigns to encourage landlords to sign up to landlord accreditations	Ongoing monitoring and improvement	Housing department	Ongoing

	<p>scheme</p> <p>Encourage students to go with houses that are accredited</p>			
Increasing levels of low level anti-social behaviour associated with high densities of HMOs.	Develop action plan for campaigns to address these issues	Ongoing monitoring and improvement	Student Community Liaison Officer	Ongoing campaigns throughout the year

5. Sign off and publishing

Once you have completed this form, it needs to be ‘approved’ by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council’s and/or NHS B&NES’ website. Keep a copy for your own records.

Signed off by:

(Divisional Director or nominated senior officer)

Date:

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Bath & North East Somerset

Houses of Multiple Occupation in Bath

Summary of resource implications

4.5

Issue | 13 February 2012

Job title		Houses of Multiple Occupation in Bath		Job number	
				218116-00	
Document title		Summary of resource implications		File reference	
Document ref		4.5			
Revision	Date	Filename			
Draft 1	19 Dec 2011	Description	First draft		
			Prepared by	Checked by	Approved by
		Name	Ann Cousins	Wayne Dyer	Wayne Dyer
		Signature			
Draft 2	13 Feb 2012	Filename	Resource Implications Report 13.02.docx		
		Description	Summary of final cost spreadsheet		
			Prepared by	Checked by	Approved by
		Name	Ann Cousins	Wayne Dyer	Wayne Dyer
		Signature			
Issue	13 Feb 2012	Filename	Resource Implications Report FINAL.docx		
		Description	WD review		
			Prepared by	Checked by	Approved by
		Name	Ann Cousins	Wayne Dyer	Wayne Dyer
		Signature			
Issue	14 Feb 2012	Filename			
		Description	Updated to include Graham Sabourn comments		
			Prepared by	Checked by	Approved by
		Name			
		Signature			
<div style="text-align: right;"> Issue Document Verification with Document <input checked="" type="checkbox"/> </div>					

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Appendices

Appendix A

Key Assumptions

1 Introduction

Following on from the Arup feasibility study on an article 4 direction for HMOs in Bath, this short report sets out the possible resource implications of the options identified;

- Article 4 direction (A4D);
- Enhanced policy (to support the A4D);
- Additional licensing.

The costs of the intervention options were modelled over a 5-year period against baseline scenarios in terms of HMO numbers (there is no current requirement for HMOs to be identified) and future growth in HMOs (CLG scenarios tested). Further details of full assumptions made can be found in **Appendix A**.

2 Key Findings

2.1 Overview

It is important to recognise the complexity of identifying the costs associated with any of the options. As both baseline numbers of HMOs and growth scenarios are predicted, the range of possible costs is significant and we present scenarios, rather than fixed costs.

2.2 Article 4 Direction

2.2.1 Upfront costs

This option incurs upfront costs predominantly for the planning policy team. The total cost to comply with consultation and regulatory requirements is estimated to be approx. £19,000, assuming that consultants are used. This cost could be met from existing project budgets.

2.2.2 Ongoing costs

There will be additional costs to Planning Services, which are non-recoupable, as no fee can be charged for applications triggered by the Article 4 direction.

Exact costs will depend on actual numbers of applications. Best, worst and mid-case scenarios have been tested. It is estimated that in a midrange scenario approx. 75 extra applications would be triggered each year, and this incur direct costs to Planning Services of £31,150. The worst case scenario would result in costs of approximately £102,000.

The additional costs relate to:

- Dealing with additional applications (assumptions, based on current activity, have been made about proportion going to appeal or to committee which incurs further cost);

- Increased enforcement activity; and
- Increased third party enquiries.

2.3 Enhanced Planning Policy

2.3.1 Upfront costs

To give the Article 4 Direction teeth, a threshold policy is needed against which development management can determine applications. There is also the option to include a policy on purpose-built student accommodation.

There are two routes that could be used for introducing the policies required to support the article 4 direction;

- They could be incorporated into the Placemaking Plan DPD, which has an existing budget and timetable. This would give the policies maximum weight.
- A new SPD could be created, which could be consulted on alongside the article 4 direction itself, creating some efficiency savings. Assuming consultants are used to expedite this process, it is estimated that this would result in an additional cost of approximately £11,000.

Table 1: Possible Timetable for Option 1

	Placemaking Plan DPD	SPD	Article 4 Direction
Mar 2012	Issues and alternative options consultation	Develop draft policies and evidence base	Develop draft Direction
Apr 2012			
May 2012		Consultation (6 week formal consultation period, with 6 joint events across Bath)	
Jun 2012			
Jul 2012		Respond to consultation comments	
Sep 2012		Adoption and Publication	Publication of any proposed changes
Dec 2012	Publication of proposed Submission DPD and draft SA report		
Mar 2013	Submission to Secretary of State with final SA Report		
Apr 2013			Direction comes into place
Dec 2013	Adoption and publication		

2.3.2 Ongoing costs

There are ongoing costs, estimated to be an annual cost of £750, to ensure that the baseline threshold figures are updated each year.

2.4 Additional licensing

2.4.1 Upfront costs

The non-recurring, non-recoupable set-up costs are estimated to be approximately £32,000.

2.4.2 Ongoing costs

More detailed work from the Housing team is expected on costs of administering licensing in B&NES. However, it is likely to be cost neutral on the basis that costs incurred to the Council can be recovered via the licensing fee. There may be issues around cash flow, as some costs will be incurred before they can be recovered. Any ongoing costs will depend on price set for a license and a license renewal, the detail of local policy and the level of proactive enforcement activity.

Appendix A to Houses of Multiple Occupation: Summary of resource implications

Key Assumptions

A1 Assumptions

There are a number of assumptions that have to be made in order estimate possible costs and growth rates in HMOs, these are set out below:

A1.1 Baseline

Bath & North East Somerset Council's Housing team are aware of 3,000 HMOs across Bath and North East Somerset. We estimate that this equates to 2,221 within the City of Bath. This is unlikely to be a comprehensive list. For example, Oxford City Council experienced a 270% increase in the number of HMOs that they were aware of following the introduction of additional licensing. To account for this, we propose three possible baseline scenarios:

- 2,221
- 2,998 (a 135% increases)
- 5,996 (a 270% increase)

A1.2 Growth

There are many factors which could impact on the possible future growth of HMOs in Bath, including, for example; changes to student numbers; changes to the number of recent graduates attracted to the area; rates of migration to the area etc. We have therefore identified the following possible growth scenarios:

- 1%
- 3%
- 5%

These are based on the assumptions contained within the CLG impact assessment; *Introducing a definition of houses in multiple occupation into the Use Classes Order: Impact assessment*, (2010)

These are possible scenarios and actual figures should be monitored to allow for revisions in these possible scenarios over time.

A1.3 Costs

We have not accounted for inflation; the costs shown are at current financial year (2011/12) rates.

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APPENDIX D

HMO Licensing: Private Sector Licensing

LEGISLATIVE BACKGROUND

The Housing Act 2004 increased Local Housing Authority's (LHA) abilities to regulate the private rented sector by introducing three forms of licensing, these being:

- Mandatory licensing of HMOs – applies to HMOs of 3 storeys or more, occupied by 5 or more people who are not a single household.
- Additional licensing of HMOs – allows LHA to designate all or part of their district to be subject to additional licensing for classes of HMOs specified by the LHA.
- Selective licensing – allows LHA to designate all or part of their district to be subject to the licensing of privately rented accommodation.

Operating a property covered by the designation without a license is an offence punishable by a fine up to £20,000.

HMOs are buildings or parts of buildings which are occupied by more than one household. These may be occupied as bedsits, shared houses, self-contained flats or hostels, or a combination of these. The majority of HMO accommodation is privately rented. The text box below contains a full definition of an HMO under the Housing Act 2004.

HMO Definition: Housing Act 2004

- 1) a building in which more than one household shares a basic amenity, known as "the standard test". A basic amenity includes a bathroom, toilet or cooking facilities, or
- 2) a flat in which more than one household shares a basic amenity within the flat, known as "the self-contained flat test", or
- 3) a building which has been converted and does not entirely comprise of self contained flats, known as "the converted building test", or
- 4) a building which is comprised entirely of converted self-contained flats and the standard of the conversion does not meet, at a minimum, the standard required by the 1991 Building Regulations, and less than 2/3 of the flats are owner-occupied, known as the "section 257 HMO".

Following the introduction of a General Approval Order in March 2010 an LHA can now introduce additional or selective licensing without the need for Secretary of State approval. However, introducing additional or selective licensing is not a decision to be taken lightly by the Council. The conditions that must be satisfied are contained in Part 2 of the Housing Act 2004 and are further detailed in guidance issued by the Department of Communities & Local Government (CLG) issued in December 2007 & in draft form in February 2010, (1) (2).

Table 1 provides a summary of the three forms of licensing and the conditions that must be achieved. Selective licensing, which is framed around low-demand housing, is not a realistic option for Bath & North East Somerset and so this option will not be discussed further in this briefing.

Table 1: Licensing Summary

Licensing Type	Properties Affected	Conditions to be Meet
Mandatory	HMO ⁽¹⁾ s that are: <ul style="list-style-type: none"> • 3 storeys or more; & • occupied by 5 or more people; & • form 2 or more households 	n/a
Additional HMO	HMO ⁽¹⁾ s that are: <ul style="list-style-type: none"> • In designated area; & • Fall within designated class &/or size 	<ul style="list-style-type: none"> • consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public • have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question (these codes relate to University managed accommodation) • consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question • that making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well) • consult persons likely to be affected by the designation for a period of not less than ten weeks. • designation cannot last for more than 5 years and must be reviewed
Selective	Any private rented properties that are: <ul style="list-style-type: none"> • In designated area 	<ul style="list-style-type: none"> • the area is one that is experiencing low housing demand (or is likely to become such an area) and the LHA is satisfied that making a designation will, when combined with other measures taken by the LHA, or by the LHA in conjunction with others, would contribute to an improvement in the social or economic conditions or the area • the area is experiencing a significant and persistent problem caused by anti-social behaviour and that some or all private sector landlords in the area are not taking appropriate action to combat the problem that it would be appropriate for them to take;

		<p>and the making of such a designation, when combined with other measures taken by the LHA in conjunction with other, will lead to a reduction in, or elimination of the problem.</p> <ul style="list-style-type: none"> •
		<p>CLG guidance (3) has additionally added the following for both selective & additional licensing:</p> <ul style="list-style-type: none"> • Whenever considering whether to make an additional or selective licensing designation local authorities must also ensure that the exercise of the power is consistent with their overall housing strategy • The local authority should seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and antisocial behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others • The local authority should consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of achieving with the objective or objectives that the designation would be intended to achieve, and consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well) • Other courses of action that a local authority might instead consider (as an alternative to, or in addition to, additional licensing) include voluntary measures such as landlord accreditation. • Local Authorities may also wish to consider using other tools available under the Housing Act 2004 such as Interim Management Orders for non-licensable HMOs.

The guidance makes it clear that additional licensing is not just another tool in the toolbox and that it should only be seen as an option to use when there are real problems with HMOs that have not been solved by using other available powers and a variety of approaches. This is reflected in the low numbers of additional licensing schemes that exist at present. We understand that at present there are 11 additional licensing schemes in existence. Table 2 provides some further details on these schemes including LHA & scope of scheme.

Table 2: Current Licensing Schemes

ADDITIONAL LICENSING	SELECTIVE LICENSING
Approved with CLG consent (before 1 April 2010)	
LB Hounslow	Blackburn

(5 wards; 2 storey 4+ people) LB Hillingdon (13 wards; 2 storey 5+ people) LB Ealing (designated area; 2 storey 4+ people)	Bolton Burnley Durham Gateshead Hartlepool Leeds Manchester Middlesbrough LB Newham Salford Sunderland
Approved under general consent (after 1 April 2010)	
Oxford (All district; all HMOs) LB Croydon (21 wards; all HMOS exc s257) East Riding of Yorkshire (designated area; 2 storey 4+ people) Peterborough (3 wards; 2 storey 3+ people) Cardiff (1 ward; all HMOs) Hastings (4 wards; 3+ storey) Slough (designated area; all HMOs) Newport (All district; all HMOs)	Hyndeburn Newcastle Thanet Oldham

ADDITIONAL LICENSING RATIONALE

The primary purpose of HMO licensing is to improve housing standards. It allows the LHA to ensure that conditions, amenity & fire safety standards comply with current legislative standards. As such the principle beneficiaries of licensing are tenants.

However, some LHAs use the licence as a vehicle to improve the management of the property and to respond to complaints by local residents about the appearance and behaviour of tenants. Hence licences often contain conditions relating to the number of waste receptacles required and management conditions, such as, that the landlord takes reasonable steps to minimise any nuisance, alarm or harassment by tenants etc. Interestingly Oxford even specifies that when electrical appliances are replaced only A rated units can be used, thus contributing to their corporate goals of reducing carbon emissions. Clearly, there is a balance between stretching the conditions to achieving wider corporate aims and having conditions that would withstand the rigour of a legal challenge.

EVIDENCE REQUIRED

To withstand the challenge of a judicial review the Council would need to be able to produce evidence to meet the over arching condition contained in the Housing Act 2004 which states that the LHA...

“consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public”.

Likely evidence could include:

- Housing conditions – is there evidence to suggest that housing conditions are poor, or at least worse, in the proposed designation.
- Housing Management - is there evidence to suggest that housing management is poor, or at least worse, in the proposed designation
- Other solutions – have these been tried and found unsuccessful.

An analysis of the evidence would be required to confirm that the above requirements are met. At this stage this is not clear.

SCHEME DESIGN

The designation can cover a single ward or the entire district. It can cover a specific type of HMO or all types. However, the CLG guidance,(3) states that...

“it is not the intention of the legislation that additional licensing should apply to all types of HMO across entire LHA areas. It should be used to tackle specific problems in specific areas”

Table 2 confirms that the existing schemes range from a single ward (Cardiff) to a whole City (Newport, Oxford). From 3 storey HMOs (Hastings) to all HMOs (Oxford, Cardiff, Hastings, Newport & Slough).

To assist with the impact of introducing additional licensing LHAs have generally adopted a phased approach, for example, 3 storey HMOs first, then 2 storey properties or on an phased geographical basis.

OPERATIONAL IMPACTS

The following table provides our baseline knowledge on HMOs within the City wards, based upon voluntary property accreditations and tenant complaint data. However, the experience in Oxford was that their data underestimated the number of HMOs in existence by a factor of at least 250%.

Ward	HMOs subject to Mandatory licencing	Potential HMOs subject to Additional licensing	HMOs in Flats (\$257) (% could be subject to Additional licensing)
Kingsmead	37	180	332
Abbey	19	86	419

Widcombe	58	263	149
Westmoreland	68	356	16
Walcot	12	113	220
Oldfield	53	287	25
Lansdown	8	41	171
Newbridge	23	93	82
Lyncombe	14	71	72
Whole district	380	1400	1600

Introducing additional licensing for all HMOs across the three south Bath wards of Oldfield, Westmoreland & Widcombe would bring at least an additional 1,000 HMOs into licensing, significantly more if the Oxford experience is replicated.

From experience, and looking at Oxford's experience, the maximum expected number of completed HMO inspections is 100 per officer per year. This is an ambitious figure, particularly given that the Audit Commission state that an officer could reasonably be expected to improve 30 HMOs per year. In addition licensing is administratively complex, with most forms currently being completed incorrectly or the incorrect fee paid. Fit & proper person checks also add to the complexity.

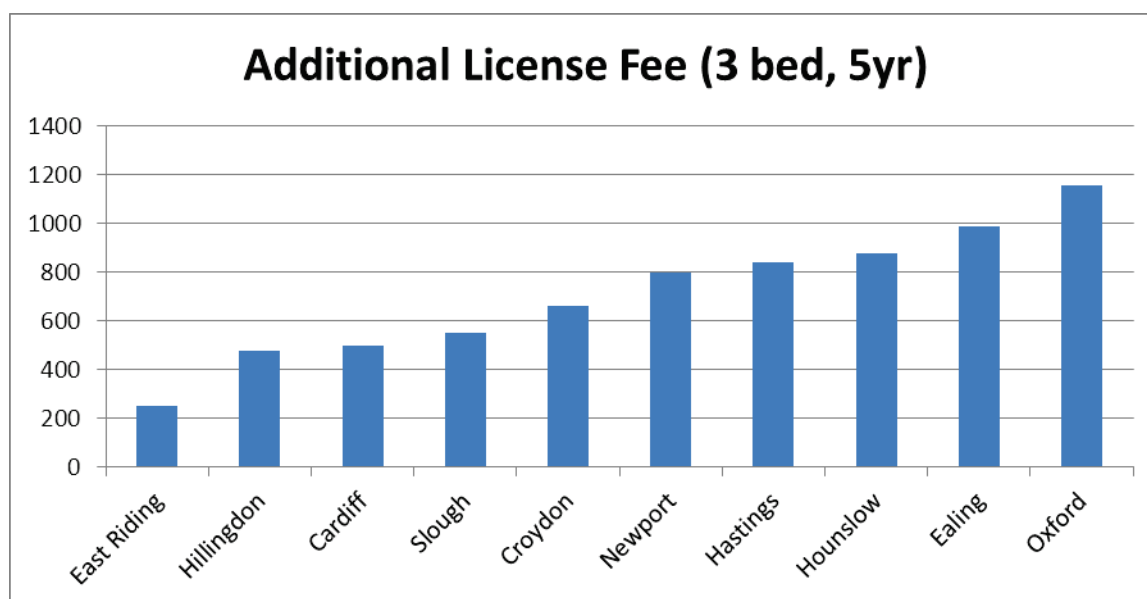
As such for every 1,000 HMOs brought into licensing with all being subject to inspection and assuming 10% are re-inspected each year as an audit measure it is estimated that an additional 4 staff will be required. In addition we would need to look at how the process can be re-engineered to be more effective, possibly through e-work flows as adopted with our housing allocations system. This work, establishing the evidence base, consultation, introducing & publishing the designations, appointment of additional staff will all be upfront costs.

Given the significant overlaps between voluntary accreditation & licensing it would seem sensible to withdraw the voluntary accreditation scheme if licensing is progressed. The resources released would then be available to cover the additional work of licensing not covered by the fee, for example, increased enforcement activity or if stopped with immediate effect could be used to fund the upfront cost detailed above. However, this is clearly a risk should licensing not be adopted in the future.

FEE STRUCTURE

Fees can be levied to cover the administration costs of licensing including publicity, back-office functions & inspections. There is inevitably some debate as to where the role of licensing administration ends and the LHA's statutory responsibility for enforcement action begins. Our current mandatory license fees start at £750 for a 5 year licence. This is based upon full cost recovery and limited enforcement activity. Table 3 below shows we understand other LHA fees are for Additional licensing.

Table 3: Additional Licensing Fees



In addition it is worth remembering that whilst the scheme should be cost neutral there are some significant financial risks associated with: calculating the fee, particularly given the lack of certainty around HMO numbers; the potential to generate non-chargeable work, that is, additional enforcement activity and the initial scheme investigation/evidence costs.

POTENTIAL BENEFITS & RISKS

	Positive Impacts	Challenges
Council	<ul style="list-style-type: none"> • Council is seen to be responsive to local needs • Potential for more balanced communities, assuming scheme creates downward pressure on HMOs & overspill into other wards • Better information on HMOs • Named contact for HMO should mean more effective engagement when issues arise • 	<ul style="list-style-type: none"> • May not deliver political objectives e.g. in practice may not significantly reduce the local impact of HMOs • Financial risks. Potential to miscalculate fee, increase in unfunded work e.g. enforcement activity; research & other set up work; legal challenges • Potential to reduce housing capacity if properties turned into family homes • End to the established voluntary accreditation scheme • The two main landlord associations appear to be opposed to discretionary licensing and have assisted with local challenges & threatened judicial reviews
Tenants	<ul style="list-style-type: none"> • Improved housing conditions • Better engagement with landlord 	<ul style="list-style-type: none"> • Cost of licence likely to be passed onto tenant – circa. 1% increase in rent on 3 bed, 4 person student house
Local Residents	<ul style="list-style-type: none"> • Potential for reducing the negative impact of HMOs, particularly around external conditions & waste disposal • Potential for more balanced communities 	<ul style="list-style-type: none"> • Reduction in value of homes & at least initially potentially harder to sell.

	•	
Landlords	<ul style="list-style-type: none"> • Produces “level playing field” for landlords in designation by tackling less scrupulous landlords • Allows landlords to use the Council as an “excuse” for tackling tenant issues. • Provides support for those landlords that require guidance & assistance 	<ul style="list-style-type: none"> • Increased costs/red tape associated with licencing • Council seen to be “at war” with landlords • Council seen as punishing good landlords because of the behaviour of a small number of bad landlords, thus risking the good will established through the voluntary accreditation scheme.

EXAMPLE DELIVERY PROGRAMME

The general consent order requires the LHA to undertake at least 10 weeks of consultation. In addition the scheme cannot become effective for at least 3 months following designation.

Ref	Milestone	Date for completion
1	Cabinet Report – establish evidence gap, upfront financial commitments & decision to proceed	March 12
2	Evidence Gathering	June 12
3	Initial scheme design	June 12
4	Commission consultation	July 12
5	Final scheme design	November 12
6	Cabinet Report – designation decision	November 12
7	Legal notification & promotion of scheme	December 12
8	Appointment of scheme staff	February 13
9	Commence scheme – phase 1	April 13
10	Commence scheme – subsequent phases	6-12 months later

References

- 1. **CLG**. *Approval steps for additional and selective licensing in England*. 2007.
- 2. —. *A guide to the licensing & management provisions of the Housing Act 2004 (Draft)*. 2010.
- 3. **ARUP**. *Article 4 Direction for HMOs in Bath: Feasibility Study*. 2010.
- 4. **LACORS**. *Additional & Selective Licensing: A Guide for Practitioners*. 2011.

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 th March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2323
TITLE:	My Neighbourhood: A Neighbourhood Planning Protocol for Bath & North East Somerset	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1: My Neighbourhood: A Neighbourhood Planning Protocol for B&NES (Consultation Draft, March 2012)		

1 THE ISSUE

- 1.1 The Localism Act was enacted in November 2011 and enables community-led planning in the form of Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build. It also introduces new planning duties on Bath & North East Somerset to support this new tier of Neighbourhood Planning which comes into effect in April 2012. In order to respond to this new agenda, a protocol entitled *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* has been prepared for public consultation. This has been informed by community engagement and the draft Neighbourhood Planning regulations. The final regulations are due to be published in April 2012 when this part of the Act comes into force. The B&NES protocol will be amended to take account of the final regulations and the results of the public consultation.
- 1.2 This document will supersede the current Statement of Community Involvement (SCI) for Planning, adopted in 2007. As such also includes information on the ways in which the community can get involved in the planning processes. The final version of the NPP will also need to incorporate the West of England Planning Toolkit (see elsewhere on this agenda).

2 RECOMMENDATION

2.1 The Cabinet agrees that:

- (i) The *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* (**Appendix 1**) is agreed for public consultation;
- (ii) Responsibility is delegated to the Divisional Director of Planning & Transport, in conjunction with the Cabinet Member for Planning and

Housing, to make graphic and minor textual amendments prior to publication of the NPP for public consultation, and

- (iii) The protocol for neighbourhood planning is kept under review so that opportunities to link this process with other community engagement are fully considered.

3 FINANCIAL IMPLICATIONS

- 3.1 The preparation of the *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* document is being met within the LDF budget.
- 3.2 Financial implications arising to the Council from the new duties introduced in the Localism Act will depend on community take-up of Neighbourhood Planning. The costs to the Council per Plan have been approximated in **Table 1** below. Officer time to support Neighbourhood Planning will be required from both Planning Services and other service areas (see Table 1 below).
- 3.3 The costs for 2012/3 will be met from existing Service budgets. In the case of examinations (if any are requested in 2012/13) this will be met from the Local Development Framework Budget. The costs for referenda will be met from the Democratic Services budget. The Council will only be able to support a limited number of requests for assistance with Neighbourhood Plans during 2012/13.
- 3.4 Beyond 2012/3, the Council will decide what budgetary provision it wishes to make to support Neighbourhood Planning.

Table 1: Summary of Costs to the Council for a typical Neighbourhood Plan (including a Neighbourhood Development Order)

Duty	Direct cost to Council per Plan	Likely B&NES Officer time per Proposal	Funding source
Designation of Neighbourhood Forums (Bath only)	-	5-10 days	Staff time*
Council Support for preparation of Neighbourhood Plans	-	15-20 days	Staff time*
Validation of Neighbourhood Plans	-	2 days	Staff time*
Examination of Neighbourhood Plans by an Independent Inspector	£5,000	7 days	LDF Budget
Referenda	£7,000	5 days	Electoral Services
Adoption of Neighbourhood Plans	-	5 days	Staff time*

* Staff primarily planning services but also other service areas as relevant to the issues in the Neighbourhood Plan e.g. Policy & Partnerships, Democratic Services, Development & Regeneration, Transport etc. CLG (2011) cost estimates from the Localism Bill: Neighbourhood Plans and Community Right to Build Impact Assessment have been used to estimate costs.

Table 2: Summary of Costs to the Council of a typical Right to Build Scheme

Support in scheme development	£5,000	5 days	Existing staff time*
Referenda	£7,000	5 days	Electoral Services

- 3.5 The majority of the costs of preparing Neighbourhood Plans will need to be borne by local communities wishing to take advantage of these new opportunities. Some Government funding is likely to be able to be bid for by Parish/Town Councils or Neighbourhood Forums in the form of grants or in-kind support.

4 CORPORATE PRIORITIES

- 4.1 The Localism agenda in Planning links well to all three of the Council's new corporate priorities.

** Promoting independence and positive lives for everyone*

** Creating neighbourhoods where people are proud to live*

** Building a stronger economy*

- 4.2 Neighbourhood Planning has been designed to be pro-development and therefore should have a positive economic outcome, while it also seeks to encourage community and neighbourhood action.
- 4.3 There may be opportunities to link neighbourhood planning with other forms of local community engagement, including through other initiatives arising from the Localism Act. These opportunities are presently being explored as there is presently a relatively complex pattern of community engagement potentially made more complex by the Localism Act.

5 THE REPORT

Legislative Background

- 5.1 The Localism Act seeks the transfer of power from Central Government to Local Authorities and local communities. It has implications for Service Delivery and Council functions and particularly for Planning Services. It introduces three neighbourhood level planning powers, which will come into force in April 2012 (see **table 3**).
- 5.2 These new tools are permissive, pro-development tools so they allow communities to shape and influence development locally or encourage more development of a certain type or kind. The proposals must be in general conformity with national policy and the Development Plan (i.e. the B&NES Local Plan/Core Strategy).

Table 3: The three neighbourhood planning powers introduced by the Localism Act

Item	Definition
Neighbourhood Plan	Communities are able to establish general planning policies for the development and use of land in a neighbourhood through a Neighbourhood Plan. They could influence where additional new homes and offices should be built and what they should look like. It can be detailed, or general, depending on what local people want. They must be less restrictive than the local authority policies and should be pro-development.
Neighbourhood Development Orders (NDO)	The community can extend permitted development rights in their area for development they want to see go ahead. Examples might include extensions to community buildings, affordable housing or local scale renewable energy installations. All other consent regimes will still apply e.g. Building Regulations or Listed Building consent.
Community Right to Build	Is a type of NDO for a particular scheme. It will be for community and voluntary groups only (as defined in the regulations) to identify suitable land, sources of finance and secure support for their proposals. It requires agreement through a 'community referendum', and must. Such schemes will not need to go through the normal planning application process.

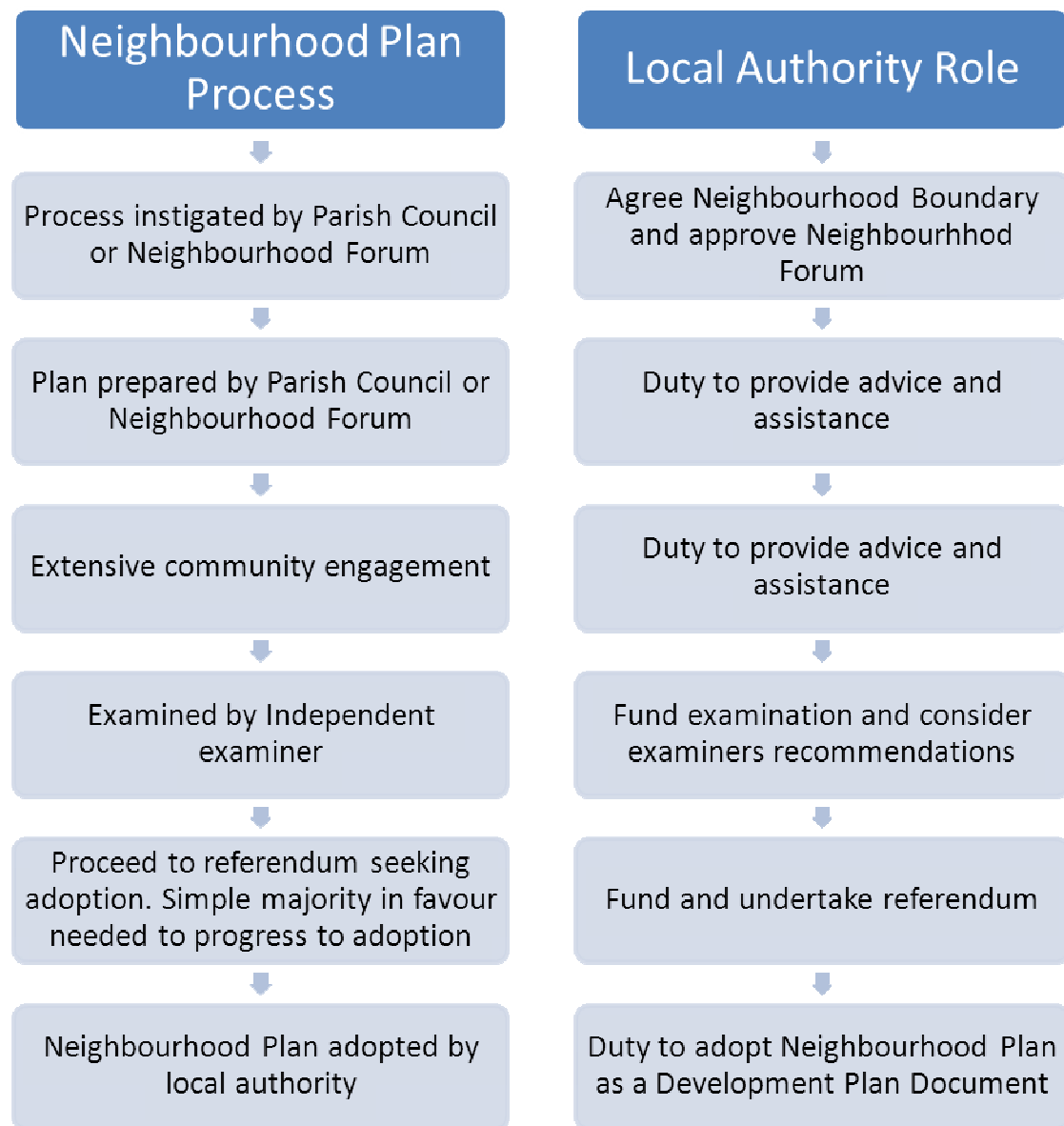
Neighbourhood Plans

5.3 The Neighbourhood Plan process is summarised in **Diagram 1** below. A Neighbourhood Development Order would need to follow a very similar process and is likely to be generated through a Neighbourhood Plan process. There are some elements of this process where there is local discretion so the *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* document will outline the Council's role in these cases and give an overview of the process.

Neighbourhood Forum Approval

5.4 Only a Parish/Town Council or a properly constituted Neighbourhood Forum, designated by the Local Planning Authority, has the power to prepare Neighbourhood Plans or Neighbourhood Development Orders for a specified area. The Council could pre-designate these Forums, however, this could be complex and does not respond to the way in which local communities define themselves. They should however, link into any future proposals for Neighbourhood structures that the Council is considering in future.

Diagram 1: Neighbourhood Plan process



5.5 While both the Localism Act and the accompanying draft Regulations set out basic criteria, the Council has the opportunity to set up a more detailed local process. Neighbourhood Forum can either be community or business led. The basic criteria in the Act are as follows:

- consist of at least 21 people who live or work in the area,
- include an elected member,
- have a written constitution,
- not overlap geographically, and
- must be set up for the express purpose of promoting and improving the social, economic and environmental well-being of the neighbourhood area.

- 5.6 More detailed eligibility criteria are set out in the *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* document, including criteria against which an application will be considered and the outline of a code of practice. Decisions on Neighbourhood Forum Designation in Bath will then need to be made at by Council based on the national and local criteria.
- 5.7 It is estimated that for each Neighbourhood Forum application officer time of approx. 5-10 days will be required from Planning Services and Policy, Development & Major Projects and Policy Partnerships teams).
- 5.8 It should be noted that CIL regulations allow for devolution of funds to Parish and Town Councils but not Neighbourhood Forums.

Duty to Provide Support for Neighbourhood Planning

- 5.9 The Council has a duty under the Act to support Neighbourhood Planning. Specifically the cost of referenda and examinations are to be met by the local authority and the approval of Neighbourhood Forums is also a requirement. In addition to this, the Local Planning Authority can clarify what support it can offer to the community. Discussions with community focus groups suggest that there is likely to be a peak in the need for this support 2012-2014. If demand outweighs resources, this will effectively operate as a break on community aspirations.
- 5.10 Services within the Council will work together to identify which local initiatives require a full Neighbourhood Plan-based approach and which can be addressed in other ways, eg through traditional “community plans”. The “Community Planning Toolkit” will be reviewed to reflect the Localism Act and re-issued in order to explain the options available to local communities in addressing their local priorities later in 2012.
- 5.11 There is also scope to encourage local communities to work with the Council on the Placemaking Plan or in other existing projects or initiatives as many of their aspirations can be more easily and quickly achieved in this way. The involvement of the community in formulating detailed site allocations, development management policies and local designations will be critical to the success of the Placemaking Plan in making better places that reflect the aspirations of local residents.
- 5.12 Staff time to support preparation of Neighbourhood Plans will need to be funded by re-prioritisation of the preparation of other policy documents. Officer Time is likely to be 10-20 days per Neighbourhood Plan. The NPP does not propose dedicated planning policy officer for Neighbourhood Plans as it is difficult to predict the likely requests for support.
- 5.13 Specific support is also required in relation to:

Validation of Neighbourhood Plans	This entails checking for policy conformity and checking against EU and other regulations. This will need to be undertaken by Planning Services and is estimated to be 2 days per request.
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Examinations of Neighbour-hood Plans	<p>The Council's responsibility will be to organise and fund the 'light touch' examinations required for Neighbourhood Plans.</p> <p>CLG estimates that examination minimum costs per plan will be around £5,000 with no extra central funding currently allocated. Officer Time is likely to be 7 days per examination. There is scope to encourage local communities to establish their own arrangements to undertake this function or agree procedures across the West of England.</p>
Referenda	<p>Once a Plan is approved by the Council, a local, public referendum must be held, covering (as a minimum) the neighbourhood area.</p> <p>The referendum must be organised and funded by the Local Authority. This will be undertaken by Electoral Services.</p> <p>CLG estimates that the minimum examination costs per plan will be around £7,000 with no extra central funding allocated. This is in addition to staff time to arrange the referenda of around 5 days per referendum</p>
Adoption	<p>It is proposed that the Neighbourhood Plan could be adopted by the Cabinet or Council. The Local Authority will then be required to make planning decisions in accordance with the Neighbourhood Plan.</p> <p>Planning Officer time in report writing and Democratic Services officer time in including Neighbourhood Plans etc in democratic process. Staff time around 5 days.</p>

Community Right to Build

- 5.14 There is little local discretion about how proposals coming forward under the community right to build will be dealt with. Proposals for the Community Right to Build can be lodged by community groups other than the Parish/Town Council or Neighbourhood Forum. However, they will need to be from a community group such as a community interest company or community land trust etc. (further details in government regulations) and will need to be developments that would not trigger EIA requirements. However, the Council will have a role in potentially supporting scheme development and in funding and holding the local referendum.

Statement of Community Involvement Refresh

- 5.15 Also contained in the *My Neighbourhood* document is a review of the existing processes in the Statement of Community Involvement. This review process has been light touch and has focused on local changes to process since 2007 and national policy changes. Key additions are as follows:

- (i) Chapter 2 "Have your say on planning applications": This includes a new section on pre-application to reflect the new requirements in the

Localism Act for very large developments to undertake community consultation. It also includes new detail on expectations for developers of “large and sensitive” sites to undertake consultation at Masterplan or Design stage and formally introduces the expectation that they will enter into a Planning Performance Agreement with the Council which will include details of community engagement. This has been added to link into the work on the MOD sites in Bath and the concept statements that are under development.

- (ii) New Chapter 5 on “How to Protect your Trees”: This gives information on tree preservation orders and how applications are considered and advertised. This is provided after requests from the general public.
- (iii) New chapter 6 on “Other tips and tools for communities”: This outlines other useful web resources or tools that can be used. This has been added after feedback from focus groups.
- (iv) The final version of the NPP will also need to incorporate the West of England Planning Toolkit (see elsewhere on this agenda).

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 There is a risk that neighbourhood planning will not join up with other forms of community engagement especially in unparished areas. To help avoid this the neighbourhood planning protocol/SCI will be kept under review to see what links should be made to existing, or new, community partnership meetings and other forms of engagement. The important role that parishes play is recognised.

7 EQUALITIES

- 7.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to Neighbourhood Planning (2011). This has been used to inform the Equalities Impact Assessment of this policy approach.
- 7.2 Key issues raised in the Equalities Impact Assessment:
 - The need to engage equalities groups in the consultation on the draft Neighbourhood Planning Protocol
 - This document will help identify target equality groups that extra effort is needed to engage in planning processes

8 RATIONALE

- 8.1 The Council needs to be ready to implement the new duties on enactment of the Localism Bill.

9 OTHER OPTIONS CONSIDERED

- 9.1 The Council is not obliged to prepare a NPP and instead can respond to request on an ad hoc, piecemeal basis. This option has been rejected because this would lead to considerable confusion and lack of clarity for local communities and lack of co-ordination within the Council.
- 9.2 The Council could pursue a more pro-active approach to designating forums in Bath such as using Wards, PACT areas, post code sectors or follow the Bristol Neighbourhood Partnership approach. This would be more time-consuming, costly and may pre-empt local aspirations contrary to the spirit of the Localism Act.

10 CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Overview & Scrutiny Panel; Staff; Other B&NES Services; Local Residents; Community Interest Groups; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 10.2 Significant informal engagement has been undertaken with Parish & Town Councils and local groups in Bath to assist in identifying appropriate options and their implications. This has included series of three focus groups and a number of briefing sessions. The NPP will be subject to a public consultation, the results of which will be reported to cabinet before the NPP is finalised and adopted.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 *Social Inclusion; Customer Focus; Sustainability; Other Legal Considerations*

12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>David Trigwell Divisional Director - Planning and Transport, Planning and Transport Development</i> <i>Simon de Beer – Planning Policy & Environment Manager</i>
Sponsoring Cabinet Member	<i>Councillor Tim Ball</i>
Background papers	<i>Localism Act 2011 http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</i> <i>Consultation Draft Neighbourhood Planning Regulations (2011)</i> <i>http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985878.pdf</i>

	<p>CLG (2011) Localism Bill: neighbourhood plans and community right to build Impact assessment http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans</p> <p>CLG (2011) Localism Bill: Neighbourhood plans - Equality Impact Assessment http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans</p>
<p>Please contact the report author if you need to access this report in an alternative format</p>	

“MY NEIGHBOURHOOD”

A NEIGHBOURHOOD PLANNING PROTOCOL FOR BATH & NORTH EAST SOMERSET

DRAFT March 2012

*This is the text format only – design version will be printed following
Cabinet in order to reflect any changes that may be required before
public consultation*

Chapter 1 Introduction

Bath & North East Somerset Council want to ensure that all people who live or work in the area or who have an interest in our area the opportunity to be involved in the planning process if they want to. We want to encourage more people to be involved and to make this involvement as easy as possible.

It is important that we involve the wider community at an early stage in the decision-making processes, when it is possible to make a difference. There are a range of tried and tested ways in which you can get involved in planning issues.

With the introduction of the Localism Act and the new Neighbourhood Planning duties a new tier of planning has been introduced which will empower communities more than ever before to shape the future of development in their neighbourhoods.

This *My Neighbourhood* Guide is a Neighbourhood Planning Protocol for Bath & North East Somerset outlines all of the ways and details the processes so that it is clear how you can get involved in planning issues in your neighbourhood. This includes:

- How to have your say on planning applications
- How to get involved with local planning policy development
- How to do your own Neighbourhood Planning
- How to your protect trees
- Other tips and tools for communities

It will eventually replace the Council's Statement of Community Involvement in Planning (2007) and is being published for a six-week period of public consultation before being adopted later in 2012.

DIAGRAM/BOX

This neighbourhood Planning Protocol supports the Councils 2012 vision and values:

- Promoting independence and positive lives for everyone
- Creating neighbourhoods where people are proud to live
- Building a stronger economy

SOUNDBITES;

Localism in planning will create the freedom and the incentives for those places that want to grow to do so – Greg Clark Minister for Planning

Participative planning with local communities can help deliver better quality design and better places - Design Council

Grassroots democracy is key to changing lives and improving neighbourhoods -
National Association of Local Councils

Local people should be at the heart of changes to their neighbourhoods - The Glasshouse

Chapter 2 Have your say on planning applications

NB: This section will need to be reviewed before final publication to reflect the West of England Partnerships' Planning Toolkit (March 2012) for dealing with Major Planning applications in full.

Introduction

Key fact in bubble: The process of deciding planning applications is called Development Management.

The Development Management department deal with all planning applications in Bath & North East Somerset. There are currently three teams in this department: two teams dealing with all types of planning applications and one team dealing with listed buildings and conservation area applications.

All planning applications must be decided in accordance with Bath & North East Somerset's Local Development Framework (LDF), National policy and adopted Neighbourhood Plans. It is possible for anyone to comment on a planning application.

The majority of planning applications considered by the Council are small scale e.g. householder applications or applications for development which will affect a relatively small area. **Figure 6** is a summary diagram outlining the process of determining a planning application. The Council aims to determine planning applications within 8 weeks of validation.

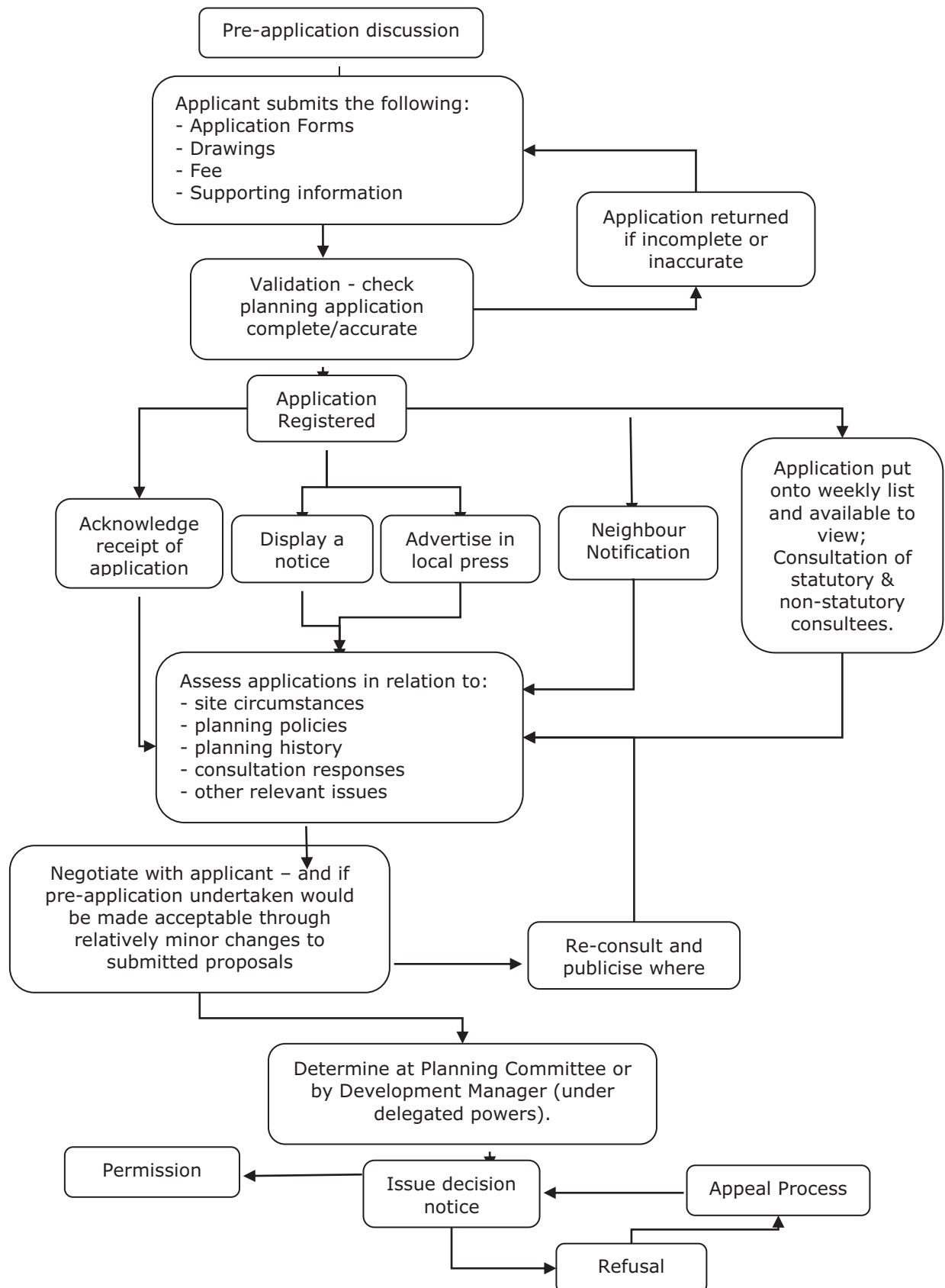
Planning applications for major development in Bath & North East Somerset require wider community consultation and a greater degree of community involvement. For major development it is advisable for community involvement to be initiated at the pre-application stage.

What is a Major Development?

- Housing developments of more than 10 dwellings
- Housing development on a site of 0.5 hectares or more
- Any other development with a floor area of 1000m²
- Any other development on a site of 1 hectare or more
- Waste development or mineral working

The process for applying for planning permission for major development is more complex and the applicant is required to submit more documentary evidence (e.g. an environmental statement, transport study, design & access statement etc). Planning obligations (section 106 agreements) are also likely to be negotiated with applicants for this scale of development. The Council aims to determine major applications within 13 weeks of validation.

Figure 6: Summary diagram to show how a planning application is decided



For some development areas the Council will produce Supplementary Planning Documents (e.g. Bath Western Riverside SPD), which outline the development requirements of the site in more detail. SPDs require community involvement as outlined earlier in the SCI.

The opportunities for community involvement at each stage in the Development Management process will be outlined in this section of the SCI. The key stages are:

- Pre-application;
- Submission of an application;
- Considering an application;
- Determination of an application;
- Post-determination;
- Enforcement Action.

Pre-application

Large or Sensitive Sites

It is widely recognised that investing time with the local community and the Council to exchange information and solve problems when a development proposal is capable of adaptation, prior to the submission of a planning application is at the heart of a positive and proactive planning system. It reduces the risk of wasted time and cost and enhances quality, clarity and certainty for both applicant and the community.

An appropriate and well executed early engagement process that demonstrates how engagement has helped understand and address the aspirations and concerns of communities and key stakeholders should help to ensure greater buy-in to development proposals, and a smooth the more formal planning application process.

The Localism Act now places a national expectation that meaningful pre-application engagement with communities is undertaken on development schemes of above 200 homes and 10,000sqm of floorspace.

Bath and North East Somerset contains some of the nation's outstanding and valued environments. It is home to engaged people with a passion for their communities. Experience has shown development proposals are likely to generate significant community and stakeholder interest.

Bath and North East Somerset Council supports a collaborative process of scheme development. It advocates the use of Masterplans and Design Codes, and other planning tools as appropriate. To assist applicants engage effectively in pre-application engagement with communities and the Council, it encourages applicants to use its discretionary pre-application services including The Development Team and access to the Urban Regeneration Panel and other groups such as the South West Design Review Panel

Developers of large or sensitive sites are also encouraged to enter into a Planning Performance Agreement (PPA) with the Local Planning Authority that sets out an agreed process as well as the key stages that work towards the submission of planning application(s). This will include agreeing on the approach to community engagement.

Early discussion with the Planning Service can help plot the best route for your application.

Info Box:

Planning Performance Agreements: These are normally signed up to by a local authority and a developer to guide all aspects of project development, including community engagement. The Agreement outlines clear procedures and responsibilities for all parties and includes an agreed timetable.

Pre-application Advice

It is recognised that it is beneficial to all parties if applications are discussed prior to the submission of a formal application. The Council offers a pre-application service for all those wishing to make a planning application. All meetings and correspondence prior to the registering of an application will be treated as confidential, although it should be noted that the Council cannot guarantee that it will not have to release information if a Freedom of Information Request is received.

The Pre-application Service is available to customers at a charge, which assist the department in covering the costs of the service. All pre-application requests must be submitted in writing. Details of the Pre-application Service and its related fees can be found on the Council's website. Those who wish further guidance on the pre-application should contact Council Connect in the first instance.

Pre-application dialogue in relation to proposals for major development is also undertaken by the Council. A productive dialogue at this stage can resolve issues and help ensure that the application submitted is well presented and includes the appropriate information to enable the proposal to be assessed and understood by the Local Authority, consultees and stakeholders. This dialogue should take place through the Council's multi-disciplinary development team approach. More detail about this service can be found on the Council's website and in the leaflet entitled *Planning Delivery Agreements for Major Development Proposals* (available on request from Council Connect).

Pre-application consultation

The Council actively encourages applicants to engage the community in pre-application consultation. Advice on appropriate methods for community involvement will also be suggested. Pre-application consultation should allow those affected or concerned by a proposal to discuss their concerns before any

key decisions have been made. It should also help resolve or identify areas of concern earlier in the process and avoid unnecessary objections at a later stage.

To ensure that a developer undertakes pre-application community involvement that is suitable for the size and type of development proposed, guidelines for the level of community involvement that will be encouraged have been produced. **Figure 7** illustrates the types of community involvement which will be encouraged by the Council for significant developments of varying scales and sizes. Examples of applications which could fall into each level are summarised in **Figure 8**.

When undertaking consultation applicants should ensure that involvement is inclusive and that efforts are made to include all sections of the community.

Details of any pre-application public consultation undertaken by developers should be outlined alongside the planning application in the form of a consultation statement. The pre-application consultation will be organised, managed and funded by the potential developer.

It must be noted that the Council cannot refuse planning permission because pre-application consultation has not taken place. However, failure to carry out suitable consultation activities could result in objections being made which lead to the refusal of the planning application.

Figure 7: Community involvement in planning application			
Approach	Level 1 Applications where there are issues of scale and controversy or which are contrary to local development framework policy	Level 2 Applications broadly in accordance with the local development framework but raising a controversial issue or detail.	Level 3 Applications of a scale or on a site for which authorities require wider community involvement. Also, applications that fall within sites that are 'sensitive' to development pressures.
Public Meetings	✓		
Public Exhibition	✓	✓	
Surgeries	✓	✓	
Development briefs	✓		
Workshops	✓		
Workshops and other interactive events	✓	✓	
Citizen Panel	✓	✓	✓
Consultation Panel	✓		
Town/parish councils	✓	✓	✓
Media	✓		

Website	✓	✓	✓
Planning Aid	✓	✓	✓
Local Architectural or design panel	✓	✓	
Letter/Leaflet	✓	✓	✓

This figure is adapted from *Creating Local Development Frameworks: The Companion Guide to PPS12* (ODPM, 2004: page 84).

Figure 8: Definitions of different levels of Major Planning Application
<p>Level 1: This could include major infrastructure projects and developments which depart from the development plan and are referred to the Secretary of State.</p>
<p>Level 2: This could include:</p> <ul style="list-style-type: none"> • Schedule 2 developments as defined by Environmental Impact Assessment Regulations as requiring an EIA. • Development proposals which fall within the Town & Country Planning (Residential Development on Greenfield Land) (England) Direction 2000 i.e. applications that relate to 5 hectares or more of Greenfield land, or comprise of 150 dwellings or more regardless of the size of the site, and which the council resolve to approve. • Development proposed on playing fields as set out in the Town & Country Planning (Playing Fields) (England) Direction 1998. This applies to any playing fields owned by the Council or used by an educational institution. • Applications which require a Full Transport Assessment (to reflect the scale of development and the extent of the transport implications of the proposal).
<p>Level 3: Applications of local significance that the Council considers to require wider community involvement will be determined on a site by site basis and include those which:</p> <ul style="list-style-type: none"> • Fall marginally below the thresholds for Tier 2 and 3; • Involve the provision of affordable housing; and • Involve the requirement to contribute towards school places. <p>Applications that are 'sensitive' to development pressures may include:</p> <ul style="list-style-type: none"> • Development adjoining a listed building; • Substantial demolition of in a Conservation Area; • Loss of allotment land; • Loss of employment land for housing.

This figure is adapted from the guidelines in *Statements of Community Involvement in Planning Applications* (DCLG, 2004: pages 33-37)

Submission of application

After a planning application has been submitted and validated, details of the application are publicly available and details of the application are publicised. Planning applications are available to view on the Council's website 2-3 days after validation. The Council's website can also be accessed at Council Connect offices. Council Connect Officers are available to assist those wishing to use this service. For large scale major applications a hard copy summary document may also be requested at Council Connect offices.

Where there are significant changes to any planning application, which are material (relevant) in planning terms, we will re-notify relevant neighbours, Parish and Town Councils, consultees and those who have commented on the application, allowing a further 14 days for comments.

The methods used to publicise planning applications are outlined in **Figure 9**.

Method	Description of how this will be used
Weekly list of applications	<p>A list of planning applications validated by the Council for a specified date range can be produced using the Council's website.</p> <p>We send all Councillors, Parish and Town Councils a list of new applications validated on a weekly basis and inform them of all items to be considered by committee.</p>
Council website	All applications are available to view on the Council's website. There are a number of ways to search for applications including a map search facility. Applications of special interest are also highlighted on the "Specials Interests" page during their consultation period.
Neighbour notification letter	Adjoining owners or occupiers will continue to be notified by letter for all planning applications.
Display a site notice	<p>A site notice on a laminated A4 sheet, which briefly outlines the planning application, is displayed in a prominent place on or near the site. Site notices are used when a planning application:</p> <ul style="list-style-type: none"> • relates to Listed Building consent; • affects the setting of a Listed Building; • affects a Conservation Area; • relates to a Conservation Area consent; • where the proposed development is a departure from the Development Plan (i.e. it is not in agreement with Local Development Framework); • is subject to an Environmental Impact Assessment; • affects a public right of way; • where the development constitutes a major development as defined by the GPDO. <p>The use of site notices is in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010</p>
Consult statutory organisations	In accordance with the nature of the proposed development the Council must consult statutory consultees. Statutory consultees are listed in Appendix C .
Consult Town or Parish Councils	Town and Parish Council's will be consulted on all planning applications made within their administrative boundary (copies of these applications will be provided). Town and Parish Councils that will be consulted are

	listed in Appendix C . Members of the community may be able to view planning applications at Parish and Town Council offices by prior appointment. Consultation with adjoining Parish and Town Councils is also encouraged where the proposal is considered to be significant.
Consult other consultees	Special interest groups or community groups will be encouraged to be consulted where there are planning applications of particular interest, at the discretion of the Case Officer. Specialist teams within the Council will also be consulted on Planning Applications e.g. Historic Environment, Trees & Woodland who will in turn consult other consultees as appropriate.
Local Advertisement	Applications are advertised in the local press as required by the Town and Country Planning (Development Management Procedure) Order 2010.
Contact Council Connect	Members of the public can contact Council Connect with general enquiries about current planning applications. Contact details can be found at the back of this SCI.

Considering an application

Planning applications are considered and determined either by a Committee (made up of elected Councillors) or under delegated powers by nominated officers. The Council's delegation scheme explains how it is decided whether a planning application will be determined at Committee or under delegated powers.

Approximately 5% of all planning applications are determined by Committee. There is a dedicated **Development Control Committee** which meets monthly.

Development Control committee meetings are open to the public. All committee papers and minutes of committee meetings are available on the Council website 5 days before the meeting or on request 5 days before the meeting, from the following Public Access Points: the Guildhall, Bath; The Hollies, Midsomer Norton; Riverside, Keynsham; Bath Central Library; Keynsham Library; Midsomer Norton Library. See the Council website or contact Council Connect for details.

Members of the community can comment on a planning application either by:

- submitting a written statement (known as a representation); and/or
- speaking at a planning committee meeting.

Submitting a representation

Comments on planning applications should be made in writing and sent by post or emailed to the Development Management team. Please remember to quote either the planning application number or location details for the site in any correspondence. The Council will accept petitions and pro-forma letters as representations however due to the volume of individual addresses contained in representations of this kind it may not be possible to write to all involved separately with updates on the progress of the related applications. The Council

will however write to the owner of the petition/pro-forma letter where possible or seek alternative methods of communication.

Comments on planning applications must be made within a minimum of 21 days (for first consultation) and 14 days for re-consultation. Due to the high volume of comments received, letters will not be acknowledged. Comments received after the deadlines are not required to be considered by the Council when determining the application. However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.

The comments made on planning applications are placed on the electronic planning application file and the Council's website (hard copies are not retained). They are public information and copies can be made up until the point that a decision is made on the application at which point they are removed from the website. Any comments made will be summarised in the planning officer's report to the relevant committee and will be considered when applications are decided.

Current planning application files are available to view on Council's website. Archive applications from August 2005 onwards are also available on the website. To view applications prior to that date customers should contact Council Connect in the first instance so they can arrange them to be uploaded to the website where possible.

Only comments relating to **material considerations** (i.e. are relevant in planning terms) will be considered in the determination of a planning application. You should focus your comment on relevant planning issues. These include:

- suitability of the site for development (including conflicts with policies in Local Development Framework);
- design, appearance and layout issues;
- possible loss of light or overshadowing;
- highway safety and traffic issues;
- impact on residential amenity/trees/conservation area/listed buildings;
- possible noise, disturbance, pollution and smell nuisance;
- planning policies, government and planning case law including previous decisions of the Council.

There are a number of issues that are *not* generally material in planning terms, which will *not* be considered in the determination of a planning application. These include:

- Private property rights (boundary/access disputes, restrictive covenants etc.);
- effect on the value of property;
- matters covered by other laws;
- private disputes;
- competition with other businesses.

Applicants and those who have made a representation will be informed in writing if their application has been referred to Committee, this will include details of the venue and time of the meeting.

Speaking at a Committee Meeting

Under the Council's public participation scheme oral statements can be made by members of the public in respect of planning applications at committee meetings. For each planning application there is a maximum of nine minutes for comments for and against the application:

- 3 minutes are available for the relevant Town or Parish Council representatives to speak;
- 3 minutes for objectors to speak against the proposal;
- 3 minutes for an applicant, agent or supporters of the proposal to speak in favour of the proposal.
- Ward Members can attend any meeting and speak and there is no time limit in relation to any statements made.

Any person may indicate their wish to make a verbal statement to the Committee by contacting Democratic Services at least two days before the Committee meeting. If a member of the public has any particular needs or has concerns about speaking at the meeting, please discuss them with the relevant Committee Administrator, who can be contacted via Democratic Services.

Contact Democratic Services

☎ (01225) 394452

✉ democratic_services@bathnes.gov.uk

Any verbal comments made at Committee will not be recorded in the Committee minutes, although any related comments made by Councillors in attendance will be recorded.

Determination of planning application

Representations made and verbal comments made at Committee meetings (where relevant) will be carefully considered when deciding whether planning permission should be granted.

Decision notices state the decision that has been taken in relation to a planning application and justify why this decision has been made. The Council will notify those who have made representations on applications where possible of when a decision has been made. Decision notices can be viewed on the Council's website and enquiries into decisions can be made via Council Connect.

Post determination

Once a planning application has been determined there are a number of actions that can be taken by aggrieved parties.

Appeal to the Secretary of State

There is no right of appeal for third parties. However, if an applicant is aggrieved by the decision of the Council to refuse an application or to grant it subject to conditions, they can appeal to the First Secretary of State under the provisions of

the *Town & Country Planning Act 1990* or the *Planning (Listed Buildings & Conservation Areas) Act 1990*. Appeals must generally be made within 6 months of the date of the determination of the planning application, using a form which can be requested from the Planning Inspectorate. Details about how to appeal are sent to the applicant alongside the decision notice.

Appeals are intended as a last resort and they can take several months to decide. It is often quicker to discuss with the Council whether changes to your proposal would make it more acceptable.

Contact the Planning Inspectorate

✉ Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN
📄 Look at the Appeals web page **www.planningportal.gov.uk/pcs**

Make a complaint about the process of considering the Planning Applications

Any complaints about community involvement activities in relation to planning applications can be reported to the Planning Services Complaints Officer in the first instance. Please note the complaints procedure is not intended to deal with the merits of planning decisions.

Enforcement Action

Contact the enforcement team if you consider a breach of planning control has occurred.

Chapter 3: Get involved in Local Planning Policy

Info bubble: A National Planning Policy Framework came into force in 2012. This will supersede a range of national policies previously included in a range of Planning Policy Statements and Circulars.

Introduction

In addition to national level planning policy Local Authorities have to produce local planning policies, which must conform with national policies.

Through the recent Localism Act, a new tier of Neighbourhood Planning has been introduced. More information on this can be found in Chapter 4. There is no longer a tier of regional planning, although local authorities have a duty to cooperate with adjoining authorities on a sub-regional basis.

There are two different types of local policies:

Development Plan Documents – These are policy documents whose preparation is controlled through statutory processes and which are subject to independent examination by the Secretary of State for their “soundness”.

Supplementary Planning Documents – These policy document add detail to policies contained within Development Plan Documents. They must also follow a statutory process but are not subject to formal examination. They can be prepared quickly and must be endorsed by the Council.

Info bubble: A programme of all of the local policy documents under production can be found in the Council’s Local Development Scheme.

<http://www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/Planning/planning%20policy/BathNES%20LDS%202011-2014.pdf>

Who will we engage with?

Appendix B lists the types local and national consultees that the Council will engage with. If you are interested in local planning policies get in touch and we can add you to our mailing list and tell you about opportunities to get involved.

Info bubble:

contact us at

Planning_policy@bathnes.gov.uk

Tel: 01225 477548

We have identified a range of target groups we need to make extra effort to engage, as illustrated in figure 3. Engagement with these groups will be targeted depending on the nature of the local policy.

Figure 3: Target groups we need to involve in the preparation of the LDF

Young people	<p>Children and young people have not traditionally been involved in planning issues. However, we will seek to involve young people through existing initiatives within the Council led by Youth Services (such as DAFBY - the Democratic Action for Bath & North East Somerset Youth initiative).</p> <p>Involvement will also be encouraged through initiatives linked to local universities, colleges, schools and youth groups. To effectively engage young people we will need to provide information which is accessible, relevant and engaging. Interactive workshops and the use of models and diagrams would be appropriate.</p> <p>We will seek to secure the support of youth workers, teachers and play workers to assist us in developing and delivering appropriate activities.</p>
Faith, Ethnic and Language groups	<p>Further work needs to be done to ensure that faith, ethnic and language groups are engaged and informed in the planning process. Many organisations representing faith, ethnic and language groups will be routinely consulted. Information might also be disseminated through community newsletters or at community events. Work undertaken by other initiatives within the Council will also be taken on board</p>
Disabled People	<p>We will seek ideas and feedback from disabled individuals as well as local and national organisations representing disabled people to ensure that community consultation is inclusive. We will ensure that all community involvement events are fully accessible, and will always respond to any accessibility requests in a positive way.</p>
Gypsies and Travellers	<p>We will involve gypsy and traveller groups, particularly as part of the policy evidence gathering process. We will consult members of the gypsy and traveller communities, particularly where issues are of direct relevance.</p>
People living in rural areas	<p>Residents in rural areas may not have easy access to council offices and may have less access to community events depending on where these are held. We aim to build on established Parish Council networks in order to disseminate information and attain feedback at the most local level possible. We will also make links with the creation of Parish plans, working with bodies who are helping to support the development of these Plans. The development of e-consultation within the Council will ensure that consultation reaches a wider audience. Information, posters and leaflets will be provided for display on village notice boards and in mobile libraries.</p>
Small business owners	<p>Small businesses have an important role in the local economy. However, there is evidence that small business owners often do not have the time or resources to spare to become involved in planning issues. To overcome this, organisations representing small businesses will be consulted. The Economic Partnership currently links to the LSP and contains business representation, whilst Business West is directly represented on the LSP – links to the LSP will therefore be important. In addition, direct links will be made with local Chambers and with the local representatives of the Federation of Small Businesses.</p>
Residents	<p>We acknowledge that we need to ensure that all residents in the district have opportunities to be involved in planning issues.</p> <p>Information about a variety of opportunities to be involved in the preparation of the LDF will need to be disseminated widely, and advertised in good time. Residents Associations will also be utilised as a way of disseminating information where they are established. It is noted that unlike residents in the rest of the district, residents of Bath are not represented by either Town or Parish Councils, and that extra effort is needed to reach these residents.</p>

How will we engage you?

We always aim to improve the way that we communicate and are committed to making sure that all consultations are accessible and that documents produced are available in a variety of formats.

The involvement techniques that we will use can be classified into three broad categories:

- **Information** – Providing information through the internet, local media and local publicity.
- **Consultation** – Finding out the views of the community through meetings, exhibitions, qualitative research surveys and questionnaires. Documents will be produced to generate discussion.
- **Participation** – Involvement which actively identifies needs and priorities, methods include workshops, discussion, focus groups and linking with existing community involvement initiatives.

Appendix B presents a toolbox of methods which the Council will use to encourage community involvement in the creation of the LDF and go beyond the statutory minimum requirements.

When can you get involved?

The earlier you get involved in local policy development the better as you can help shape its contents.

Key opportunities for community involvement in the preparation of Development Plan Documents

Stage 1 Pre-production consultation to establish issues and options

'Issues and options' and evidence gathering consultation. Early community involvement using a wide range of methods (as outlined in **Appendix B**).

There will be more than one specific consultation carried out at this stage and consultations will be targeted at a range of consultees.

Statutory and non-statutory consultees will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI.

Statutory consultees (and other relevant consultees where identified) will be consulted on the Sustainability Appraisal Scoping Report.



Stage 2 Preferred Options consultation

The Council's options and emerging preferred options will be presented for a statutory consultation period of 6 weeks. Comments made will be considered and feedback given as outlined in this SCI. Community Involvement opportunity will be provided using a wide range of methods (as outlined in **Appendix B**).

Statutory and non-statutory consultees will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI.

Consultation on the associated Sustainability Appraisal will also occur alongside this.



Stage 3 Draft DPD Submitted to the Secretary of State with 6 week statutory consultation

Taking into account representations from Stage 2, the proposed submission DPD is prepared. Before the DPD is submitted to the Secretary of State for examination it will be published for a period of 6 weeks and representations invited on the 'soundness' of the document.

Statutory and non-statutory consultees will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI.

The Council will consider these responses and if changes are necessary (and in exceptional cases only) an addendum to the DPD will be submitted with the DPD for examination by the Planning Inspector.



Stage 4 Examination by Planning Inspector

The Planning Inspector considers the DPD and the representations submitted at the proposed submission version stage. If the Inspector finds the DPD 'sound' then the Council will alter the DPD in line with the Inspector's recommendations and adopt the Plan. All those who registered an interest in the DPD or who made written comments during the consultation period will be notified.

** Details of the minimum statutory requirements for community consultation in the preparation of DPDs can be found in the Town & Country Planning (Local Development) (England) Regulations 2008 – Regulations 25, 27 & 28. This is due to be replaced by new Local Planning Regulations in 2012.*

key opportunities for community involvement in the preparation of Supplementary Planning Documents *

Stage 1 Informal community involvement in the preparation of draft Supplementary Planning Document

Evidence gathering consultation. Early community involvement using a range of methods (as outlined in **Appendix B**).

Statutory consultees and other relevant local consultees (as relevant) will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI (as appropriate).



Stage 2 Formal consultation on SPD

The draft SPD will be published for a formal six week period of consultation. A range of methods community involvement methods will be used depending on the nature of the document (e.g. whether the SPD is topic based or area based). A report will be published at this stage of the consultation summarising the main issues identified through the informal consultation and the Council's response to these.



Stage 3 Adoption by the Council

All those who registered an interest in the Supplementary Planning Document or who made written comments during the consultation period will be notified.

** Details of the minimum statutory requirements for community consultation in the preparation of SPDs can be found in the Town & Country Planning (Local Development) (England) Regulations 2004 – Regulation 17. This is due to be replaced by new Local Planning Regulations in 2012.*

What will happen to your views and comments?

When undertaking community involvement on planning issues it is crucial that the purpose and parameters of particular consultations are clear. We are aware of the importance of providing feedback and the need to show the community how their views have been taken into account.

Three key documents will be produced alongside each consultation, which will be made publicly available:

- A **schedule of comments** made during the consultation will be available for public inspection, together with the Council's response to the comments made. The comments and responses will be agreed by the Council, Cabinet or

Cabinet member as appropriate. Please note we cannot treat any comments made as confidential.

- A **consultation report**, for each key stage in the preparation local policy document which sets out who was consulted, how they were consulted, a summary of the main comments received and how these have been addressed. For Development Plan Documents this will be submitted to the Secretary of State. For Supplementary Planning Documents this will be presented to the Council, Cabinet or Cabinet member as appropriate. These reports will be made available on our website, www.bathnes.gov.uk and in paper copy at the deposit stations used during the consultations (see Appendix C for details).
- A **statement of compliance to the Neighbourhood Planning Protocol** will be produced. This "Statement of Community Involvement" will outline how the Local Authority has complied with the Neighbourhood Planning Protocol. For Development Plan Documents this will be submitted to the Secretary of State. For Supplementary Planning Documents this will be presented to the Council, Cabinet or Cabinet member as appropriate.

Chapter 4: How to do your own Neighbourhood Planning

Info bubble: The Council has a Neighbourhood Planning webpage with links to a range of resources, funding opportunities and events
www.bathnes.gov.uk/neighbourhoodplanning

Introduction

The Localism Act received Royal Assent in November 2011 and has introduced a new tier of Neighbourhood Planning which came into effect on 1st April 2012.

The Act seeks to facilitate community-led planning in the form of Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build and requires Local Authorities to resource and support Neighbourhood Planning.

This is widely seen as one of the most fundamental changes to the UK planning system since its inception in 1948.

Info bubble: Draft Regulations for Neighbourhood Planning – final version due to be published on 1st April 2012
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985878.pdf>

Alongside the Localism Act, the government has also published draft Neighbourhood Planning Regulations, establishing a level of national consistency in the approach. However, according to the draft regulations there is the potential to set out local detail to suit local circumstances. This chapter aims to set out the local detail alongside the national proposals, but it may be subject to change until the national regulations are established.

The new powers

Three neighbourhood planning powers have been introduced by the Localism Act. These are all permissive, pro-development tools which allow communities to shape and influence new development. Neighbourhood Planning activities must be in general conformity with national planning policy and local planning policies.

Neighbourhood Plan	<p>A Neighbourhood Plan is a neighbourhood level development plan for all or parts of a defined neighbourhood area. The content can be locally defined, but it is likely to include a vision statement or diagram, and locally derived planning policies or site briefs.</p> <p>Neighbourhood Plans can influence where new homes and offices should be built and what they should look like. It can be detailed, or general, depending on what local people want. They can be less restrictive than the Local Authorities policies but not more restrictive.</p>
Neighbourhood Development	<p>A Neighbourhood Development Order is a legal document which permits development that a community wants to see in their area – either in full or outline, so</p>

Orders (NDO)	<p>that it does not require a full planning application or for planning permission to be granted for the local planning authority. Essentially this tool extends existing permitted development rights for specific types of development.</p> <p>In terms of process the process for producing a Neighbourhood Plan is much the same as preparing a Neighbourhood Development Order.</p> <p>Orders might allow extensions to community buildings, affordable housing or local scale renewable energy installations.</p> <p>All other consent regimes will still apply e.g. Building Regulations or Listed Building consent.</p>
Community Right to Build	<p>Is a type of NDO for a particular scheme. It will be for community and voluntary groups only (as defined in the regulations) to identify suitable land, sources of finance and secure support for their proposals. It requires agreement through a 'community referendum'. - Such schemes will not need to go through the normal planning application process.</p>

Info Box: The Localism Act also introduces other community rights not relating to planning: the community right to bid (assets of community value) and the community right to challenge

Diagram-----

Thinking about preparing a Neighbourhood Plan or a Neighbourhood Development Order?

Do you need these?

- Neighbourhood Planning is optional
- Do you know what the planning issues are in your neighbourhood?
- Is there an easier way to address these issues?
 - Can you influence local policy (e.g the B&NES Placemaking Plan) instead or does it already support your aspirations?
 - Do you actually need planning permission?
 - Are they actually listed buildings or highways issues and therefore outside the scope of a Neighbourhood Plan?

Do you want either of these?

- Are you seeking to be pro-development or more permissive towards certain types of development in your neighbourhood?

- Are you aware of the process that you will need to go through?
- Is there another tool you can use that is quicker and easier (see other chapters of this document)?
- It is estimated that the Neighbourhood Plan process will take approximately 1-2 years, does this match your timeframe?

Are you eligible to prepare these?

- In the rural areas of the district only Parish Councils can prepare Neighbourhood Plans
- In Keynsham, Midsomer Norton, Radstock and Westfield only the Town Councils can prepare Neighbourhood Plans
- In Bath, you must be designated as a Neighbourhood Forum in order to prepare a Neighbourhood Plan.

Do you have the resources to prepare these?

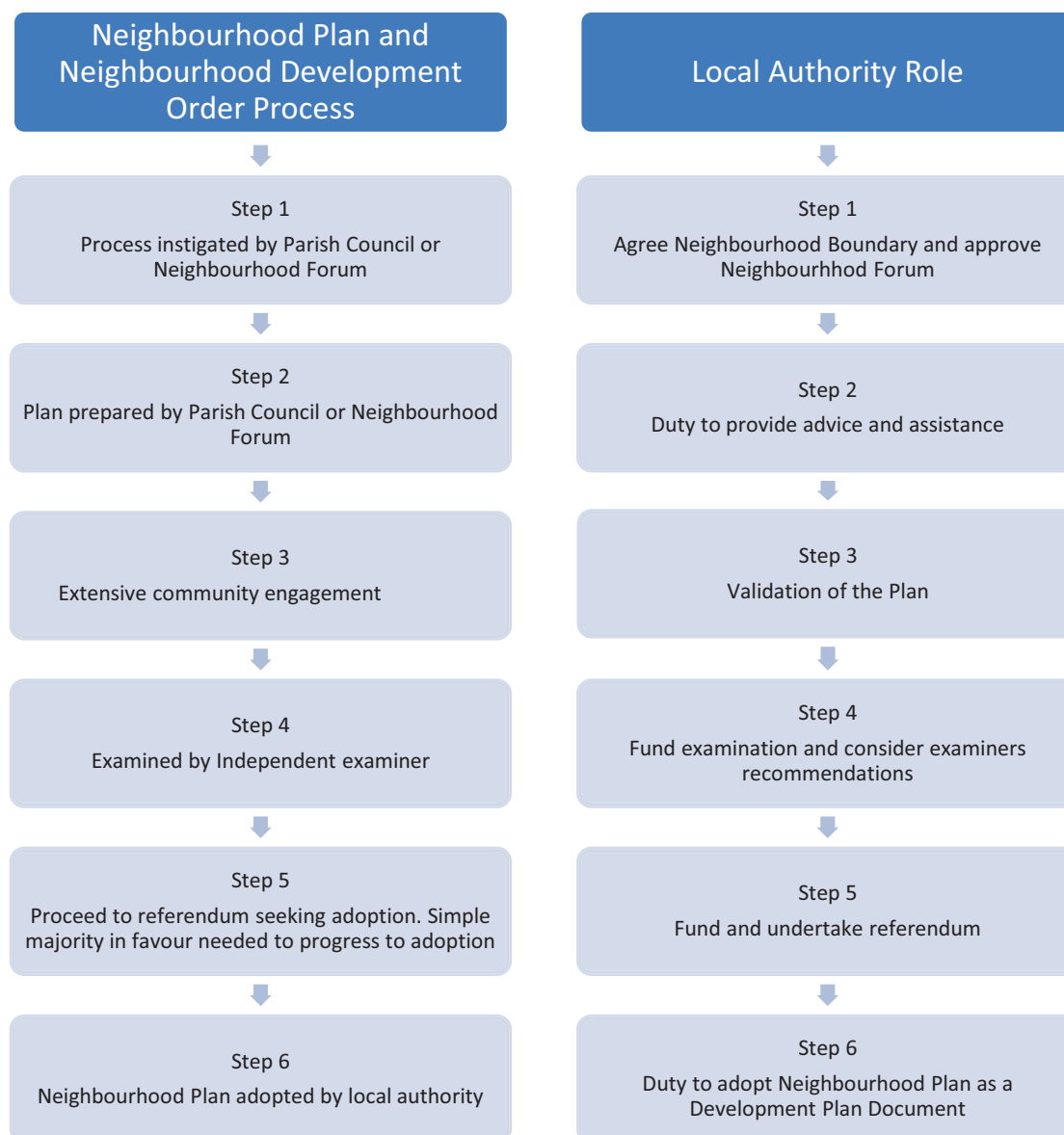
- Have you found out about what support the Council can offer?
- Do you have a budget and volunteers to help with consultation activities?
- Have you considered making use of any community funding opportunities?

Is a Neighbourhood Plan or Development Order the best option?

- Have you considered the other routes to meet the aspirations of your community and dismissed them?
- Have you sought advice from the Planning department?

Info bubble: See CPRE's Guide to Neighbourhood Planning for practical advice and tips on Neighbourhood Planning <http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2689-how-to-shape-where-you-live-a-guide-to-neighbourhood-planning>

A six step guide to producing a Neighbourhood Plan or a Neighbourhood Development Order



Info bubble: If you already have a Parish or Town Plan that you still think is up to date you could skip to **step 3**. You will still need to go through the formal process of validation, examination and referendum to take forward the planning parts as a Neighbourhood Plan.

More detail on the process

Step 1: Start the Process

If you are a Parish or Town Council you can start the process straight away.

If you are a Neighbourhood Group within Bath you will first need to establish yourself as a Neighbourhood Forum.

The Localism Act allows for Neighbourhood Planning to cross local planning authority boundaries and defers the decisions on how best to work these arrangements to local authorities to work on collaboratively.

Council Role: Approving Neighbourhood Forums in Bath

The Council will approve applications for the designation of a Neighbourhood Forum in Bath, this decision will be made by full Council.

The Council will work in collaboration with neighbouring authorities where a cross-border Neighbourhood Plan/Development Order is pursued to establish a process which all parties can agree to.

>> Neighbourhood Forum Applications

Table X outlines the proposed process for Neighbourhood Forum Applications in Bath.

Table X: Process for Processing Applications for Neighbourhood Forum Designation in Bath

National Requirements*	Suggested additional local response
<i>*Summary of draft Neighbourhood Planning Regulations October 2011</i>	

<p>Application</p> <p>An application to become a Neighbourhood Forum should be addressed to the local planning authority. It must consist of the following elements:</p> <ul style="list-style-type: none"> (a) A plan or statement clearly showing the proposed neighbourhood area (b) A statement explaining why this area is appropriate to be designated as a neighbourhood area (c) The name of the proposed neighbourhood forum (d) A copy of the written constitution (e) The name of the relevant neighbourhood area (f) the contact details of at least one member of the Neighbourhood Forum (g) A written statement to explain how the proposed Neighbourhood Forum meets the following conditions: <p>A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—</p> <p>(a) it is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),</p> <p>(b) its membership is open to—</p> <ul style="list-style-type: none"> (i) individuals who live in the neighbourhood area concerned, (ii) individuals who work there (whether for businesses carried on there or otherwise), and (iii) individuals who are elected members of a county council, district council or London borough council any of whose 	<p>B&NES Council will publish an application form on its website (and which can be made available in hard copy on request) which applicants will need to fill in and submit.</p> <p>While it does not appear that the it can be a requirement, B&NES Council expresses a strong preference that:</p> <ul style="list-style-type: none"> (1) a plan should be submitted showing the proposed Neighbourhood area with a red line boundary on an OS base map. (2) Contact details for all 21 named members of the Neighbourhood Forum are provided (3) That at least one Ward Councillor(s) for the ward(s) covered by the area in question are represented on the Neighbourhood Forum and support the application (4) That the aims, objectives, funding sources and working methods for the Forum are provided. (5) The Forum acknowledges the provisions of the Bribery Act 2010, section 3. (6) That the Forums has open public membership arrangements and is not dominated by any one organisation making up more that a third of its membership. (7) That the Forum is not dependent on any one interest group for funding. (8) That the boundaries of a neighbourhood area make sense in terms of community, communications, transport arrangements and services. (9) That the Forum signs up to the Council's Code of Conduct for Neighbourhood Forums. <p>While it does not appear that the Council can refuse an application on the basis of these criteria. The Council will prioritise assistance to those Forums which meet these criteria.</p>
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<p>area falls within the neighbourhood area concerned,</p> <p>(c) its membership includes a minimum of 21 individuals each of whom—</p> <ul style="list-style-type: none"> (i) lives in the neighbourhood area concerned, (ii) works there (whether for a business carried on there or otherwise), or (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned, <p>(d) it has a written constitution, and</p> <p>(e) such other conditions as may be prescribed.</p> <p>The local planning authority can decline to consider an application if the applicant has already made an application and a decision has not been made on that application.</p> <p><i>[Draft Neighbourhood Planning Regulations Part 2 (5 & 6) and Part 3 (9)]</i></p>	
<p>Publicising an application</p> <p>The local planning authority must publicise an application in such a manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates.</p> <p>Any publicity must contain:</p> <ul style="list-style-type: none"> (a) name of the proposed neighbourhood area (b) details of how to respond and make representations (c) deadline for responses (not less than 6 weeks following the date when first publicised) <p><i>[Draft Neighbourhood Planning Regulations Part 2 (7)]</i></p>	<p>B&NES Council will publish a link on its Neighbourhood Planning webpage www.bathnes.gov.uk/neighbourhoodplanning to any application made and advertise a six week consultation.</p> <p>On advertising the consultation on the webpage the Council will also email all organisations registered on the LDF database by email (or letter where no email available) and will notify the ward Councillors who represent the areas covered by the proposed Neighbourhood area.</p>

Notice of accepted application

When a local planning authority receive an application that meets the requirements, they must publish on their website:

- (a) the name of the proposed neighbourhood forum
- (b) the contact details of at least one member of the organisation or body making the representation
- (c) date on which the application was received
- (d) statement that any other application for the relevant neighbourhood area, after the first application to be accepted must be received by the LPA no later than 28 days after the date information published on website

[Draft Neighbourhood Planning Regulations Part 3 (10 & 11)]

Publicising the Decision

The local planning authority must publish on their website details of their decisions on an application. These details must include:

- (a) name of neighbourhood forum
- (b) name of neighbourhood area
- (c) contact details for at least one member of the neighbourhood forum member

[Draft Neighbourhood Planning Regulations Part 3 (12)]

B&NES Council will also provide a link to the original application and the committee papers when the decision was made.

Code of Conduct for Neighbourhood Forums

Essential

- 1 A single point of contact should be nominated for the Forum which must be provided to the Council and made publicly available. This contact should be kept up to date.
- 2 All Neighbourhood Forums should hold an open Annual General Meeting.
- 3 Agendas should be prepared for meetings of Neighbourhood Forums and the meetings should be minuted, both agendas and minutes should be made publicly available to the public in accordance with existing

arrangements for Parish Councils.

- 4 Members of the public may submit statements that relate to issues that are on the agenda for the meeting or any other issues, providing sufficient advance notice is given. These should be submitted to the nominated point of contact for the Forum.
- 5 Meetings should be Chaired, the arrangements for this are left to the Forum to decide.
- 6 Any financial contributions to the Forum from third parties must be declared.
- 7 Forums must be open to respond to potential concerns about their activities – any such complaints if considered to be justified may lead to a review of the designation of the forum.

Desirable

- 1 A Forum webpage is desirable.
- 2 The frequency of meetings of the Forum is to be determined locally. Quarterly meetings are suggested as a minimum.
- 3 It is desirable that a range of people from the area are represented and attention should be given to involving equalities groups and young people in the Forum.

Review Process

1. A breach of this Code of Conduct may lead to the Council re-considering the designation of a Neighbourhood Forum.
2. A decision will be made on a case by case basis, on the basis of evidence presented by both the complainant and the Forum.
3. Where issues can be satisfactorily resolved this will be preferable to further action such as the suspension of the Forum as a designated Neighbourhood Forum.
4. A new application would then need to be lodged to re-designate the Forum and this would be considered on its own merits.

Business Neighbourhoods

The Council will consider when designating the neighbourhood if it is wholly or predominantly business in nature. If it is the Council will decide whether the neighbourhood should also be specifically designated as a 'business neighbourhood'.

Step 2: Prepare your Plan

The content of a Neighbourhood Plan is entirely up to you. However, it should be consistent with national and local planning policies. Only planning related

elements of a Neighbourhood Plan will need to go through an examination and referendum.

Council Role: Duty to provide advice and assistance

General support

- General guidance to be provided (this document)
- Provide a basic process checklist to make sure all regulations are being met for qualifying bodies undertaking Neighbourhood Planning to use which is downloadable from the website (or available on request)
- B&NES Neighbourhood Planning webpage
- Dissemination of information through briefings and workshops
- Disseminating information on local case studies (as these emerge)
- Information on funding and skills for Neighbourhood Planning

Support to groups preparing Neighbourhood Plans

The local planning authority will be able to provide the following in-kind assistance, this will be subject to demand:

- Electronic maps (pdf format) of your Neighbourhood area and relevant planning designations (print outs or GIS maps also available, although providing these will be charged at usual rates)
- Information on planning designations and planning policies
- Guidance in designing community consultation activities on planning issues
- Support for community planning events (e.g. facilitation, feedback, presentations)
- Provide advice on who to consult in relation to additional requirements for a Neighbourhood Development Order

Please give ample notice for us to respond to your requests in the most helpful way.

The local planning authority will not have any specific grant funding for Neighbourhood planning, however, we can advise you on any local or national community funding opportunities.

Info bubble: Did you know that the Council will be updating its Community Planning Toolkit in 2012 to take account of the Localism Act? This will be a self-help guide with advice and tips about how to engage with your community.

Step 3: Extensive community engagement

It's very important that you engage your community within the neighbourhood area from the outset as your plan or development order will be subject to a local referendum and needs strong buy-in from all parts of the community to get through this final stage. You should also make sure you engage with statutory consultees such as the Highways Agency and other local landowners and adjoining neighbourhood areas as you develop your ideas.

Make sure to keep a record of consultation activity that you run or organise as you will need to submit a "consultation statement" with your Neighbourhood Plan (the requirements of this are explained in step 4).

Before submitting your Neighbourhood Plan or Neighbourhood Development Order to the local planning authority, according to the Draft Neighbourhood Planning Regulations [Part 5 (15)] the qualifying body (i.e. Parish/Town Council or Neighbourhood Forum) must, publicise in a manner that is likely to bring it to the attention to people who live, work or carry on business in the relevant neighbourhood area:

- i) A draft of their Neighbourhood Plan/Neighbourhood Development Order
- ii) Details of how to make representations
- iii) Deadline for responses (minimum 6 weeks after the first publicised)

The qualifying body must also consult any statutory consultee whose interests it considered would be affected by the proposals and submit a draft of the proposal to the local planning authority [Draft Neighbourhood Planning Regulations Part 5 (15)].

The draft submitted to the local planning authority in writing and according to the Draft Neighbourhood Planning Regulations Part 5 (16) must be accompanied by:

- a) A plan or statement showing the area covered by the proposed Neighbourhood Plan/Development Order
- b) A consultation statement (including details of the persons and bodies consulted, how they were consulted, summarises main issues and concerns raised and describes how these issues have been addressed in the proposal)
- c) Title of the proposed Neighbourhood Plan/Development Order

Additional requirements for a Neighbourhood Development Order (and Community Right to Build)

In addition for a Neighbourhood Development Order, before submitting to the local planning authority, should consult:

- the Historic Buildings and Monuments Commission for England
- Any person with whom the local planning authority would have to consult on an application for planning permission for the development proposed including any statutory consultee, any planning authority, any parish council and any neighbourhood forum (i.e. as outlined in part 15 and 21 of the draft regulations: Natural England, the Environment Agency, Network Rail, the Highways Agency, Primary Care Trust, Infrastructure Providers, voluntary bodies, bodies who represent racial, ethnic or national groups and groups representing disabled persons).

The qualifying body should approach the local planning authority for advice on who to consult.

When submitting a proposal to the local planning authority it must be in writing and accompanied by:

- A plan or statement identifying the land to which the proposal relates
- A consultation statement (as above)
- The title of the order
- A statement to explain how the proposal meets the basic conditions required

As appropriate, for a community right to build order this submission should also include:

- Details of any disenfranchisement rights which the qualifying body proposes should not be exercisable
- The relevant properties

The local planning authority has a duty to publicise this information and invite representations. Further to a decision by an Independent Inspector and a referendum in support, the local authority must then publicise the decision and adopt making details of the proposal available.

Specific requirement relating to disenfranchisement rights relate to community right to build orders as included in Part 7 of the Draft Neighbourhood Planning Regulations.

Council Role: Formal Validation

The local planning authority will validate your Neighbourhood Plan against national planning policy, local planning policy and can flag up any issues in relation to other legislation e.g. Habitat Regulations issues to make sure it is ready to go to Independent Examination. It is proposed that this is undertaken under delegated authority by the Divisional Director of Planning & Transport. It is best to approach the local planning authority at an early stage to flag up key policy issues before this formal validation process is triggered.

Please contact the planning policy team in good time to arrange a validation check: planning_policy@bathnes.gov.uk or telephone 01225 477548

Step 4: Independent Examination

The qualifying body must organise the Independent Examination into the Neighbourhood Plan/Development Order and appoint a suitable Independent Examiner in liaison with the local planning authority. The Independent Inspector will decide if it is necessary to hold a public hearing into the Plan/Development Order although as a general rule the examination will take the form of consideration of written representations.

Council Role: Independent Examination

The local planning authority will publish the draft plan on their website. The local planning authority must publicise the Neighbourhood Plan/Development Order with details of how to respond to it in advance of the Independent Examination (in line with Draft Neighbourhood Planning Regulations Part 5 (17)).

The local planning authority will provide a list of potential Independent Examiners for the Neighbourhood Planning group to arrange an Inspector from.

The local planning authority will fund the Inspectors costs and will provide a Council venue for the examination as needed.

The local planning authority will consider the Inspector's recommendations.

Step 5: Referendum

A referendum at the end of the process will ensure that communities have the final say on whether a neighbourhood plan or development order comes into place in their area. A referendum is also required for a Community Right to Build Order.

The referendum will be held among the registered electors of the neighbourhood area and any adjoining neighbourhood area which might be affected. A positive result requires 51% of the turnout to vote in favour.

Within business neighbourhoods separate referendums will be held for residents and businesses to approve Neighbourhood Development Orders. A person is entitled to vote in the additional referendum for businesses if they are a non-domestic ratepayer in the referendum area. If both referendums approve the Order, it will be adopted. If both oppose it, the Order will not be adopted. If there is a split vote the LPA will seek to resolve differences.

Council Role: Referendum

The Council's Electoral Services team will administer and fund the local referendum on the Neighbourhood Plan. The details of how referendum are to be run are forthcoming, but are likely to involve a review of the *Local Authorities (Conduct of Referendums) (England) Regulations 2007*. This is proposed to include specification of the question(s) to be asked by the referendum.

The local planning authority will publish the results of the referendum on their website.

Step 6: Adoption

The Council will adopt the Neighbourhood Plan/Neighbourhood Development Order where it has successfully been through Stages 1- 5.

Council's Role: Adoption

Adoption of a Neighbourhood Plan/Development Order will require ratification by full Council.

Once adopted the Neighbourhood Plan/Neighbourhood Development Order will be published on the Council's website and hard copies will be available for inspection at the Guildhall, the Hollies and Riverside offices as well as at public libraries.

Once adopted the Neighbourhood Plan will form part of the Development Plan and will be used to determine planning applications within your Neighbourhood area.

Community Right to Build

The Localism Act introduces new powers to deliver development that a community wants in their area. This could be new homes, business premises, shops, playgrounds, community halls or small scale renewable energy installations.

This right is open to use by groups other than Parish/Town Councils or Neighbourhood Forums and can be exercised by a range of community organisations.

Further detail is outlined in the Localism Act section 3 (1) (b) of Schedule 4C, this can be summarised as follows:

What is a “community right to build order”?

- Order is made by a community organisation
- Order that grants planning permission for a specified development in relation to a specified site in a neighbourhood area
- There are limits in relation to the area where a development can take place and the type of operations or land uses (in line with Environmental regulations)

What is a “community organisation”?

- A body that is established with the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live in a particular area
- Meets conditions in relation to distribution of profits, membership and voting control (see details below from draft regulations)
- More than half of the members of the organisation must live in the neighbourhood area at the time of making the order

When can a local authority decline to consider a community right to build order?

- When another proposal has been made for another Neighbourhood Development Order or Community Right to Build Order and when the other proposal is outstanding and where the proposals are the same or substantially the same
- If the local authority considers that the specified development falls within Annex 2 to the Environmental Impact Assessment directive and is likely to have significant effects on the environment by virtue of factors such as its nature size or location.
- If the local authority considers the specified development is likely to have significant effects a qualifying European site (European site within the meaning of the Conservation of Habitats and Species Regulations 2010), whether on its own or in combination.
- If this happens the authority must notify the person making the proposal and outline their reasons for declining to consider

What is the examination process?

- An Independent Examiner must be appointed
- If the Independent Examiner recommends that the draft order is refused, the authority must refuse the proposal
- If the examiner recommends that the draft order is submitted for a referendum a referendum must be held by the local authority (subject to any modifications being made that the local authority consider appropriate to make sure there is not a breach of EU obligations and the Human Rights Act 1998).

In addition the Draft Neighbourhood Planning Regulations Part 4 (13) also specifies:

- i) Individuals who live in the particular area must have the opportunity to become members of the community organisation

- ii) The constitution of the community organisation must provide that:
 - a. Individuals who live in the area must control 51% of the voting rights
 - b. One of the objectives is to provide benefit to the local community
 - c. Any assets of the community organisation cannot be sold or developed except in a manner that the trust's members considers benefits the local community
 - d. Any profits from its activities will be used to benefit the local community (otherwise than being paid directly to members)
 - e. In the event of the community organisation winding up or ceasing to exist, its assets must be transferred to another body which has similar objectives
 - f. The organisation has at least 5 members, who are not related to each other, who live in the particular area.

Community Right to Build Orders must meet these minimum criteria, be considered sound by an Independent Inspector and be supported through a local referendum. If all of these stages are fulfilled, the Order will be adopted by the local authority and the development will be able to go ahead without the need for a traditional planning application. Any financial benefit from this development must be returned to the community where the development has taken place.

Councils Role: Referendum & General Assistance

The Council's Electoral Services team will administer and fund the local referendum on the Community Right to build and the Council will decide on the area of coverage for the referendum in line with national guidance.

In addition, the local planning authority can provide advice to Community Groups seeking to use this right to establish if this is necessary to achieve their aims and to provide other planning guidance.

There are some areas still to be clarified by the government:

- Exact details of the Neighbourhood Planning Regulations will not be known until they are due to come into force on 1st April 2012
- Regulation making powers on charges that local planning authorities can levy on development under a Neighbourhood Development Order are still to be clarified. It is envisaged that this will enable some of the costs of Neighbourhood Planning to be recouped. This is due to be the subject of a separate consultation later in 2012.
- Provisions in relation to requirements to ensure compatibility with EU obligations are not yet finalised. These are likely to be resolved with amendments to relevant directives.
- The details on referendums are not yet clear, but are to be brought forward in separate regulations based on existing referendum legislation.

Extra detail

- Additional detail on revocation and modification of a Neighbourhood Development Order, a Community Right to Build order or a Neighbourhood Plan are outlined in Part 9 of the Draft Neighbourhood Planning regulations but have not been reproduced here.

Find out more:

The Localism Act

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Neighbourhood Planning Regulations – Consultation Draft

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985878.pdf>

New local regulations on Neighbourhood Planning are due to come into force in April 2012

Chapter 5: How to protect your trees

Intro diagram

Trees are an important part of our natural life support system and green infrastructure. They have a vital role to play in the sustainability of our urban and rural areas.

- Trees benefit the local economy by creating potential for employment, encouraging inward investment, bringing in tourism and adding value to property.
- Trees help conserve and enhance the quality and character of our built and natural heritage. They are an integral part of the green setting of the City and are referred to in the reasons for Bath's inscription as a World Heritage Site.
- Trees benefit the local environment by reducing the effects of air pollution and storm water run off, reducing energy consumption through moderation of the local climate, and providing a wide range of wildlife habitats;
- Trees contribute to the social fabric in terms of recreation and education.

New section

How can we protect trees?

The importance of our trees is embedded in the Council's policy documents such as the Bath and North East Somerset Local Plan and Core Strategy.

Key Fact in bubble: Did you know Council is preparing a Green Infrastructure Strategy

Trees in the district can be protected by Tree Preservation Orders (TPO) or by growing within a conservation area as designated under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Trees can also be protected by virtue of landscape conditions attached to planning consents and, more unusually, by section 106 agreements attached to planning consents. Landscape conditions are not suitable for long term tree protection because they last for a finite period of time, normally 5 years following completion of a development.

What is a Tree Preservation Order?

A Tree Preservation Order is made when trees are considered to be under threat and when an assessment determines that they are important trees.

A tree can be considered under threat for development or when a notification has been received for tree works in a conservation area for instance. More information regarding Tree Preservation Orders can be found at (Link - <http://wwwi/environmentandplanning/naturalenvironment/treesandwoodlands/Pages/Tree%20Preservation%20Orders.aspx>

If a tree is protected by either a TPO or conservation area then an application or notification respectively must be sent to the Council for tree surgery or felling.

More general information can be found at <http://wwwi/environmentandplanning/naturalenvironment/treesandwoodlands/Pages/Tree%20Preservation%20Orders.aspx> for Tree Preservation Orders and at <http://wwwi/environmentandplanning/naturalenvironment/treesandwoodlands/Pages/Trees%20in%20Conservation%20Areas.aspx> for conservation areas:

Key Fact in bubble: Each year the Council receives approximately 700 applications and notifications to undertake works to protected trees.

Publicity (table)

The Council publicises Tree Protection Order applications and notifications to undertake work to protected trees in the following ways:

All applications and notices are recorded on the public planning database and on the Council website.
Notify Town and Parish Councils of applications and notices within their area.
Placing applications and notices on the weekly lists - available to Ward Members and the public.
Advising applicants to contact their neighbours prior to carrying out any work.
Advising applicants to contact tree owners if the applications or notices relate to neighbouring trees and seek their consent if the work extends beyond the boundary.
Tree owners will be notified if they are not the applicant.

Flow Diagram

How is an application for tree works application for trees protected by a Tree Preservation Order decided by the Council?

Pre-application advice: owner advised to seek professional advice from an a tree specialist (known as an Arborist)>

Applicant submits the application form and any supporting documentation>

Application checked for completeness (validation) – applicant contacted if incomplete or vague>

Application registered>

Acknowledgement sent, application placed on weekly list and public web site, tree owners notified if application is made by a neighbour.>
Site visit undertaken – cards delivered where * applies.

* A site visit may reveal that major works which would have a significant impact on the visual amenity or health of a tree (such as a crown reduction greater than 30% or felling) relates to an important tree which is highly visible. Where sound arboricultural reasons support the proposal immediate neighbours will be notified by either cards or site notice and Ward Councillors or Parish and Town Councils notified.

Explanatory notes:

Important – in terms of biodiversity; historical or cultural (where apparent)
Highly Visible - Tree clearly visible to the general public from major vantage points; for instance, main roads or heavily-used footpaths or where the tree is overlooked by many properties.

Works assessed in relation to the aim of the works and the affect on the health and visual appearance of the tree following the works>

Negotiations with applicant where minor changes would be acceptable and to provide opportunity to withdraw application >

Consider comments received >

Issue decision notice> if refusal or split decision > appeal process

Flow Diagram

How is a tree works notification for trees protected by a conservation area processed?

Pre notification advice: owner advised to seek professional advice from an Arborist>

Owner or agent submits the notification (known as a 'six week notice') >

Validation (notification checked for completeness) – applicant contacted if incomplete or vague. FOOTNOTE: specific forms are not obligatory but a form has been developed to ensure the appropriate information is provided. There is no legal requirement to provide reasons for the work but this is encouraged>

Notification registered>

Acknowledgement sent, notification placed on weekly list and public web site, tree owners notified if notification is made by a neighbour.>

Site visit undertaken where tree felling or significant works proposed– cards delivered where * applies. [See previous diagram](#)

Works assessed in relation to the aim of the works and the affect on the health and visual appearance of the tree following the works. Consideration for the making of a Tree Preservation Order >

Negotiate with applicant where minor changes would be acceptable and to provide opportunity to withdraw notification.>

Consider comments received and whether this alters the decision on whether or not to make a Tree Preservation Order or initiate further discussions with owner *if time permits. Note: notifications can not be refused or conditions attached* >

Serve Tree Preservation Order if deemed appropriate>

Issue final response

Summary Diagram

How is proposed tree felling to trees protected by landscape conditions or a section 106 agreement processed?

Owner advised to seek professional advice from a tree specialist (known as an Arborist)>

Owner or agent submits their proposal.

Validation – wording of the planning consent and age of development completion checked. Reasons that conditions were applied checked. Wording for S106 agreement checked.

Site visit undertaken (by TO) to determine whether a Tree Preservation Order is appropriate.

Notify neighbours?

Serve Tree Preservation Order if deemed appropriate>

Issue final response

Exceptions:

There are instances where work is exempt from the normal tree application or notification process. The Councils' permission is not required for cutting down or carrying out work on trees which are dead, dying or have become dangerous. Anyone who proposes to carry out work under this exemption is advised to give 5 days notice before carrying out the work, except in an emergency. Anyone who is not sure if their tree falls within this exemption should seek advice from an arboriculturalist since the burden of proof to show that the work was exempt rests with them.

5 day notices are not publicised, however, Town and Parish Councils are advised by e-mail. Relevant Councillors will be contacted.

If insufficient supporting evidence is provided for the work proposed within a 5 day notice then the Council will request an application (in respect of a tree covered by a tree preservation order) or 6 weeks notification (in respect of trees within a conservation area).

Interesting design format rather than just a list?

Other community tools

If you are interested in trees and woodlands, in your area why not try:

- For tree care advice and finding an arborist or consultant Arboricultural Association - www.trees.org.uk and the International Society of Arboriculture – www.isa-arboriculture.org
- **Ancient Tree Hunt** (<http://www.ancienttreehunt.org.uk/>) record and protect ancient and veteran trees.
- **WoodWatch** (<http://www.woodlandtrust.org.uk/en/campaigning/woodwatch/Pages/default.aspx>) is a web-based 'neighbourhood watch' for the protection of woods and trees that are important to communities.
- **Jubilee Woods project** (<http://www.woodlandtrust.org.uk/en/jubilee-woods/what-you-can-do/communities/Pages/communities.aspx>) a national tree planting campaign
- **Community Woodland Network** (<http://www.yourwoods.info/>) a network for community woodland groups to share information and resources.

- **A little rough guide around the hedges: why our hedgerows matter and how you can help** <http://www.cpre.org.uk/resources/countryside/hedgerows/item/2481-a-little-rough-guide-around-the-hedges> A pocket guide to hedgerows including a fun photo guide to hedgerow plants

For more tree facts:

- **A Guide to the benefits of urban trees** A fascinating 12 page guide to the positive impacts of trees on urban living
http://www.greenleaftrees.co.uk/article.php/6/new_guide_to_the_benefits_of_urban_trees
- **No Trees, No Future: Trees in the urban realm** Explores why trees are so important to our cities
<http://www.charteredforesters.org/upload/file%5CDownloads/No%20Trees%20No%20Future.pdf>

Chapter 6: Other tools and tips for communities

There are so many tools you can use to engage local people in your local area. An extra 11 tools and tips are listed below.

Info bubble: See our Neighbourhood Planning website for the latest info on local grants, events and for other tips www.bathnes.gov.uk/neighbourhoodplanning

Area-wide Landscape Character Assessment: Starting from national level work some years ago, landscape character assessments have been produced at national, regional and local authority level, and for National Parks and Areas of Outstanding Natural Beauty (AONBs). They cover history, land use, form of the land, tree cover, views and many other aspects. They have always been a professionally-led process, although more recent work has included some level of community involvement.

Concept Statements: These are a form of development brief, outlining the key principles of content, layout, design and viability for a potential development. They are developed collaboratively with the local community, landowner, developer, other key bodies, elected members and planners and then endorsed by the local planning authority. Concept Statements bridge the gap between broad policy and site specific detail and, when done early, can affect land value and enable more locally relevant developments.

In 2012 the Council intends to develop concept statements for the Ministry of Defense sites in Bath – Foxhill, Warminster road and Ensleigh – working with the community.

Conservation Area Character Appraisals: Once a Conservation Area is formally designated a thorough Character Assessment has to be done to guide decisions about planning applications. Such studies are expensive and have usually been done entirely by specialists. As a result, many Conservation Areas do not yet have full assessments in place. Recent practice now includes varying degrees of community involvement in their preparation.

B&NES Council has produced a number of Conservation Area Character Assessments working with local communities.

Find out about Funding: Research funding opportunities for local groups to take direct action or to support community consultation or activities. There are often local small grants pots administered by B&NES Council and other agencies. There may also be innovative ways you can re-use existing budgets.

A number of local groups in B&NES have recently accessed this kind of funding for one off community projects.

Local Distinctiveness Studies: As design issues have increasingly become matters of concern for the planning system, so planners in some areas have started to develop approaches, often but not always called Local Distinctiveness Studies. Such

studies describe and evaluate key design features of a local area and produce guidelines in a way very similar to that in the more familiar Village Design Statements (see below), but across a broader canvas. To date all have been professionally-led, if sometimes with a degree of community involvement. As semi-formal documents they can carry some weight in decision-making on planning applications

Local High Street Projects: Lobby groups like the New Economics Foundation have a number of tools on available for communities focused around local high streets.

<http://www.neweconomics.org/programmes/connected-economies>

Local Landscape Character Assessment: Area-wide Landscape Character Assessment is balanced with this approach, its local equivalent. These assessments are very much a community-led approach through which local people assess the nature and significance of their local landscape. No national guidance exists but models of good practice are beginning to emerge.

Parish Plans, Town Plans & other community plans: Parish and Town Plans are produced primarily by local communities, albeit sometimes with procedural advice, sometimes technical advice. They generally cover almost everything except direct land use planning issues; for example open spaces, health, safety etc., but inevitably overlap at times with land use planning. They focus on generating local action plans and local projects, for example open space maintenance.

A number of communities in B&NES have developed these plans and have successfully met many of their actions. They are a good tool to focus action and establish local priorities.

Transition movement: Join the transition movement and start community-led local action in response to global challenges of climate change, economic hardship and energy. Typical project areas are around local food, transport, energy, education, housing, waste and art. There are a number of existing transition groups in B&NES.

For more information: <http://www.transitionnetwork.org/support/what-transition-initiative>

Village and Town Design Statements: Some 600 or so Statements have been produced to date for villages and small towns, mainly by local people themselves. A Statement includes description and analysis of the distinctive aspects of a village or town and ends with design guidelines. Though done by local people, they can be formally or informally adopted into the planning system. Many have been shown to have a positive impact on local design standards.

Some B&NES Parishes have already successfully developed village design statements, these can be used to guide public realm improvements (signage, street lights, green space maintenance) as well as being a first port of call for design teams working on development proposals for planning applications in your area.

Heritage Projects: A new community checklist developed by English Heritage with Civic Voice is designed to help local groups with an interest in their local history including historic buildings to get more people involved and generate ideas for projects <http://hc.english-heritage.org.uk/local-checklist/>

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2351
TITLE:	Sustainable Construction & Retrofitting Supplementary Planning Document: Consultation Draft	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix A: Sustainable Construction & Retrofitting Supplementary Planning Document: Consultation Draft (March 2012)</p> <p>Appendix B: Bath Homes Fit for the Future Programme of events workshops and activities throughout March and April 2012</p>		

1 THE ISSUE

- 1.1 A Sustainable Construction & Retrofitting Supplementary Planning Document (SPD) has been prepared for public consultation. This guidance will support the Council's Core Strategy policies on these issues. The guidance within this SPD is aimed at householders and small scale house builders and includes practical advice, tips and information including planning, building control and historic buildings advice. The guidance is particularly important in Bath & North East Somerset in light of the need to achieve climate change objectives in an area with a highly valued historic environment. The document is based around a series of annotated diagrams to make it easy and practical to use. The SPD also seeks to clarify the Council's approach to how particular energy saving measures will be viewed by the Local Planning Authority.

2 RECOMMENDATION

The Cabinet agrees that:

- 2.1 The Sustainable Construction & Retrofitting Supplementary Planning Document: Consultation Draft (**Appendix A**) is agreed for a six week public consultation in March- April 2012.
- 2.2 Responsibility is delegated to the Divisional Director of Planning & Transport to make graphic and minor textual amendments prior to publication of the SPD for public consultation.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications as a result of this decision. Existing budgets cover the costs of preparing and consulting on this SPD.

4 CORPORATE PRIORITIES

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 THE REPORT

Background

- 5.1 The Sustainable Construction and Retrofitting Supplementary Planning Document has been prepared to give additional support to the Core Strategy policies on Retrofitting and Sustainable Construction. However, it is perhaps atypical as an Supplementary Planning Document as it also contains information around permitted development, historic and listed buildings and building regulations – this reflects work with stakeholders and the request a single point of information on “planning” issues.
- 5.2 Retrofitting Policy CP1 in the Core Strategy states that the Council encourages retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change and the support appropriate incorporation of micro-renewables. The policy also states that the Council will seek to encourage and enable the sensitive retrofitting of historic buildings (including listed buildings). This approach gathered support from English Heritage, local residents and interest groups via the Core Strategy process.
- 5.3 Sustainable Construction Policy CP2 sets out sustainability criteria that planning applications should address (such as energy efficiency, water use, minimising waste and recycling in construction etc.) and requires all major development to undertake either a Code for Sustainable Homes (CfSH) assessment or a Building Environmental Assessment Environmental Assessment Method (BREEAM) assessment. The SPD aims to offer guidance and tips to improve the environmental performance related to smaller scale development including a single residential new build or home extension introduces key principles included in these national methodologies.

The Approach

- 5.4 The SPD is a practical and technically based “how to” guide. Annotated diagrams feature as the main content of the SPD. Symbols are used to flag up relative costs and carbon savings of each intervention; and show whether planning permission, listed building consent is needed or where building regulations need to be complied with.
- 5.5 In relation to Sustainable Construction the SPD identifies key national and local information sources and introduces nine key principles, explaining each one through annotated diagrams and pictures. These nine principles are:

- Land use and ecology
- Siting and Orientation
- Passive Design
- Thermal Mass
- Surface Water Run-off
- Water
- Energy
- Materials
- Waste

5.6 In relation to retrofitting existing buildings, section-drawings and hand sketches of 5 prevalent house types in the district have been used to explain how different buildings are constructed. This understanding is key to appreciating what environmental issues are present e.g. main areas of heat loss. This also demonstrates the major construction differences between traditionally constructed (pre 1919) and modern buildings e.g. traditional buildings are typically solid wall construction with breathable building fabrics, so ventilation and permeable materials need to be considered if you are adding insulation or draft-proofing to prevent problems such as condensation and damp. The five house types are based on existing buildings in B&NES, and are as follows:

- 17th Century cottage
- 18th Century Georgian townhouse
- Victorian/Edwardian terrace
- Early 20th Century (1930s semi-detached house)
- Late 20th Century (post 1985 semi-detached house)

5.7 A range of passive (energy efficiency) and active (micro-generation and building engineering solutions) are then explained in more detail, including details of consents and key issues. These include measures relating to draft proofing, insulation, windows (renovation, secondary and double glazing), ventilation, heating systems and micro-generation technologies.

5.8 The range of measures explained have been informed by the useful and robust work undertaken locally by Bath Preservation Trust and the Centre for Sustainable Energy in *Warmer Bath* (see Background papers). This cutting-edge local project recently received the RTPI National Planning award 2011 for innovation in the “sustainability” category.

5.9 Essentially, the SPD aims to inspire and inform people of ways in which they can improve the energy efficiency of their home, be it historic or modern, and to enable people to find out:

- What retrofit measures are most suitable for their house type
- What planning, building control & listed building permissions you need
- Clarification of how interventions will be viewed through the consent process
- How can you generate your own renewable energy
- Top tips for new build/extensions to make your building have a lower environmental impact

Links to Corporate Agendas

5.8 The SPD links with and supports five key corporate agendas:

Climate change commitments	<ul style="list-style-type: none"> • Supports the Sustainable Community Strategy commitment to a 45% CO2 reduction below 1990 levels by 2026 • Supports national renewable energy target of 15% of UK's energy from non-renewables by 2020 • Helps delivery policy commitments in the Core Strategy • Tackles a key source of B&NES CO2 emissions (41% B&NES CO2 emissions are from domestic properties)
Improving the condition of homes	<ul style="list-style-type: none"> • B&NES has a high proportion of "hard to treat" historic properties • Supports public health projects linked to excess winter deaths and fuel poverty • Applies lessons learnt from Housing Services retro-fit pilot of 18 B&NES private homes completed in 2010
Promoting a low carbon economy	<ul style="list-style-type: none"> • Supports environmental services which play a significant role in the local economy – worth £168m • Retrofitting should generate £540m in sales and 3200 jobs per year (2011-2020) across the West of England • It is estimated that the B&NES spend on PV alone £179m over the same period • Supports the green jobs programme and development of Low Carbon Skills Academy to support development of a local workforce for retrofit
Facilitating the community access to financial incentives	<ul style="list-style-type: none"> • Supports the Council's project to facilitate a local approach to the "green deal", a new government-led financial mechanism which supports the uptake of energy efficiency measures and retrofit. Work funded through the green deal will include many of the ideas included in the SPD such as new boilers, insulation and solar panels. The launch of the Green Deal is planned for Autumn 2012. This is likely to trigger significant additional demands for planning and listed building applications, so this SPD should help to pre-empt many of the more basic questions. • Supports access to other financial incentives such as Feed in Tariffs for micro-renewables and the Renewable Heat Incentive (e.g. for biomass heating) • Supports existing grant funds for insulation e.g. Warmer Streets
Supporting and fostering community activity	<ul style="list-style-type: none"> • Council response to call to action in <i>Warmer Bath</i> publication by Bath Preservation Trust and CSE • SPD has involved collaborative work with local groups with an interest in energy, climate change and the historic environment • SPD complements and strongly links with Bath Homes Fit for the Future events programme – which includes a range of community led activities

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An Equalities Impact Assessment (EqIA) has been completed and documented. No adverse or other significant issues were found.
- 7.2 This Equalities Impact Assessment of the Core Strategy assessed the parent policies on Retrofitting (CP1) and Sustainable Construction (CP2), the SPD provides additional information and detail in relation to these policies. These policies were seen to have a positive impact on all equalities groups (in particular age, religion/belief, race and disability) as the policies help reduce running costs of all buildings and the principles can also be applied to community buildings. Microgeneration can also generate income for local community groups and residents.

8 RATIONALE

- 8.1 There is a requirement for all Supplementary Planning Documents to undergo public consultation in accordance with planning regulations and the Council's adopted Statement of Community Involvement for Planning.

9 OTHER OPTIONS CONSIDERED

- 9.1 None.

10 CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Overview & Scrutiny Panel; Local Residents; Community Interest Groups; /Partners; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

Corporate Working Group

- 10.2 A corporate officer working group has supported the development of the SPD and has included officers from Planning Services, Sustainability Team, Building Control, Housing, Property and Development & Major Projects.

Stakeholder Workshop

- 10.3 A Stakeholder Workshop Event was held in July 2011. A report of this event is available as a background paper. There was a strong consensus that the presentation and graphic style was a good approach. Detailed comments were also gathered on emerging draft materials which have since been taken on board.
- 10.4 Ongoing work with key stakeholders has included more detailed discussions with English Heritage.

Consultation Programme

- 10.5 At an early stage in the development of the SPD it was considered that given the target audience – home owners and small scale developers – that a different approach to consultation should be taken. The approach is focused around collaborative events and a programme that will have more general interest to the community. Consultation events are mainly to be held in Bath, although they are designed to attract residents and other interested parties from across B&NES.
- 10.6 Under the linked project “Bath Homes Fit for the Future” a programme of consultation activities has now been put together to support and coincide with the launch of the draft SPD for public consultation. This has been organised collaboratively by a working group consisting of an officer from both the Sustainability Team and Planning Policy, a graduate intern volunteer, together with representatives of Bath Preservation Trust and Transition Bath.
- 10.7 A range of local groups, volunteers and Bath residents have also supported the project and some of the events on the programme are to be led by local businesses and amenity and interest groups, local residents will also be opening their homes as part of the open house weekend. Other volunteers are assisting with stewarding for events, social media campaigning, press liaison, photography etc. The full events programme is included as **Appendix B**.
- 10.8 Advertisement of the programme includes a main article in the Council’s Connect Magazine (March 2012) and both national and local media coverage.
- 10.9 Alongside this the normal regulatory requirements will need to be met for an SPD including press notices, notification of consultation to local and statutory consultees. Consultation with Parish and Town Councils and with other groups is also planned.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Customer Focus; Sustainability

12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>David Trigwell, Division Director Planning & Transport</i> <i>01225 394125</i>
Sponsoring Cabinet Member	<i>Councillor Tim Ball</i>

Background papers	<p><i>Stakeholder Workshop Report (July 2011)</i></p> <p><i>Draft Core Strategy (2011)</i></p> <p>http://www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/banes_cs_interactive.pdf</p> <p><i>Equalities Impact Assessment of the Core Strategy Submission Version (October 2010)</i></p> <p>http://www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/Equalities%20Impact%20Assessment%20of%20Draft%20Core%20Strategy%20Nov%202010.pdf</p> <p><i>Warmer Bath: A Guide to improving the energy efficiency if traditional homes in the city of Bath (2011) Bath Preservation trust and the Centre for Sustainable Energy</i></p> <p>http://www.cse.org.uk/downloads/file/warmer_bath_june2011.pdf</p>
Please contact the report author if you need to access this report in an alternative format	

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Sustainable Construction & Retrofitting Supplementary Planning Document

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CONSULTATION DRAFT
MARCH 2012



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Contact details for this project:

Funda Willetts & Cleo Newcombe-Jones

Policy & Environment Team, Bath & North East
Somerset Council
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Tel: 01225 477548

Bath & North East Somerset Council has
worked with the following organisations
in producing this document:

Sustainable construction expertise by Lucy Pedler
at [archipeleco architecture](http://archipeleco.com), ecological design and
consultancy: www.archipeleco.co.uk



Retrofitting expertise provided by Jarrod Hill
at JH Consulting Architects, architecture,
conservation and consultancy:
www.jhconsulting.org



Quantity surveying expertise provided by Ian
Walker at Bare, Leaning & Bare Chartered
Quantity Surveyors, part of the Synergy Group:
www.synergylp.com/HistoryBLB.html



INTRODUCTION TO SPD

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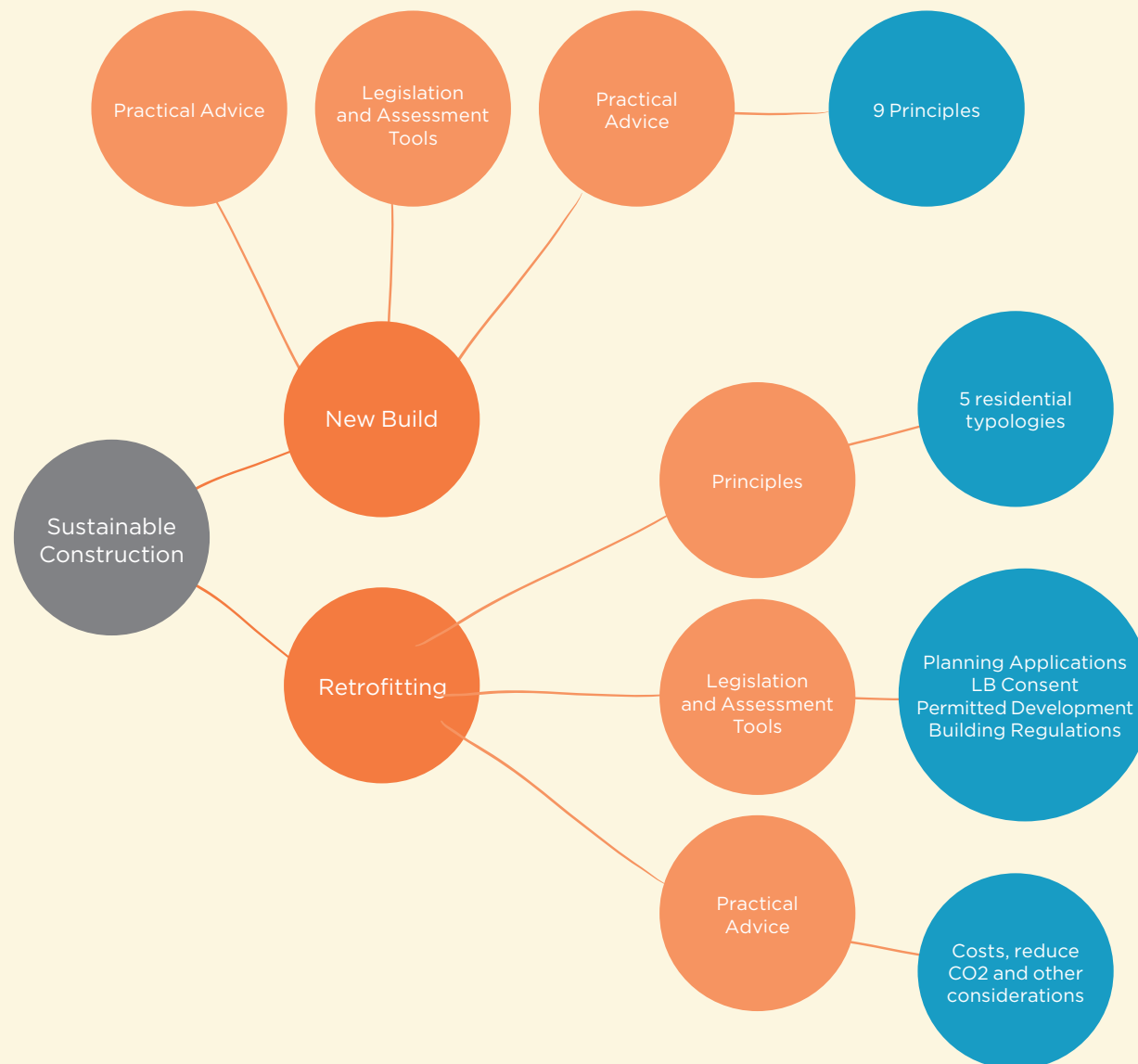
This supplementary planning document accompanies the [Council's Core Strategy policies CP1 and CP2](#). It is a guide for small developers, proposing less than 10 dwellings and home owners on how to build and retrofit homes sustainably to reduce energy consumption and fuel bills.

This document has been prepared together with Planning, Conservation, Housing, Sustainability and Building Control Officers. It aims to offer home owners and small scale home builders in Bath & North East Somerset clear direction on how to contribute to the Council's aspirations to increase the [energy efficiency](#) of all homes in our district.

We welcome any comments regarding the content of this document. Contact details are listed in the [directory](#).

Structure Of SPD

The diagram describes the structure of this document. The principles of [sustainable construction](#) are relevant primarily for new buildings and extensions. [Retrofitting](#) options for the five pre-dominant building types in the district are described. This includes the problem issues for each building type and suggestions for energy efficiency opportunities that could be applied to them together with details of risks and considerations for each measure. Each suggested measure is explained in more detail with drawings, photographs, symbols for required consents and a carbon saving/cost analysis to help home owners decide which measure is most appropriate for their home. A [glossary](#) of terms and [directory](#) of useful information including the contact details of relevant Council Officers completes the document.



POLICY BACKGROUND

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House type relevant: New Builds, Extensions & Retrofits

It is important to understand the national and local policy context for sustainable construction and retrofitting.

National Draft National Planning Policy Framework

<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

States that the planning system should aim to secure “radical reductions in greenhouse gas emissions” through “active support for energy efficiency improvements to existing buildings and the delivery of renewable and low-carbon energy infrastructure”

Until they are superseded, the following national policies also remain relevant:

Planning Policy Statement 1: Delivering Sustainable Development

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement1>

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement

<http://www.communities.gov.uk/publications/planningandbuilding/ppscclimatechange>

Clarifies priority on action on climate change across all national policy.

Planning Policy Statement 5: Planning for the Historic Environment

<http://www.communities.gov.uk/publications/planningandbuilding/pps5>

Local Plan Policies HE.1, HE.2 and HE.3 are particularly relevant.

Guidance English Heritage's PPS5 Practice Guidance

<http://www.english-heritage.org.uk/publications/pps-practice-guide/pps5practiceguide.pdf>

Paragraph 25 is particularly relevant in relation to improving energy performance of existing heritage assets.

Microgeneration in the Historic Environment

<http://www.helm.org.uk/server/show/nav.00h016008004>

English Heritage provide a range of other guidance relating to listed buildings and historic buildings

Bath & North East Somerset Council's local policies

Local Plan

<http://www.bathnes.gov.uk/environmentandplanning/planning/localplans/bathnesomersetlocalplan/Pages/default.aspx>

Policies of particular relevance are likely to be D2 and D4 Design Policies; ES1 Renewable Energy policies (due to be replaced by CP3 Core Strategy policy) and BH2 and BH5 in relation to listed and historic buildings.

Core Strategy

<http://www.bathnes.gov.uk/environmentandplanning/planning/planningpolicy/localdevelopmentscheme/pages/corestrategy.aspx>

This supplementary planning document supplements policies CP1 on Retrofitting and CP2 on Sustainable Construction.

INTRODUCTION TO SUSTAINABLE CONSTRUCTION

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House type relevant: New Builds & Extensions

The following Sustainable Construction principles expand upon criteria set out in the [Code for Sustainable Homes \(CSH\)](#) and [Building Research Establishment Environmental Assessment methodology \(BREEAM\)](#) requirements. Pre-assessments for CSH for residential buildings and BREEAM for non-residential buildings are required to accompany all planning applications.

Our sustainable construction approach can be outlined in the [Design & Access Statement](#) for your planning application or as a separate document. You can use drawings, diagrams and photographs to support your approach.

Some sustainable construction principles will influence the appearance of your proposed development. Early discussions and design development with architects and Council planners can enable a balance to be achieved between architecture that performs well environmentally and sits happily in its environment.

The nine sustainable construction principles described in this SPD apply primarily to new buildings though some can also apply for extensions.

They are:

1. Land-Use & Ecology
2. Siting & Orientation
3. Passive Design
4. Thermal Mass
5. Surface Water Run-off
6. Water
7. Energy
8. Materials
9. Waste

Further information is provided on a [practical advice](#) diagram that describes what sustainable construction methods can be applied to different parts of a new building or extension.

All development proposals must meet legislative requirements. The [Legislation & Assessment Tools](#) chapter details some of these.

LEGISLATION & ASSESSMENT TOOLS

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House type relevant: New Builds, Extensions & Retrofits

Building Regulations



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www.communities.gov.uk



www.labc.uk.com

www.bathnes.gov.uk

Standards

Code for Sustainable Homes

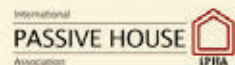
<http://www.planningportal.gov.uk/buildingregulations/greenerbuildings/sustainablehomes>

The national standard for the sustainable design and construction of new homes. From May 2008 it has been mandatory for all new homes to be rated against the Code and include a Code or nil rated certificate.

Passivhaus

<http://www.passivhaus.org.uk/standard.jsp?id=37>

Passivhaus is an energy performance standard that



was developed in Germany in the early 1990s. The approach dramatically reduces the requirement for space heating and cooling. This is primarily achieved by adopting a fabric first approach to the design, specifying high levels of insulation to the thermal envelope with exceptional levels of airtightness and the use of whole house mechanical ventilation.

The Passivhaus Standard can

be applied not only to residential dwellings but also to commercial, industrial and public buildings.

BREEAM

<http://www.breeam.org/>



BREEAM sets the standard for best practice in sustainable building design, construction and operation and has become one of the most comprehensive and widely recognised measures of a building's environmental performance. It is mainly used for non-residential development.

Energy Performance Certificate

www.direct.gov.uk

Energy Performance Certificates (EPCs) give information on how to make your home more energy efficient and reduce carbon dioxide emissions.



Consent

Proposals to construct new homes will always require planning consent. Some extensions will be **permitted development** and others would require **planning consent**. **Listed Building consents** may also be required.

It is essential to check with the **planning department** about the consents that may be required for your site and also whether any constraints to development apply, such as Green Belt legislation. Pre-application advice to provide such information is available for a small fee, details are in the **directory**.

Where there is a likelihood that planning or listed building consents would apply to sustainable construction principles or retrofitting measures or where they may be permitted development, the symbols below will appear throughout the document. Where you see the Building Control symbol below please contact your local authority building control service who can advise on the specific requirements to meet building regulations. Please follow up the implications of these with the relevant Council officers.

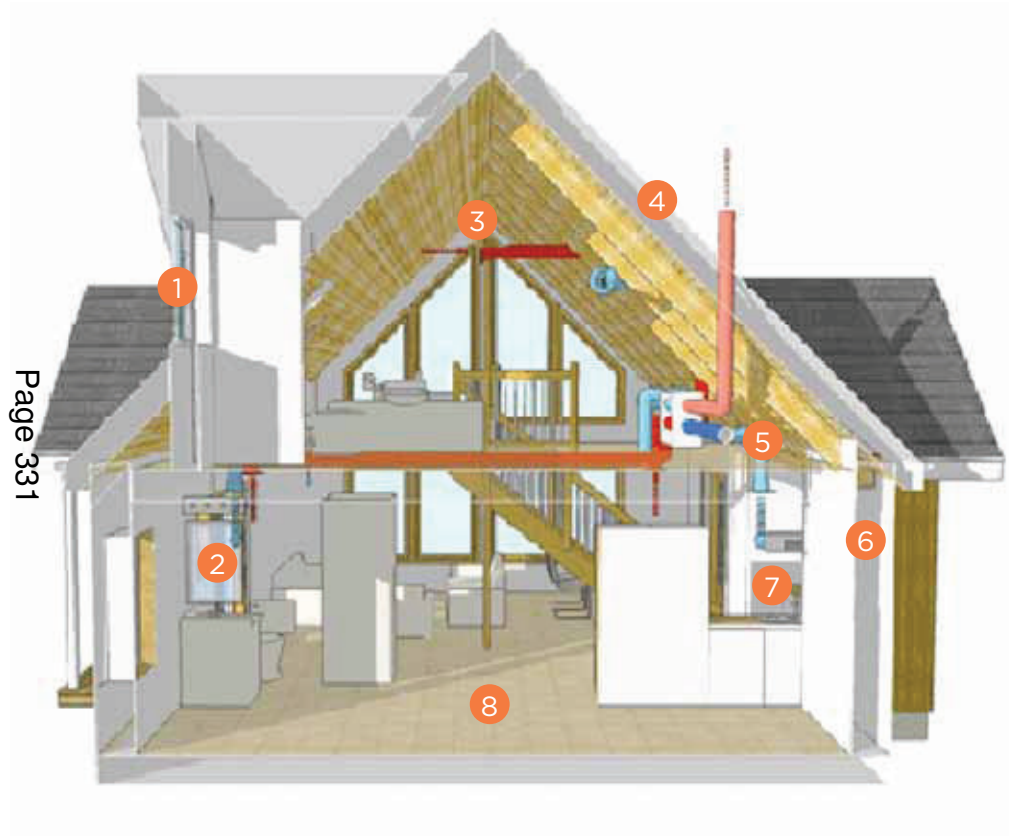
- P** Planning consent
- L** Listed building consent
- B** Building control
- D** Permitted Development

PRACTICAL SUSTAINABLE CONSTRUCTION ADVICE

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- 1 Introduction
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- 3 Retrofitting
- 4 Useful Information

House type relevant: New Builds & Extensions



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1 Windows

- Frames
- Glazing
- Details
- Solar Shading
- Thermal Bridging

2 Heating & Hot Water

- Efficient Controls
- Underfloor Heating
- Photovoltaics, Solar Thermal, Biomass

3 Interior Design

- Lighting
- Paints
- Flooring

4 Roof

- Insulation
- Room-in-a-roof
- Materials
- Solar panels

5 Ventilation

- Airtightness
- Natural & Mechanical Ventilation
- Heat Recovery
- Indoor Air Quality
- Moisture Control

6 Walls

- Insulation
- Thermal Mass
- Materials

7 Water

- Reduce Consumption
- Rainwater Harvesting
- Surface Water run off

8 Floors

- Insulation
- Thermal Mass
- Materials

PRACTICAL SUSTAINABLE CONSTRUCTION ADVICE

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House type relevant: New Builds, Extensions & Retrofits

Here we have listed the top 3 issues relating to each of the eight subject areas on the Practical Advice section in order of carbon savings. Most carbon saved is indicated first-this is very approximate but gives an idea of the measures relative to each other within each section, therefore a £££ in Windows section for example is not equivalent in monetary value to £££ in another section. We have added £'s to each measure, £ being least expensive, ££ medium and £££ quite expensive (there is not necessarily one of each £, ££ and £££). Please note that in some situations such as the Windows section some of the measures would be applicable for retrofitting too.

HEATING AND HOT WATER:

Carbon saving measures:

1. Improving the thermal performance of the external envelope (££)
2. Installing solar thermal (£££)
3. Installing thermostat, timer and TRV's (£)

WINDOWS:

Carbon saving measures:

1. Using high performance windows (£££)
2. Installing draught proofing (££)
3. Adding shutters, blinds and heavy curtains (£)

INTERIOR DESIGN:

Carbon saving measures:

1. Designing in natural daylight (no additional cost)
2. Using natural wall and floor finishes (££)
3. Using low energy lighting (£)

ROOF:

Carbon saving measures:

1. Installing roof/loft insulation (£)
2. Designing a room in a roof (££)
3. Using natural materials (££)

VENTILATION:

Carbon saving measures:

1. Installing a mechanical ventilation heat recovery (££)
2. Having controllable trickle vents in windows (£)
3. Mechanical extract fans in kitchens and bathrooms (£)

[Please note that 1 and 2 are not strictly carbon saving measures but effective actions for providing adequate ventilation]

WALLS:

Carbon saving measures:

1. Super insulate external walls (£)
2. Use the thermal mass of walls to store heat (£)
3. Use low impact materials (£)

WATER:

Carbon saving measures:

1. Install water saving devices (£)
2. Install a rainwater harvesting system (£££)
3. Specify porous paving for external landscaping (££)

FLOORS:

Carbon saving measures:

1. Super insulate ground floors (£)
2. Use the thermal mass of floors to store heat and place insulation under slabs (£)
3. Use low impact materials (£)

Data supplied by archipeleco architects: www.archipeleco.co.uk

LAND-USE & ECOLOGY

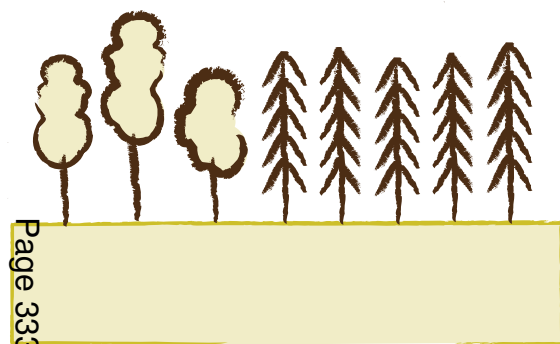
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House type relevant: New Builds, Extensions & Retrofits

Whenever we build, we must protect the plants and animals that already live on the site.

Examples of these are:



Existing trees - providing habitats for many species



Protected species such as bats and newts



Existing plants



Living creatures such as insects, mammals and reptiles



For significant sites, it is important to carry out an ecological survey prior to any work starting to identify the flora and fauna that need to be protected

- Land on sites should be used efficiently with new planting supporting existing local species of flora and fauna. Opportunities to connect and introduce multifunctional **green infrastructure** should be considered e.g. by adding green roofs, street trees or space for growing food.
- The following organisations are good sources of information on how to identify and protect animals and plants on your construction site:

Bristol Regional Environmental Records Centre

www.brerc.org

Details of local groups, helplines and data on what flora and fauna can be found on most sites.

Avon Wildlife Trust

www.avonwildlifetrust.org.uk

Gives planning advice in a series of guidance notes.

In addition, the district's **Requirements for Biodiversity and Geological Conservation Assessment** can be found on the Council's planning web pages. <http://www.wi/environmentandplanning/naturalenvironment/Ecology/Pages/default.aspx>

SITING & ORIENTATION

House type relevant: New Builds & Extensions

When siting new buildings, there is an opportunity to orient them to:

- maximise natural daylight and sunlight into the building (see *Passive Design* for more details)
- ensure that the largest part of the roof's surface is facing South, or at least SSE/SSW so that any solar panels on the roof have maximum access to the sun.

South facing elevations could utilise naturally ventilated conservatories and sun lobbies to control solar gain within dwellings. See *Passive Design*.

- Consider the topography of the land and character of the place together with solar orientation when siting and laying out your new building. The 'Building for Life' tool found on the archived Commission for Architecture and the Built Environment web pages can help with this: www.buildingforlife.org
- Space can be left around the main buildings to allow for rain water collection and the use of Sustainable Urban Drainage Systems or *SUDS* in the landscaping around dwellings. See *water* and *surface water run-off* sections for details.



1 Very restricted south facing roof surface.

2 Is the site near public transport? Where there is a choice of sites, one that has access to public transport will be more attractive to users and reduce dependence on private car use.

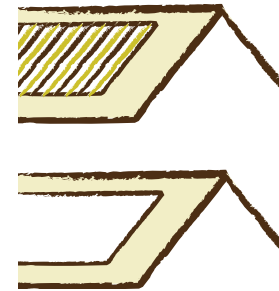
3 Buildings in close proximity to each other can block out their neighbours natural daylight and overshadow neighbour's roofs, reducing their ability to use solar power.

4 Plenty of south facing roof – even if the intention is not to install solar panels during construction, make the roof 'solar ready' for future installation.

5 It is a legal requirement for paths, drives and car parks over 5m² to be finished with porous surfaces to allow the rain falling on the site to drain to the local water table rather than potentially overburden our existing drainage system. See *Surface Water Run Off* section.

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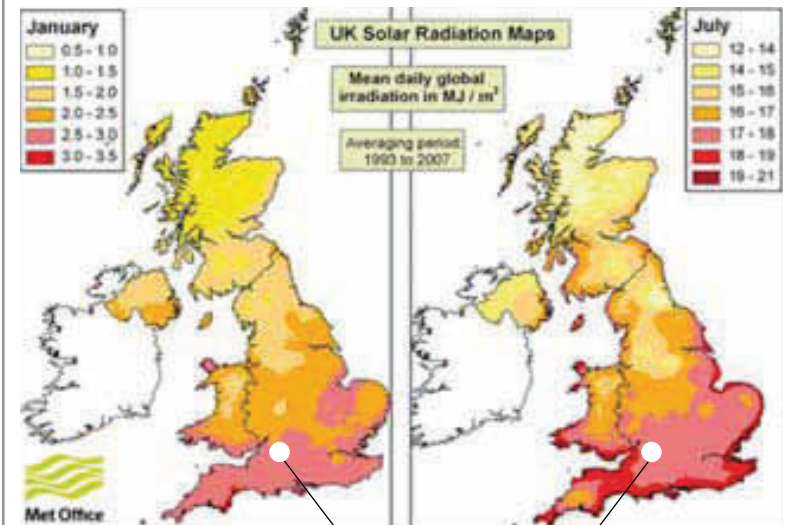


Solar panels

Solar thermal panels – heat the hot water for the building

Photovoltaics – generate electricity for the building. The feed in tariff scheme will generously compensate you for generating your own electricity. See www.energysavingtrust.org.uk

UK solar radiation



Bath & NE Somerset

PASSIVE DESIGN

Sections

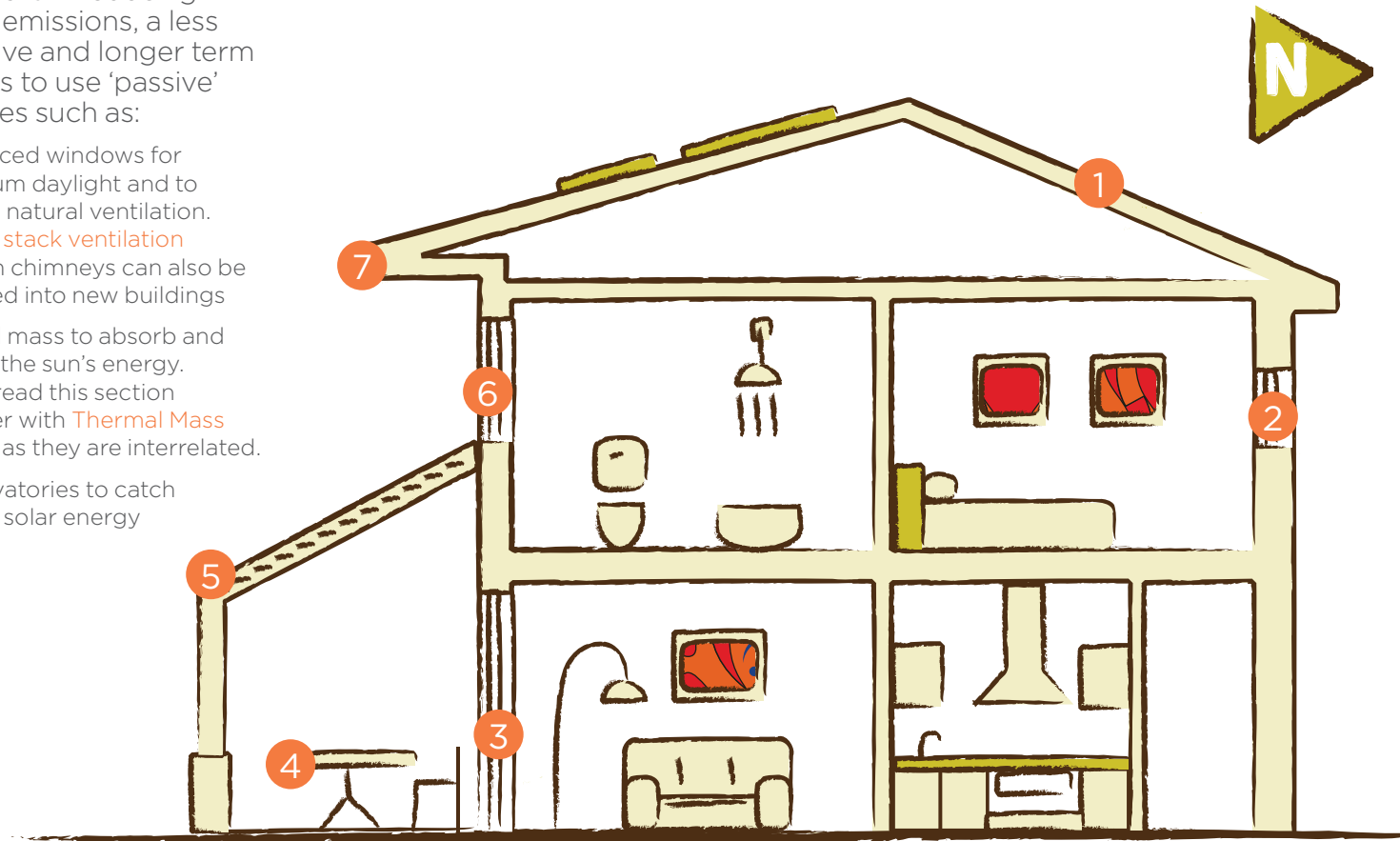
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House type relevant: New Builds & Extensions

Although 'active' systems such as solar panels and other renewable technologies play a part in reducing carbon emissions, a less expensive and longer term option is to use 'passive' measures such as:

- well placed windows for maximum daylight and to provide natural ventilation.
- **Natural stack ventilation** through chimneys can also be designed into new buildings
- **Thermal mass** to absorb and release the sun's energy. Please read this section together with **Thermal Mass** section as they are interrelated.
- conservatories to catch passive solar energy

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- 1 Insulation in the roof helps keep heat in during the winter and out during the summer
- 2 Smaller windows on the north side help to reduce heat loss where the sun doesn't shine
- 3 Make sure the wall between the main building and the conservatory is built as an external wall to ensure minimal heat loss in winter. See Part L of the Building Regulations for more information.
- 4 Conservatories on the South (or SSW/SSE) side of the building can capture huge amounts of free, carbon neutral energy from the sun. If the floors are solid (ceramic tile or stone for example), they can soak up the heat from the sun over the course of the day and release it in the evening (see Thermal Mass)
- 5 Build in solar shading so that the conservatory does not overheat in summer.
- 6 Large south facing glazing or windows will let lots of natural light in, avoiding using artificial light but make sure you can shade in summer. External blinds, brise soleil and shutters can all help control the amount of daylight and sunlight entering the building
- 7 Large overhang on South facing roofs helps prevent overheating

THERMAL MASS

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House type relevant: New Builds & Extensions

Building materials that are heavyweight (brick, block, concrete) can be used to absorb and release heat in buildings and help moderate the temperature.

These materials are called 'thermally massive'. Please read this section alongside 'Passive design' as they are interrelated.

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A During the day:

It's important on south facing facades to try and keep the highest summer sun out by using roof overhangs & solar shading

Heavyweight walls, floors and ceilings (thermal mass can absorb the sun's heat and help keep the building cool.

B At night time:

Opening windows at night time lets the heat out and allows cooler air from outside to cool the thermally massive elements and cool the building down: 'night time cooling'. In the morning, the building is cooler and ready to start the cycle again. In addition to helping buildings stay cool in summer – an important consideration as climate change science predicts hotter summer temperatures in the future – thermal mass can help keep the heat in in winter if the insulation is on the outside.

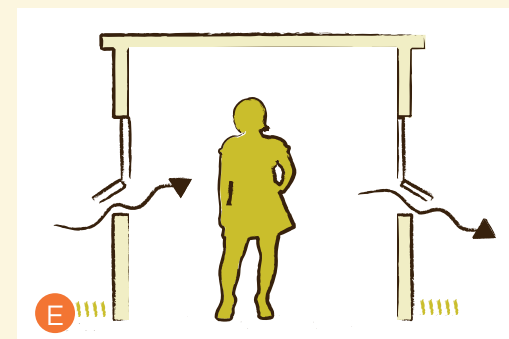
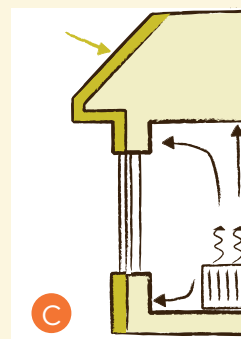
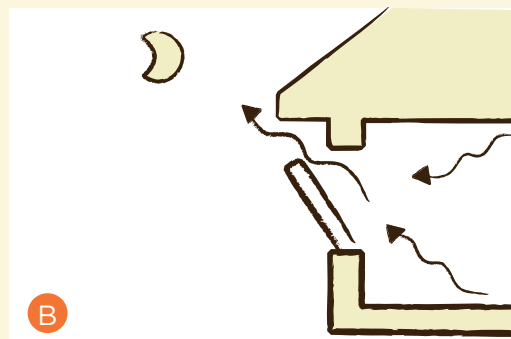
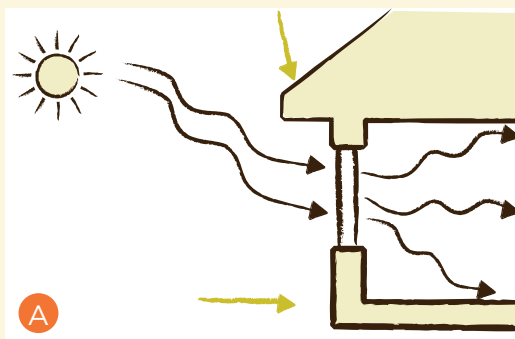
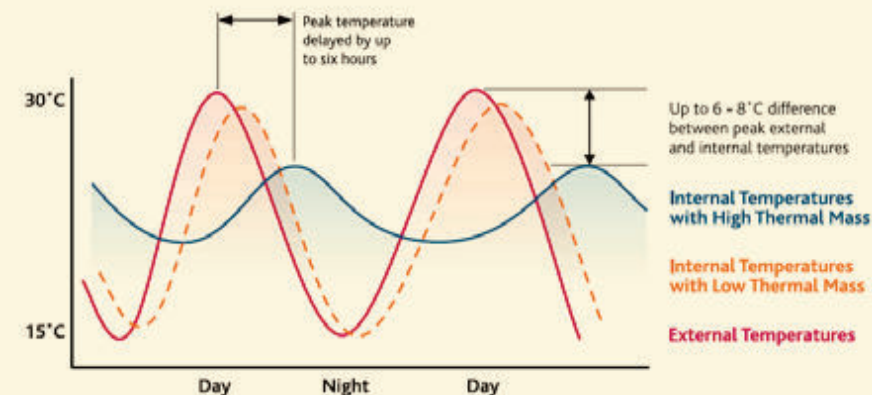
C Heat from inside the building warms up the thermally massive materials and then the insulation on the outside keeps the heat in – like a giant tea cosy over the building. Take care to ensure that the insulation is continuous and there are no gaps causing 'cold bridging'

D Another benefit of thermal mass is that it helps to iron out the peaks and troughs in temperature, making indoor temperatures more comfortable for the occupants.

E Don't forget to ensure there is adequate ventilation too – in summer, a breeze makes people feel more comfortable even at relatively high temperatures

D

STABILISING EFFECT OF THERMAL MASS ON INTERNAL TEMPERATURE



SURFACE WATER RUN-OFF

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House type relevant: New Builds & Extensions

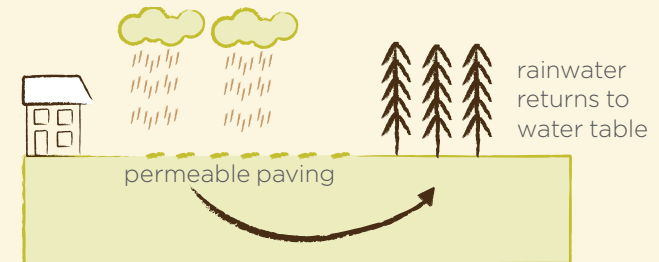
As our cities grow, the amount of land we cover with impermeable surfaces such as tarmac, increases. As our climate changes, it is predicted that we will get more extreme weather including severe rain storms.

When it rains heavily, the drains cannot cope and sometimes raw sewage from buildings is mixed with this rain and is discharged into natural water courses.



Photograph shows the River Avon bursting its banks in central Bath after severe rain.

The solution is to introduce permeable surfaces on paths, drives and car parks, so that when it rains, the ground absorbs the water and the sewage system does not become over burdened.



Other ways of dealing with surface water run off are to create temporary 'reservoirs' to slow the rate of water to the drains.

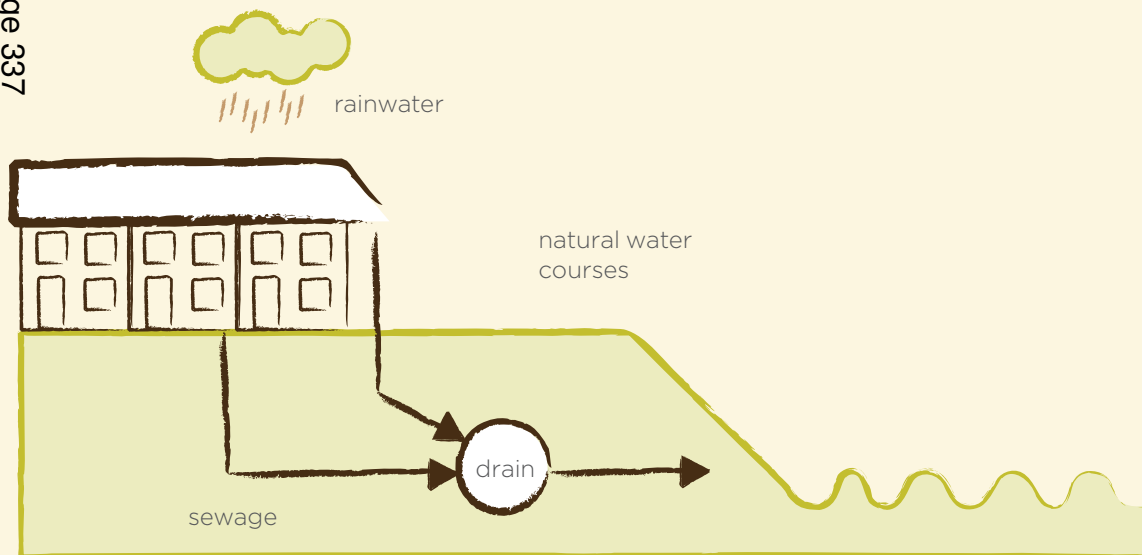


green roofs can help



create swales to hold the rainwater

These solutions are called Sustainable Urban Drainage Systems or SUDS. Sustainable drainage is a requirement through the Flood and Water Management Act 2010, which is enforced through the planning system.



WATER

Sections

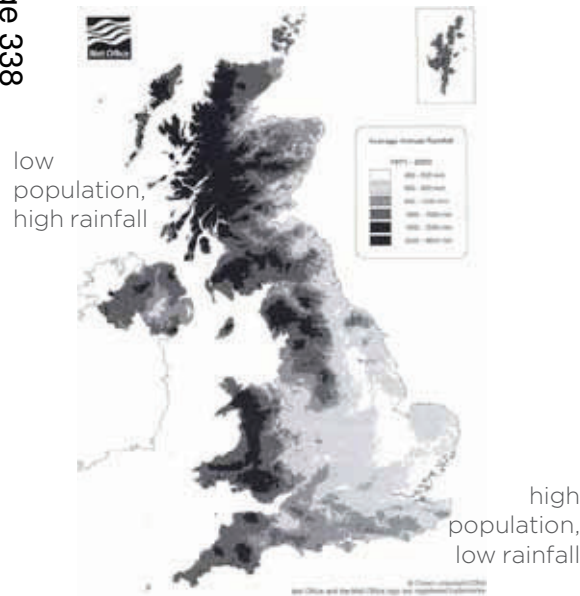
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House type relevant: New Builds, Extensions & Retrofits

Although we have a fixed amount of water on the planet so we are not going to run out, we use energy every time we 'clean' used water. For some uses, such as flushing WC's, we do not need to use drinking water - rain water will do the job very well.

In the UK, we have areas of water stress – the parts of the country with the most rain are the least populated.

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There are simple ways to use less water:



low flush, dual flush WC's



flow restrictors on taps



low flow shower heads

You can also reduce your reliance on processed mains water



collecting rainwater for garden irrigation



collecting rainwater to flush WC and in washing machine

And by changing your behaviour



showering rather than having a bath



turning off the taps when you don't need running water

ENERGY

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House type relevant: New Builds, Extensions & Retrofits

There are two ways buildings use energy:



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during construction
embodied energy



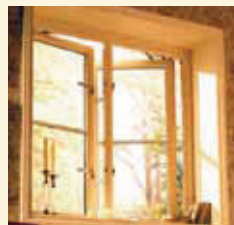
during use
operational energy

You can reduce the amount of energy your building is responsible for by:

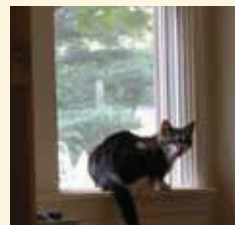
1 Using low impact building materials



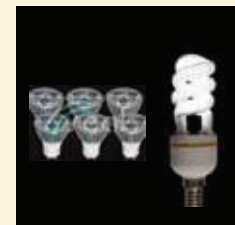
2 Making your building more energy efficient



high performance windows



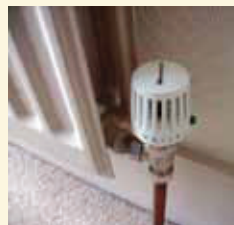
use of natural daylight



use low energy lighting



high levels of insulation



good heating controls



monitoring to check your energy usage



avoid overheating in summer

You can also use low carbon technologies to reduce the amount of fossil fuels to heat, light and cool your buildings, such as:



gas condensing boiler



solar thermal panels for hot water

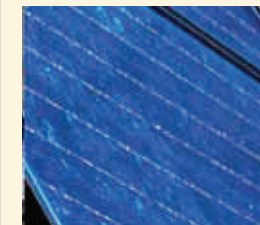


Photo voltaics for electricity generation



wind turbines (where appropriate)



bio mass (if a local supply can be secured)



heat pumps

MATERIALS

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House type relevant: New Builds, Extensions & Retrofits

Most of the materials we use come from non-renewable sources, and sooner or later we will run out. It also takes energy (usually from fossil fuels) to make building products thereby contributing to climate change.

We can help to address this by using sustainable materials...

It is important to use materials that are local, responsibly sourced and healthy for us to live in.

Reclaimed materials
eg. reusing roof tiles



Materials with recycled content
eg. old newspapers as insulation



Materials that can be recycled

It takes 95% less energy to use recycled aluminium than virgin aluminium



Renewable Materials

FSC timber for wood floors



WASTE

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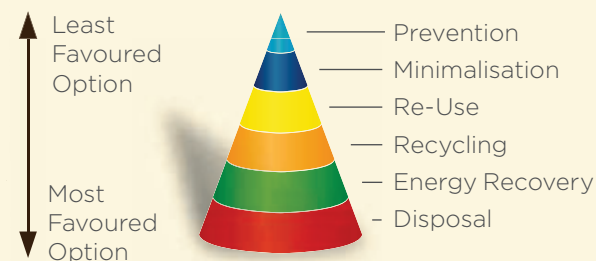
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House type relevant: New Builds, Extensions & Retrofits

Constructing buildings creates huge amount of waste – over 100m tonnes each year – over a third of all waste created in the UK. Consider how existing buildings on a site can be retained and adapted for re-use. Significant demolitions in a conservation area will require conservation area consent.

We can make a big difference by:

Whether its construction waste, or waste from households, industry etc, we have to reduce the amount of materials we use in the first place and reduce waste – otherwise known as an ‘unused resource’.



Site Waste Management Plans (SWMP) are a legal requirement for projects over £300,000

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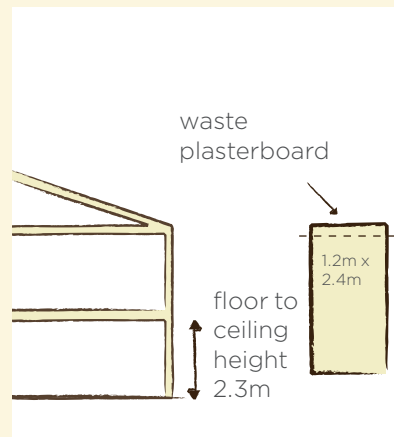
Using less material



Segregating waste onsite for recycling



Designing our buildings to use materials more effectively



Using 'waste' to produce new building materials



INTRODUCTION TO RETROFITTING

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DEFINITION: Retrofitting measures to existing buildings can to improve their energy efficiency and adaptability to climate change; this includes the appropriate incorporation of micro-renewables.

WHY IS RETROFIT RELEVANT TO BATH & NORTH EAST SOMERSET?

Supports climate change commitments

- Target for UK is for 15% of energy to be from renewables by 2020, we need to play our part
- 41% of our districts carbon emissions are from domestic properties so our homes are a major issue

Helps improve the condition of our homes

- Our district has a high proportion of hard to treat pre 1919 homes
- Fuel poverty and excess winter deaths are a particular issue for the area

Promotes our low carbon economy

- Environmental services play a significant role in the local economy
- Retrofit is predicted to generate £540m in sales and 3200 jobs per year across the West of England (2011-2020)
- Supports programme to encourage local green jobs and training

Residents can save money on energy bills

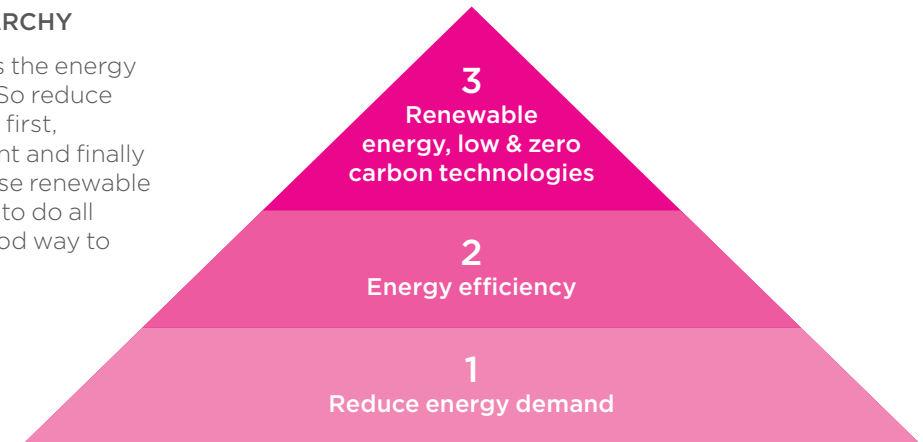
- Increases awareness of existing grant funds in B&NES e.g. for insulation
- Supports local residents accessing financial incentives such as feed-in-tariffs and the renewable heat incentive
- The green deal, due to be launched in winter 2012 will offer new access to finance for retrofitting measures

Our community is engaged on these issues

- Links to a range of local initiatives, projects and events
- Bath Homes Fit for the Future www.bathhomesfitforthefuture.co.uk project

THE ENERGY HIERARCHY

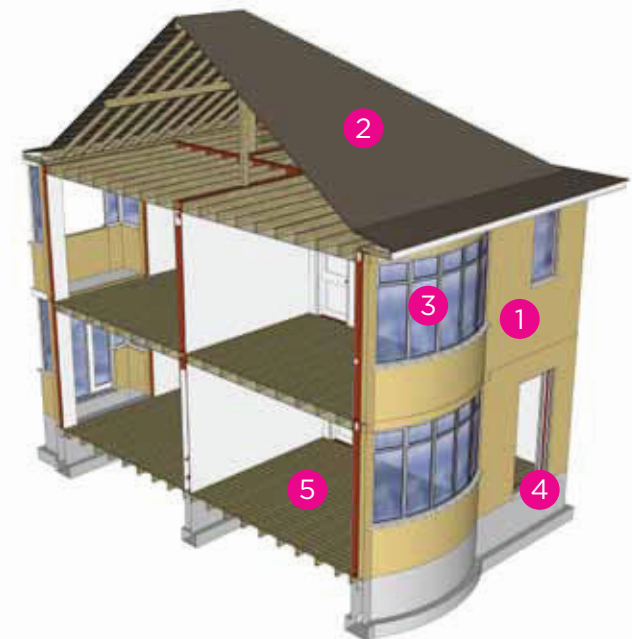
The Council supports the energy hierarchy approach. So reduce your energy demand first, become more efficient and finally look to generate or use renewable energy. We will need to do all three, but this is a good way to prioritise action.



HEAT LOSS

61% of UK home energy use is related to space heating. To prioritise your retrofit it is useful to consider the average energy loss for a typical house. The **Energy Saving Trust** breakdown for typical heat loss in a house is as follows:

- 1 Walls **33%**
- 2 Roof **26%**
- 3 Windows and Doors **21%**
- 4 Ventilation and Drafts **12%**
- 5 Floor **8%**



INTRODUCTION TO RETROFITTING

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OUR APPROACH

In this section five common house types found in Bath & North East Somerset are introduced, each has different construction and so behaves differently environmentally.

The information should help you to diagnose:

- What are the main environmental issues for your house type?
- What are the main opportunities for retrofitting for your house type?

Next, a range of retrofitting measures are introduced and explained using an annotated diagrams and summary information.

Where there is a likelihood that the works will be permitted development or require planning, listed building or building control consent this is highlighted. Costs and carbon savings of each measure are also highlighted.

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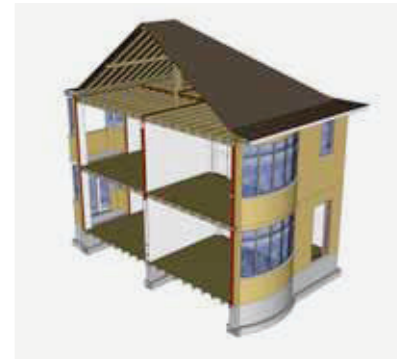
17th century detached cottage [pX ▶](#)



Georgian townhouse [pX ▶](#)



Victorian/Edwardian terrace [pX ▶](#)



Early modern 1930s semi detached [pX ▶](#)



Late Modern Post 1985 new build [pX ▶](#)

17TH CENTURY BUILDING

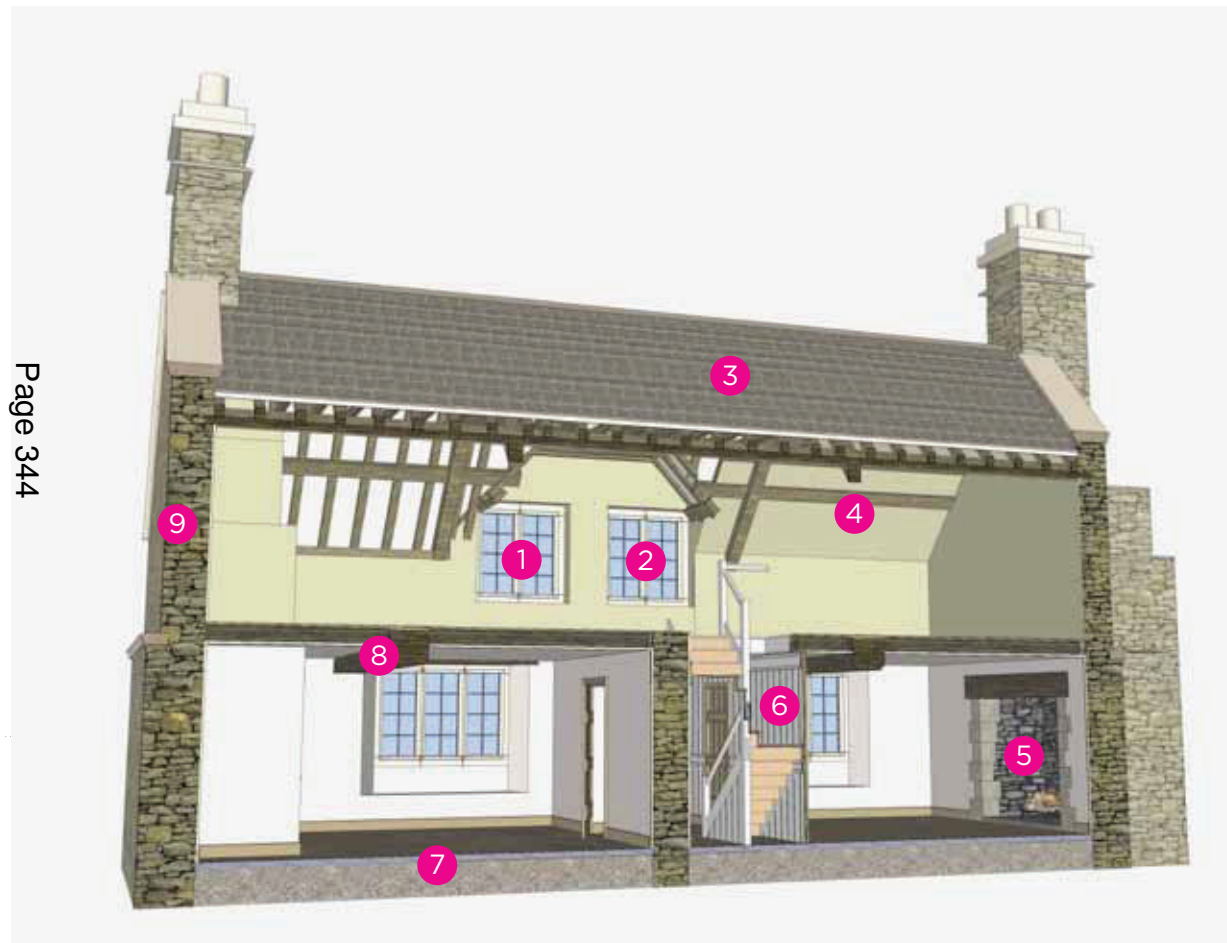
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Topics in this section:

- ▶ Issues
- Opportunities
- Passive
- Active

House type relevant: 17th Century building



1 Smaller windows set in deep reveals mean that natural light levels are often quite low.

Windows to upper floors are often set closer to the floor, which makes matters worse.

2 Windows are normally single-glazed leaded lights which are thermally poor with simple iron casements that can be a source of draughts unless close fitting.

3 Stone tile roof coverings are particularly draughty and many will not have roof underlay.

Mortar fillets can prevent the junctions between the roof and gable wall from being draughty if kept in good repair.

4 Plastered sloped parts of the ceiling such as the underside of the roof (known as skeilings) are unlikely to be insulated and stout timber purlins can make insertion of insulation between rafters particularly difficult.

5 Large open fireplaces are good for biofuel but allow heat to be lost up the chimney. The larger flue sizes can also be a significant source of draughts.

6 Plank and Muntin walls (completely wooden walls made up of beams and infill planks) or timber stud partitions between rooms allow heat to transfer within the building and make heating to different temperature zones harder. ...the heat from your living spaces may be lost to rooms not being used!

7 Uninsulated ground bearing stone flag floors lose heat from the interior, but their moisture permeability (breathing) can be adversely affected by insulation, increasing the likelihood of rising dampness in the walls.

8 Large timber beam ends inserted in the masonry walls can introduce cracks through which colder air can penetrate the building.

9 Stout masonry walls, ground bearing floors and large timbers all provide good thermal mass - however this can be slow to respond to swift changes in the weather or intermittent usage of rooms.

The high **thermal mass** does reduce the need for summer cooling of the building but poor insulation at roof level can lead to rapid **heat gain** in summer and **heat loss** in winter.

17TH CENTURY BUILDING

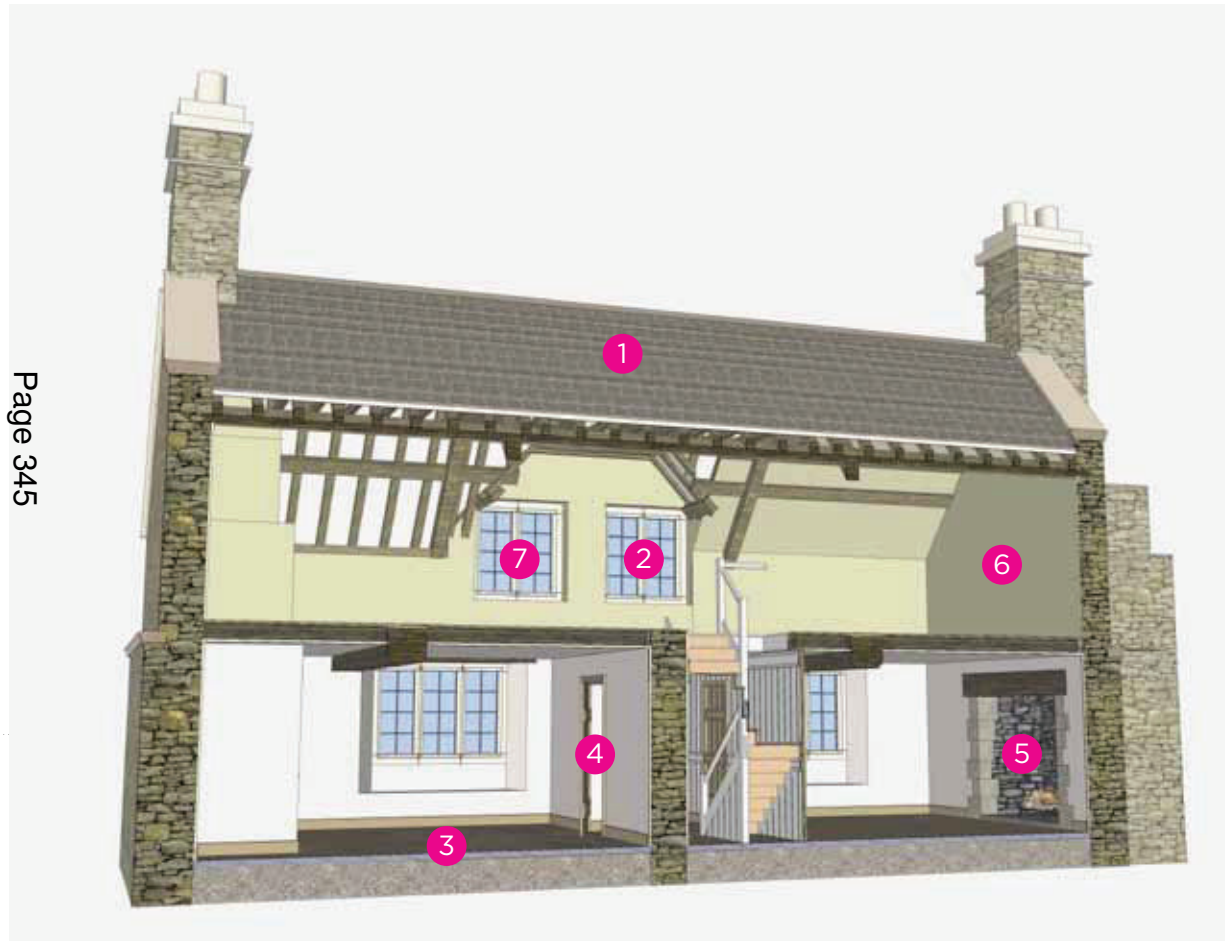
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Topics in this section:

- Issues
- ▶ Opportunities
- Passive
- Active

House type relevant: 17th Century building



- 1 SEE ROOF INSULATION pX ▶
- 2 SEE DRAFTPROOFING WINDOWS pX ▶
- 3 SEE FLOOR INSULATION pX ▶
- 4 SEE DRAFTPROOFING DOORS pX ▶
- 5 SEE DRAFTPROOFING CHIMNEYS pX ▶
- 6 SEE WALL INSULATION pX ▶
- 7 SEE SLIM PROFILE DOUBLE GLAZING pX ▶

P L B

GEORGIAN/ 18TH CENTURY BUILDING

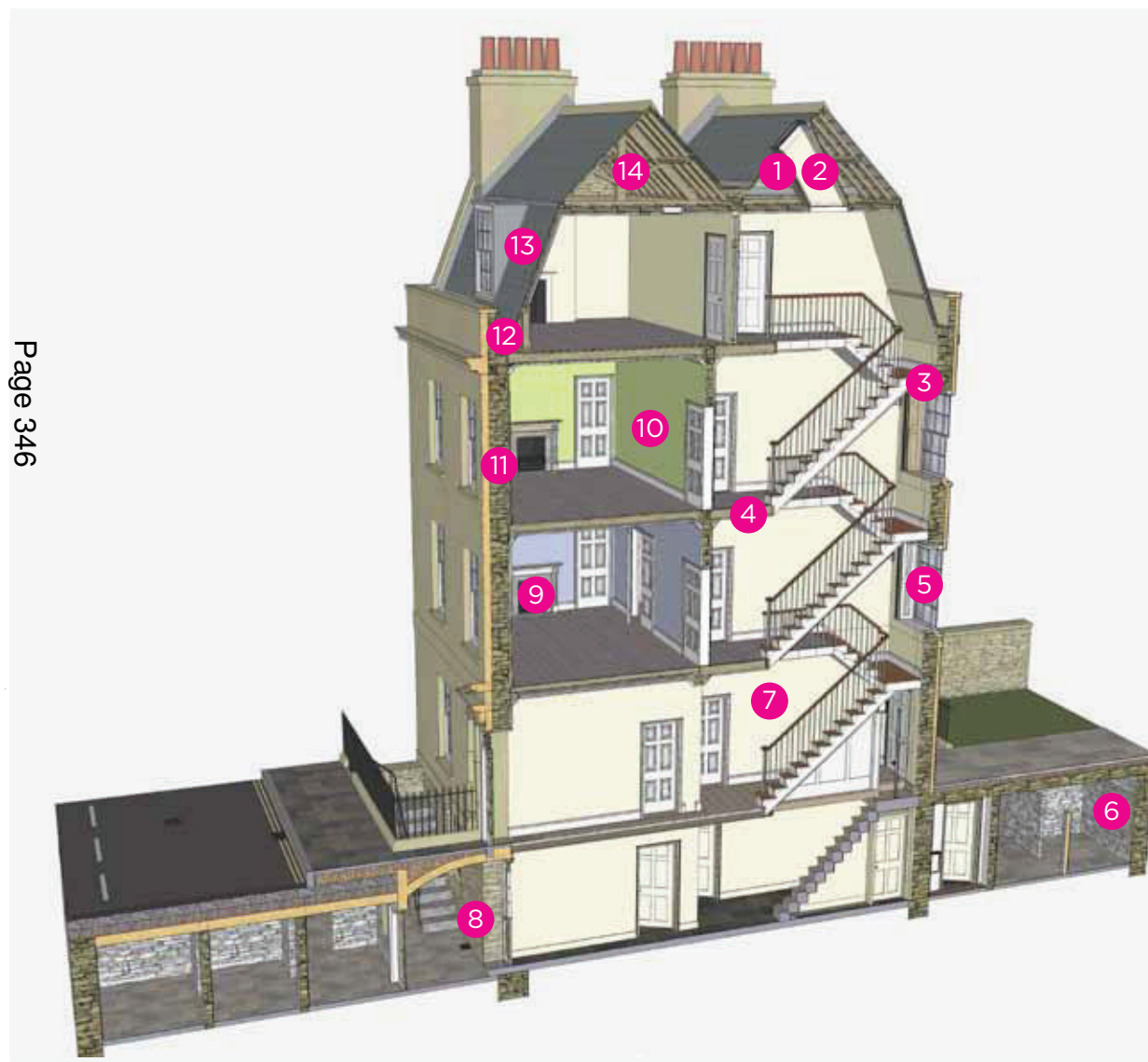
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Topics in this section:

- ▶ Issues
- Opportunities
- Passive
- Active

House type relevant: Georgian/18th Century building



1 Parapet and valley gutters drain via through-channels which require openings to the roof space and introduce cold bridging and condensation risks.

2 Roof windows and light wells are often poorly performing thermal elements but improve natural light levels to the interior. They can also be useful for stack-effect ventilation.

3 Suspended timber upper floors built into the external walls introduce numerous cracks through which cold air can penetrate the building.

4 Internal floors and partitions are uninsulated and heat can easily transfer from room to room.

5 Large single-glazed sliding sash windows should be put in good repair to eliminate draughts; also ensure timber shutters operate well as they can provide valuable insulation at night or when the room is not being used.

6 Vault spaces have poor levels of light and ventilation but their earth-sheltered arrangement can be a useful thermal buffer to the habitable rooms at basement level.

7 A large open stairwell and hall can quickly dissipate heat and be hard to keep warm. Keeping internal doors closed will help.

8 External doors often contain slender timber panels and single glazed fan-lights which readily allow heat transfer.

9 Numerous fireplaces and flues allow heat to be lost up the chimneys and draughts to enter the building.

10 Taller room heights and generous windows allow good levels of natural light and ventilation.

11 External walls are typically quite slender and heat is easily lost through the solid masonry.

12 Parapet gutters should be insulated to minimise cold-bridging through the thin lead and timber linings.

13 Upper floor rooms are typically uninsulated lightweight construction; skelings, dormer cheeks and roofs will require improvement to their thermal performance.

14 Roofs are often un-insulated and roof voids can sometimes be small or hard to access.

GEORGIAN/ 18TH CENTURY BUILDING

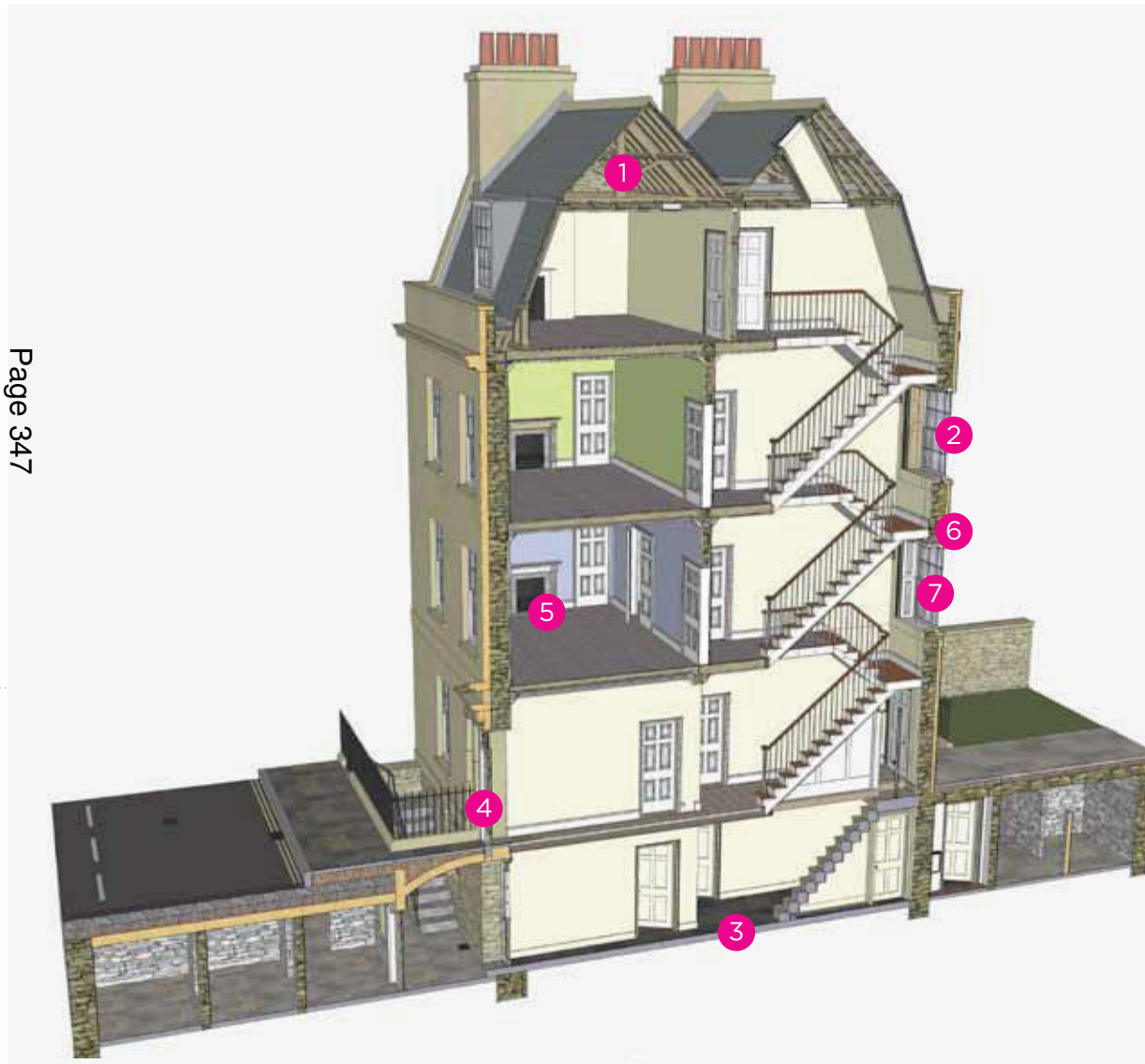
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House type relevant: Georgian/18th Century building



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VICTORIAN/EDWARDIAN BUILDING

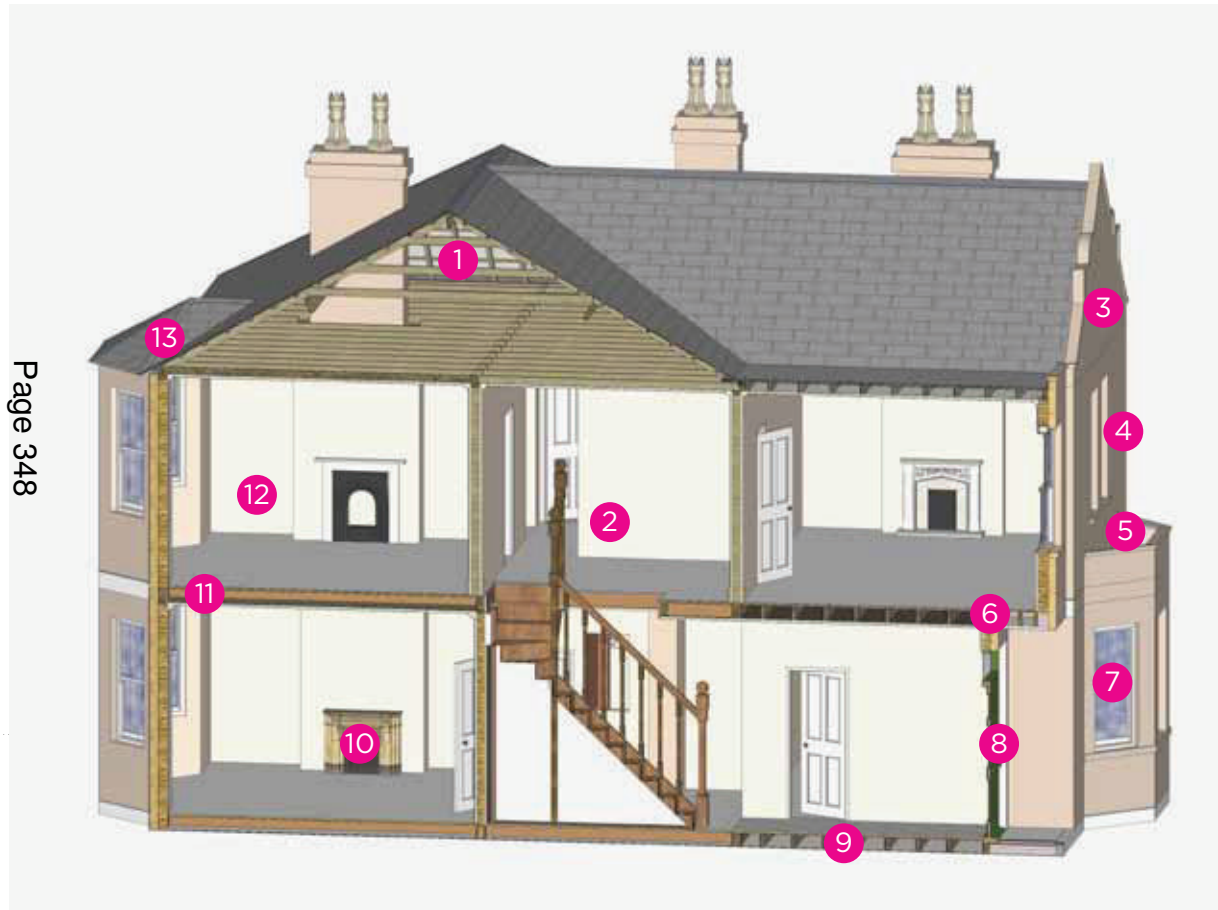
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- Active

House type relevant: Victorian/Edwardian building



1 Roofs are un-insulated and roof coverings were laid without roof underlays, making heat loss and draughts an issue.

2 An open stairwell and hall can quickly dissipate heat and be hard to keep warm. Keeping internal doors closed will help.

3 Gable walls and those to outhouses may be quite slim. 4 inch thick walls perform particularly poorly thermally.

Purlins and joists built into these slender walls can also reduce the performance further, introducing air-paths for draughts.

4 External walls are typically quite slender and heat is easily lost through the solid masonry.

5 Roofs to bay windows can be difficult to insulate, but often present a cold-bridge for the building.

6 Internal floors and partitions are uninsulated and heat can easily transfer from room to room.

7 Single-glazed sliding sash windows should be put in good repair to eliminate draughts. Where present, ensure timber shutters are in working order as these can provide useful insulation at night or when the room is not being used.

8 External doors often contain slender timber panels and single-glazed overlights which readily allow heat transfer.

9 Suspended timber ground floors have ventilated spaces beneath which can raise draughts through the boards and floor edges.

10 Fireplaces and flues allow heat to be lost up the chimneys and are routes for draughts to enter the building.

11 Suspended timber upper floors built into the external walls introduce numerous fissures or cracks through which cold air can penetrate the building.

12 Tall room heights and multiple windows, including those set in bays provide high levels of natural light and ventilation but can be a source of heat loss.

13 Dwarf roofs to bay windows can be difficult to insulate due to limited access.

VICTORIAN/EDWARDIAN BUILDING

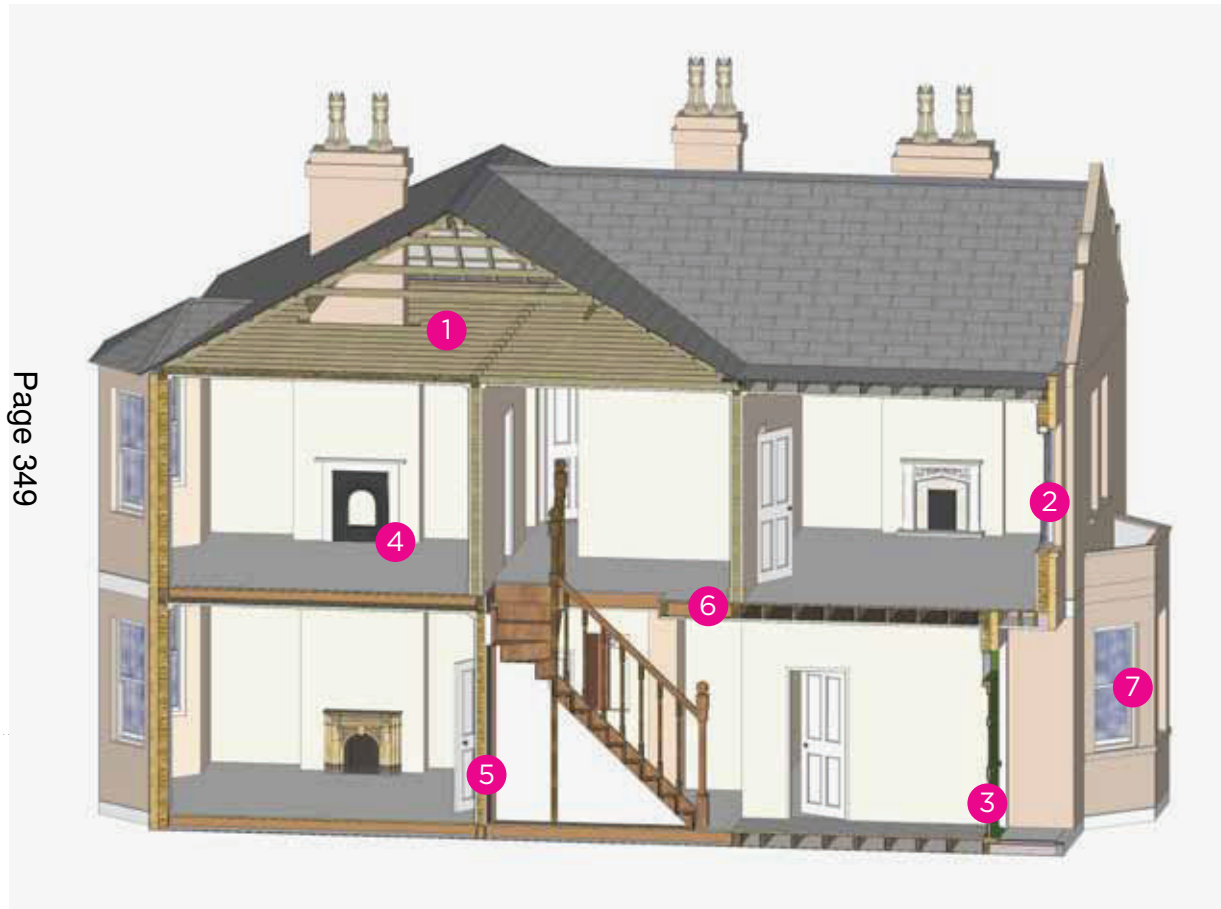
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House type relevant: Victorian/Edwardian building



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EARLY 20TH CENTURY BUILDING

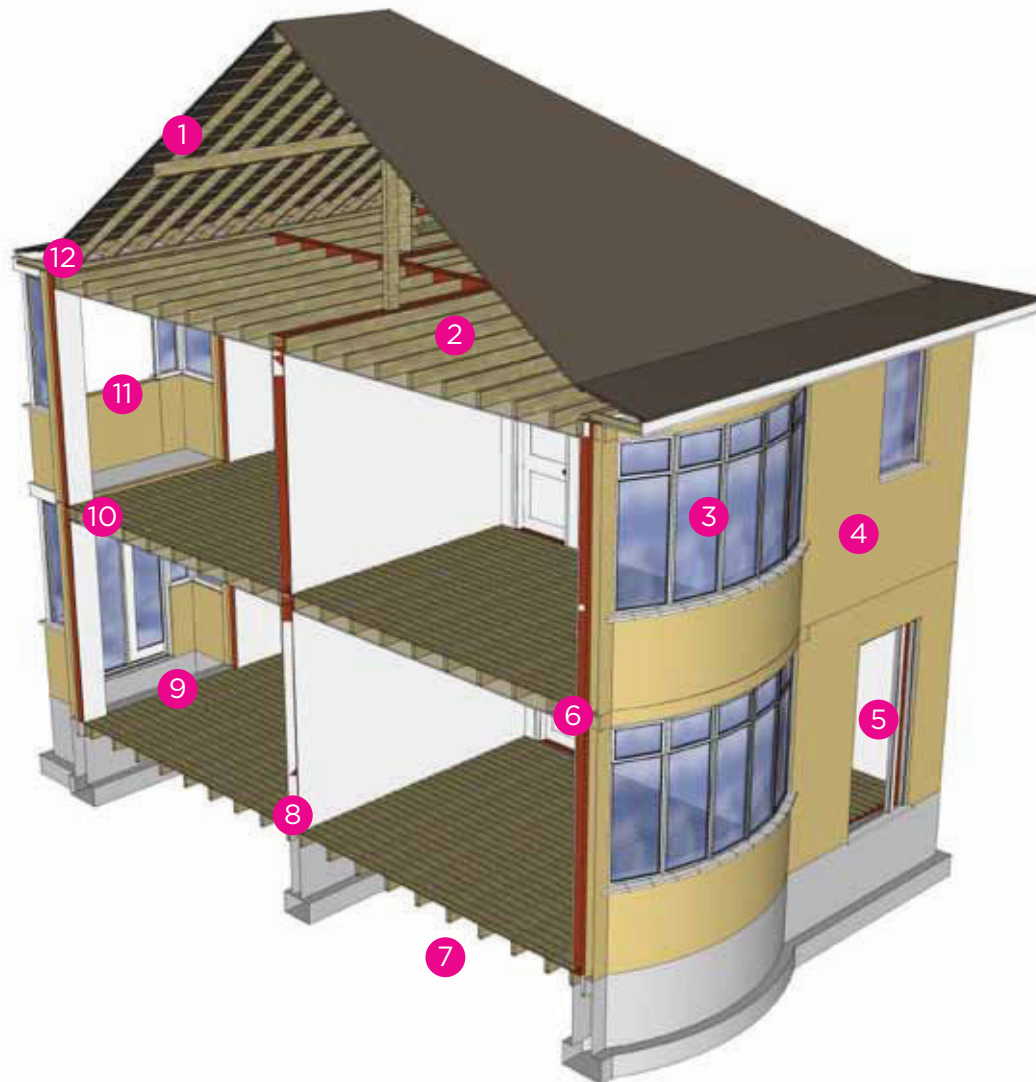
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- Active

House type relevant: Early 20th Century building



1 Party walls at roofspace likely to be incomplete, allowing heat transfer and air movement between properties.

2 Roofs are un-insulated and roof coverings were laid without roof underlays, making heat loss and draughts an issue.

3 Original large 'picture' windows with single glazed metal framed casements in timber surrounds have very poor thermal performance.

Wall cavities were not closed at openings.

4 External walls are typically quite slender and heat is easily lost through the solid masonry.

Early cavity walls often contain rubble particularly at lower level making them difficult to insulate without causing cold bridging.

5 External doors often contain slender timber panels and single-glazed side screens which readily allow heat transfer.

6 Internal floors and partitions are un-insulated and heat can easily transfer from room to room.

7 Suspended timber ground floors have ventilated spaces beneath which can raise draughts through the boards and floor edges.

8 Draughts can easily enter building at junctions between floors and walls.

9 Fireplaces and flues allow heat to be lost up the chimneys and draughts to enter the building. Air bricks connecting rooms provide further routes for heat loss.

10 Suspended timber upper floors built into the external walls introduce numerous fissures or cracks through which cold air can penetrate the building.

11 Tall room heights and multiple windows, including those set in bays, provide high levels of natural light and ventilation but can be a source of heat loss.

12 Roofs to bay windows can be un-insulated concrete with asphalt coverings, so being a source of heat loss.

EARLY 20TH CENTURY BUILDING

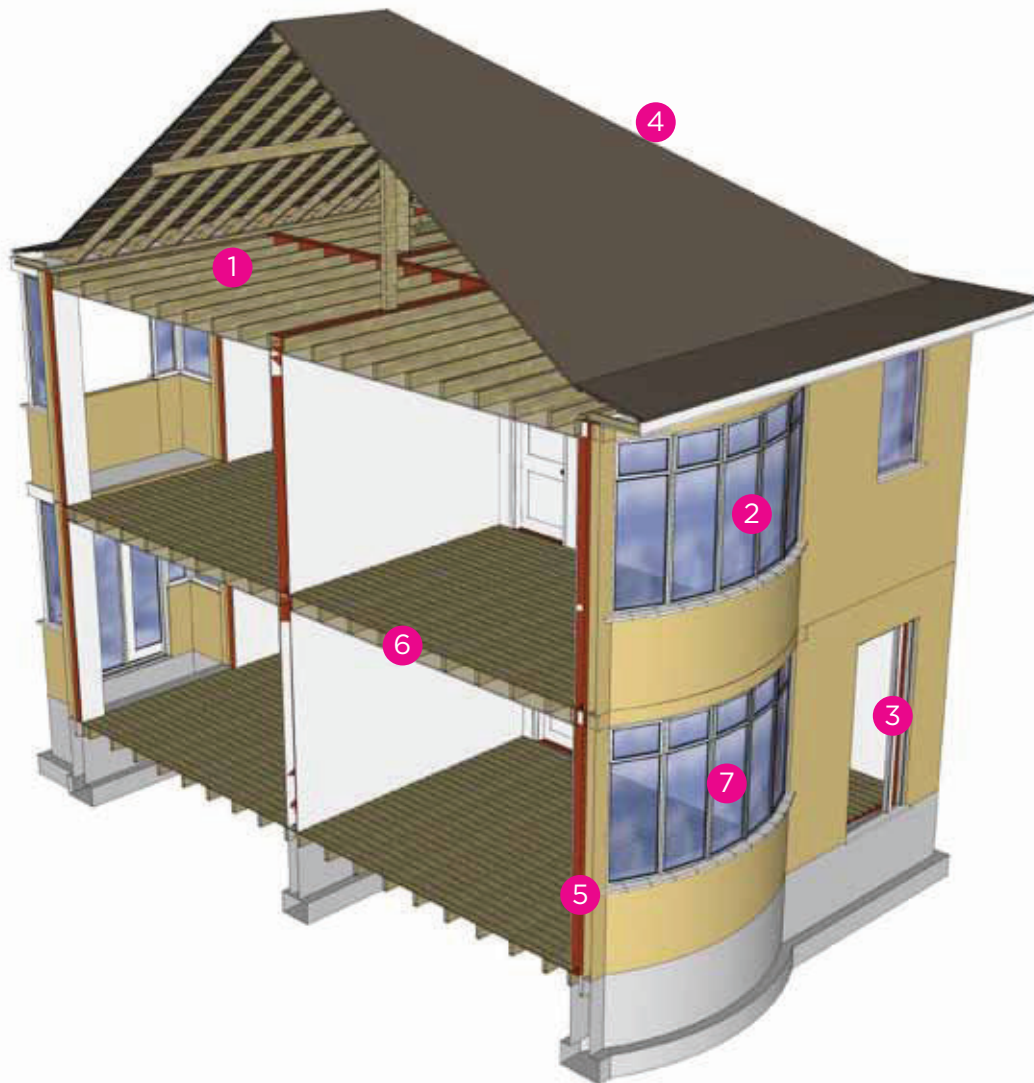
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House type relevant: Early 20th Century building



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- 5 SEE WALL INSULATION [pX ▶](#)
- 6 SEE SUSPENDED TIMBER FLOOR INSULATION [pX ▶](#)
- 7 SEE DOUBLE/TRIPLE GLAZING [pX ▶](#)

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LATE 20TH CENTURY BUILDING

Sections

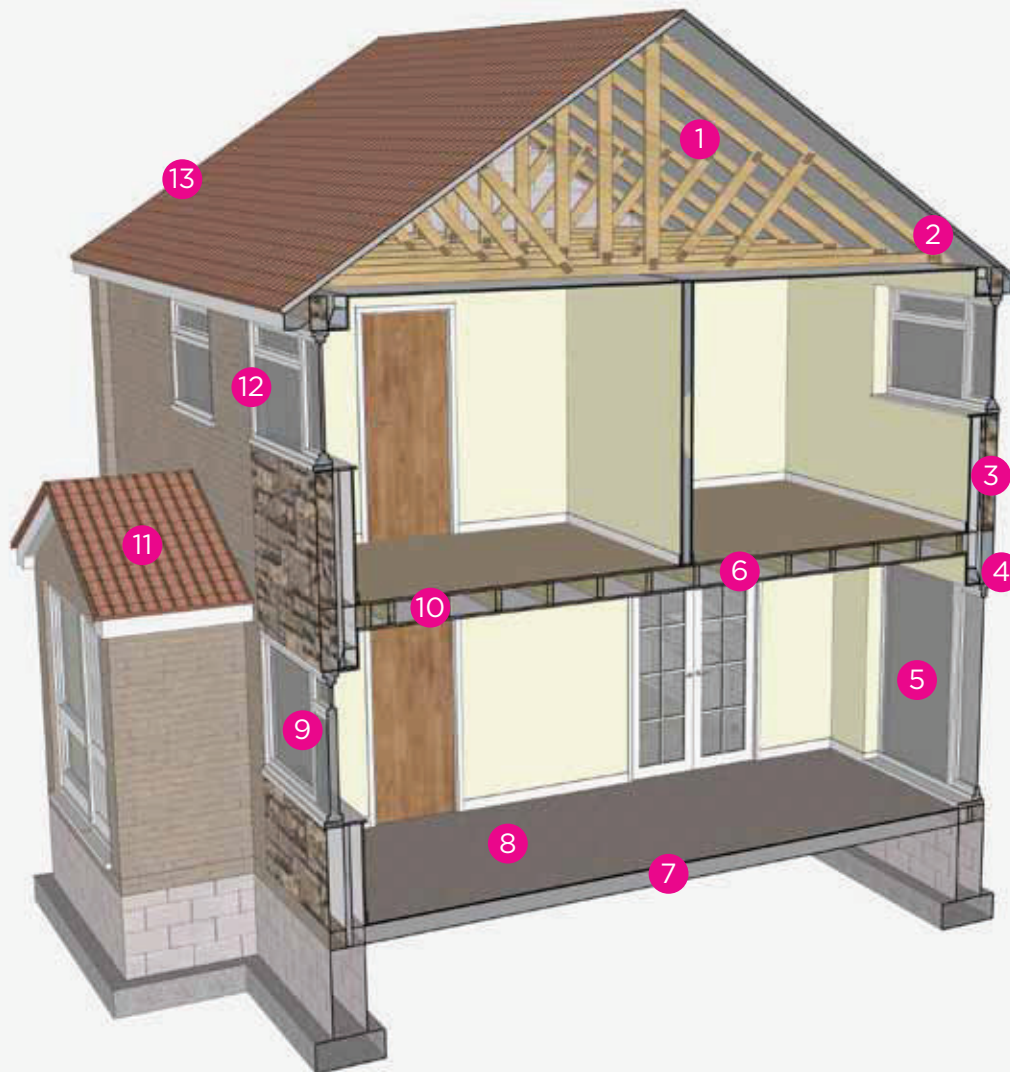
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House type relevant: Late 20th Century building

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1 Slender trussed rafter roofs may require strengthening to accommodate roof mounted renewable energy systems.

2 Roof space is 'cold', with some loft insulation likely to be present at ceiling level. The roof requires ventilation to dissipate humidity which rises from the living spaces below.

Cold bridging is common at the eaves, where insufficient insulation depth is present and an air path is required for ventilation.

3 External masonry cavity walls are uninsulated although have thermally efficient blockwork to the inner skin.

Wall cavities are closed with masonry at perimeters and openings, forming cold-bridges.

4 Uninsulated steel building lintols are typical, locally reducing thermal performance of external walls at door and window heads.

5 Large patio doors are common, with low grade air-filled, small cavity, double glazing.

UPVC or aluminium doors are not likely to be **thermally broken** – allowing heat transfer through their frames.

6 Internal floors and partitions are uninsulated and heat can

easily transfer from room to room.

7 Uninsulated ground-laid concrete floor slab set above external ground level acts as thermal bridge to transfer heat.

8 Inefficient 'flame effect' gas fires common to living room, served by class 2 flue.

9 Windows typically softwood with air-filled, small cavity, double glazing that are not substantially more efficient than older window types.

10 Suspended timber upper floors built into the external walls introduce numerous fissures or cracks through which cold air can penetrate the building.

11 Porch roof and walls likely to be of lower thermal performance than rest of building so can be a source of heat loss.

12 Windows with minimal openings for ventilation and increased air tightness of building envelope means mechanical ventilation is required to extract humidity from kitchen and bathrooms.

13 Gas fired central heating with wall mounted boilers and hot water storage tanks are typical of the low efficiency installations originally fitted.

LATE 20TH CENTURY BUILDING

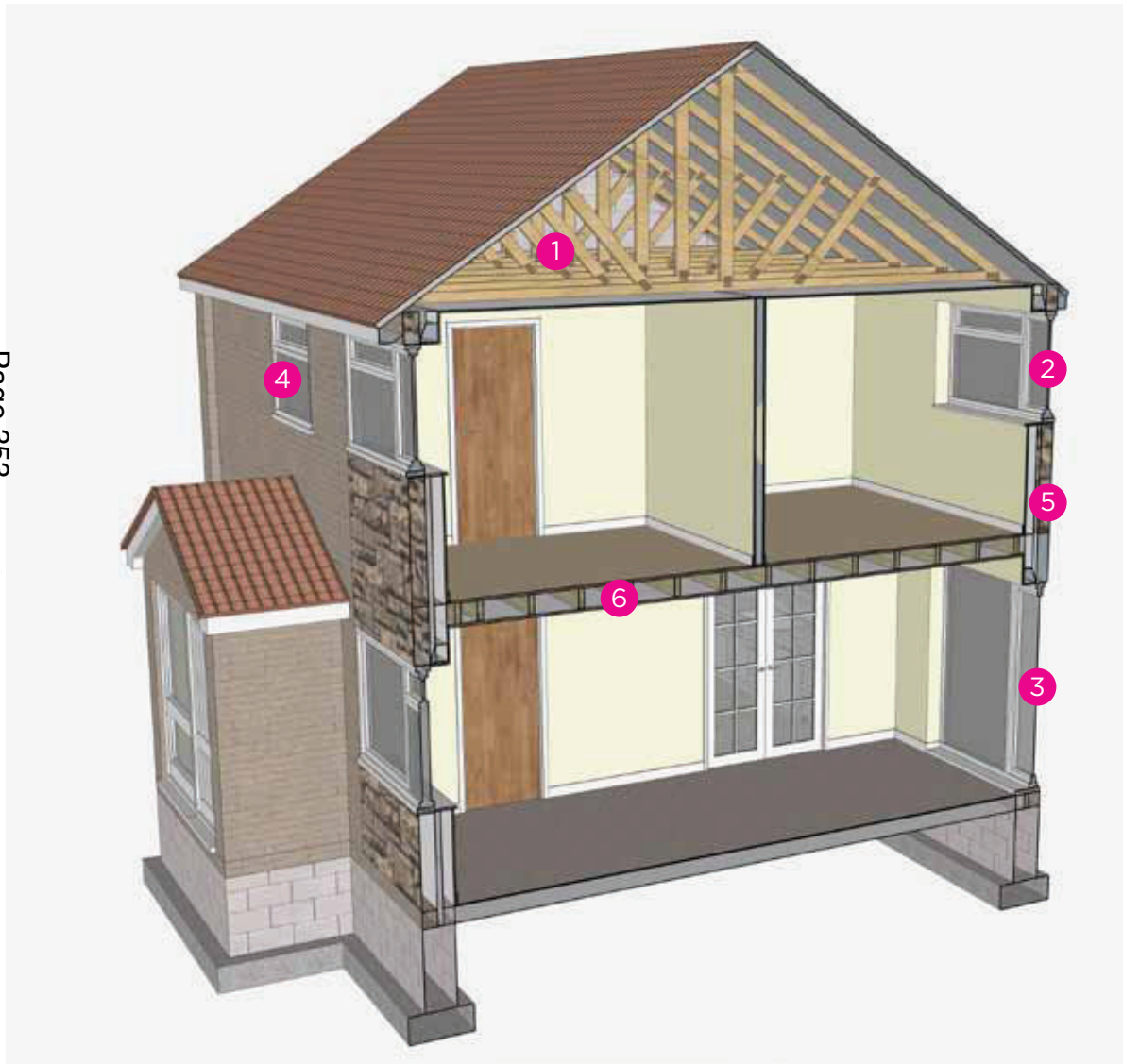
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House type relevant: Late 20th Century building



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CONSENTS & CONSIDERATIONS FOR RETROFITTING

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House type relevant: All house types

Where planning and listed building consents are needed or where and building control regulations will apply would apply to retrofitting measures these are highlighted. Some of the measures are permitted development and this is also indicated, although it is still advisable to seek a Certificate of lawfulness from the planning department for a nominal fee to confirm that works do not require planning permission.

Additional advice in relation to listed buildings.

- Planning consent
- Listed building consent
- Building Control
- Permitted Development

COST OF MEASURE (£)

- £££ Highest
- ££ Medium
- £ Lowest

ENVIRONMENTAL RATING (CO2 savings)

- Highest
- Medium
- Lowest

For more information on Carbon savings for retrofit measures see the data table in [Appendix 1](#)

For more information on Costs of retrofit measures see [Appendix 2](#)

DRAFTPROOFING DOORS

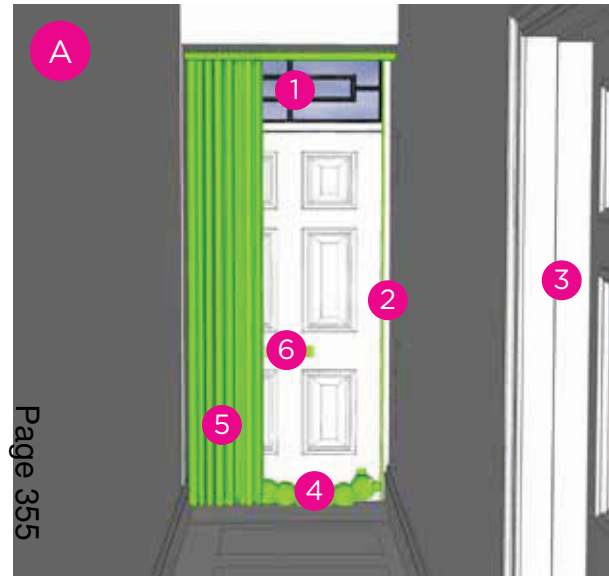
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House type relevant: All house types



A Timber Door Draughtproofing

- 1 Over door windows, glazed panels and the panels of the door themselves can all be upgraded to improve their thermal performance.
- 2 The door should be repaired to ensure a good fit with its frame and the junction between the two upgraded with brush seal draughtstrips or similar.
- 3 Don't forget to close other internal doors before you let heat out when leaving the building.
- 4 A draught excluding letterbox flap and escutcheon to the key-hole will close easy routes for draughts to enter the home.
- 5 A heavy curtain will reduce heat loss and limit draughts when the door is closed.
- 6 A draught excluder is an effective way to prevent cold air entering through a door.

Cost score £

Environmental score ●

Other consents: n/a

So what is it?

External doors of a home are typically of simple construction, with slender panels in a door leaf which is set within a timber frame.

This arrangement is of low thermal performance, but a poor fit between the door and its frame can be of greater significance, allowing cold air to enter and warm air to leave the building. In addition to the fit of the door, letterboxes and key-holes can also provide a route for draughts. At the perimeter of a door leaf draughtproofing should be fitted to close the gap, when the door is closed.

Simple mastic beads can improve the fit, and there are many proprietary brush seals and compression seals which are easily installed.

Consideration should also be given to the junction between the frame and the wall, where mortars, mastics and seals may also need repair.

Simple draughtproofing can be achieved with an excluder and thermal performance upgraded with a heavy curtain.

An escutcheon to the key hole, draught flap and brush seal to the letter box will also help.

Glazed panels and over door windows are also sometimes present and can contribute to the overall heat loss through a door. These should be upgraded as described for windows, elsewhere.

Where possible, an internal lobby will greatly reduce heat loss when passing through the door. At the very least, consider closing doors to adjoining rooms before leaving the building!

How effective is it?

The external doors of a building are as important to consider as any other element – as they typically account for up to 15% of the heat loss from a dwelling.

What does it cost?

The majority of door upgrade techniques are DIY measures and are therefore good value.

A mastic bead can improve the fit between joinery for as little as £5. Proprietary draughtstrips are available for between £2-5/Metre. Draught-excluding letter flaps cost around £15.

Secondary glazing overdoor windows, glazed panels and upgrading the door panels themselves will depend on the complexity of the door; but it should be possible to achieve this for between £50 and £100.

DRAFTPROOFING FLOORS

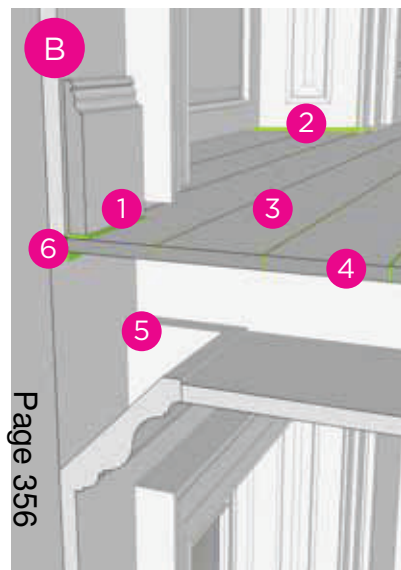
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House type relevant: All house types



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Cost score £

Environmental score ●

Other consents: n/a

B Timber Floor Draughtproofing

1 Caulking smaller gaps with plaster, decorators filler, or mastic can be an effective way to close air-paths between the interior and a floor void.

2 With larger gaps, where floors have 'relaxed' for example scribed timber fillets may be necessary to effectively close the joint.

3 Hardboard coverings and underlays beneath carpets can also be effective at reducing draughts

4 Many timber floors have gaps between the boards through which air can pass; especially those with older plain-edged and butt-jointed boards. Closing these gaps with a filler, mastic or timber slips will help prevent draughts. In severe cases it may even be necessary to lift and relay the boards.

Although exposed timber floors are very popular today, it is worth remembering that many were not intended to be 'on show' and their quality of materials and workmanship reflected this.

5 Floor voids and the spaces behind cornices, panelling and the like should be insulated as described elsewhere.

6 For larger gaps try well compacted compressible insulation such as mineral wool or sheepswool.

So what is it?

At the edges of a building the places where walls and floors meet afford many opportunities for heat energy to be lost through small gaps.

Cold air can enter the building through 'infiltration' commonly referred to as draughts. Heat can also be lost from the interior through 'exfiltration'.

The arrangement of floor carpentry typically inserts timber joists or wall-plates into the external walls and as these materials behave differently to the masonry, over time cracks and gaps can appear between them.

Air paths are then created through the building fabric.

In some older buildings there may also be bonding timbers, lintols and brackets for features such as panelling and cornices; all of which can introduce further gaps in the building fabric.

Often the masonry of the walls is not as well put together in the smaller spaces between these built-in timbers. Mortars and plasterwork may also be less complete. This means that in the region of a floor, the wall itself may have significantly more gaps than elsewhere on the building.

Internally, room joinery such as panelling, shutters and skirting boards can become less close-fitting over time as the floors and walls of a building move and age. Plaster finishes can also crack and open up behind elements of the building prone to impact – such as skirting boards. This opening up of the elements of a building introduces further gaps through which air can pass.

How effective is it?

The effectiveness of draughtproofing at the perimeter of timber floors will vary from building to building, due to their different arrangement of construction and relative condition or state of repair.

Typically, floor to wall junctions are 5-7% of the building exterior, but uninsulated and draughty construction will contribute proportionately more to the heat loss. Simple upgrade measures here can therefore be remarkably effective.

What does it cost?

Draughtproofing timber floors can be very cost effective as the measures normally involve low cost materials that can easily be DIY installed.

Where concealed by joinery, decorative finishes and carpets

the appearance of the measures is less important than their function and this also reduces the cost of installation.

A tube of decorators caulking costs as little as £3!

DRAFTPROOFING CHIMNEYS

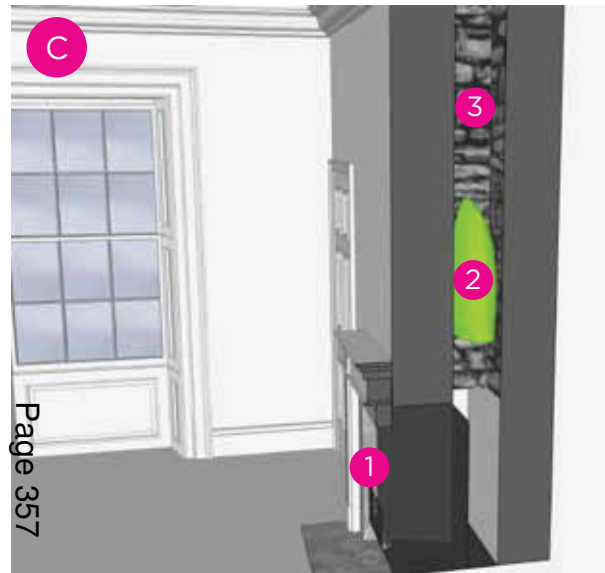
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- Active

House type relevant: 17th Century – Early 20th Century



C Chimney Draughtproofing – Balloon

1 The open fireplace can remain as a feature in the room and without needing to be permanently closed it can easily be used when required.

2 A chimney balloon is a simple DIY installation fitted within easy reach at the foot of the flue.

The air-bag adopts the shape of the flue as it is inflated and provides an air cell which acts as a thermal buffer to insulate against heat loss, as well as a physical barrier to reduce draughts.

3 The existing flue remains unaltered and capable of functioning normally when the chimney balloon is deflated.

So what is it?

Most older buildings and many modern ones contain a chimney or flue, serving a fireplace. All of these have an open throat at the hearth, connected to the outside by a narrow void or 'flue' that normally terminates at roof level.

In an active fireplace the flue will be warmed by the fire and the thermal mass of the chimney will help dissipate heat around the

home. A used flue is unlikely to suffer from cold down-draughts unless it is not working properly, but a fully functioning flue loses a significant portion of the heat produced by a fire directly to the outside. In an un-used fireplace however the picture is different; the flue becomes a route by which cold air can enter the building and energy used for heating the home by central heating, for example, is wasted.

A chimney Balloon is a simple and effective means to prevent draughts and reduce heat loss from un-used flues. It can also significantly reduce noise infiltration, which may be of benefit for properties in town centres or close to roads, rail and flight-paths.

The balloon consists of a simple plastic 'air-bag' which is placed inside the chimney flue and inflated by a foot pump or tube until it forms a snug fit with the sides of the chimney flue – forming an effective seal. Balloons are available in a range of standard sizes to suit the most commonly found flues, but can also be made to measure for even the largest and most unusually shaped flues.

Balloons are simply fitted and fully reversible; they can easily be removed for cleaning or during the fairer summer months, when natural stack-effect ventilation through a chimney would reduce energy consumption from mechanical extract fans and air conditioning systems.

How effective is it?

As much as 80% of the heat from a room can pass through a chimney flue; the insertion of a chimney balloon will greatly reduce this figure.

By being both adjustable and reversible a chimney balloon can be effective during the winter months and allow the flue to provide ventilation and cooling during the summer months.

What does it cost?

Together with a valve, pump and re-usable air-bag a chimney balloon installation can cost less than £30.

The effect on reducing energy consumption means this modest sum can easily be recovered in the first year.

Cost score £

Environmental score ●

Other consents: n/a

DRAFTPROOFING CHIMNEYS

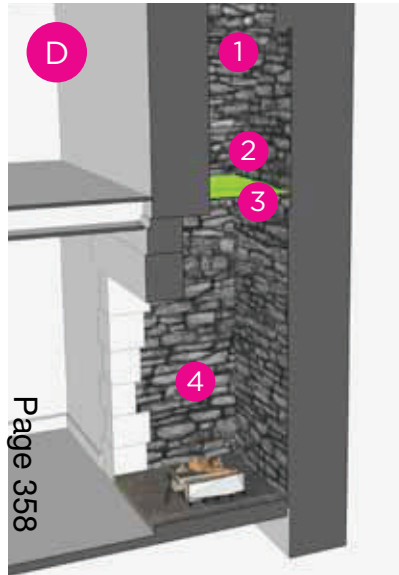
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- Active

House type relevant: 17th Century – Early 20th Century



Cost score £

Environmental score ●

Other consents: Safety advice required from suitably qualified person

D Chimney Draughtproofing – Register Plate

- 1 The existing flue remains unaltered and capable of functioning normally when the register plate is opened.
- 2 A register plate will need regular cleaning as soot, nesting material and other debris can accumulate on the upper surface and this may present a fire hazard if left.
- 3 A register plate is normally made of steel, set within a simple frame. The frame is mechanically secured to the masonry of the chimney and its perimeter is usually sealed with fire cement or a rope gasket to produce a close fit.
- 4 The open fireplace can remain as a feature in the room and without needing to be permanently closed it can easily be used when required.

So what is it?

A register plate is fire proof structure which is fitted in the lower part of a chimney and physically closes the flue to prevent draughts.

Unlike a chimney balloon, a register plate can remain in-situ when the fire is in use. A flap door contained in the plate is simply opened to allow smoke to escape when required. With a stay fitted, this flap door can also be adjusted to open varying degrees to aid ventilation as required.

In addition to use with open fires, a register plate may also be required where log burners, multi-fuel stoves and other biomass burners are inserted into an existing fireplace.

A register plate would normally be constructed of metal and specially fabricated to suit the size and shape of the particular flue.

For safety reasons advice should be sought from a suitably qualified person before inserting any structure that restricts the size of an operable flue. A registered member of HETAS or the National Association of Chimney Sweeps (NACS) may be able to help.

How effective is it?

As much as 80% of the heat from a room can pass through a chimney flue; the insertion of a register plate will greatly reduce this figure.

By being adjustable a register plate can be effective year round – simply open or close to control heat loss, draughts and ventilation.

What does it cost?

As a register plate is made to measure and requires permanent fitting, a little more work is required than for DIY measures.

The cost will vary with the size and complexity of the flue but a typical flue will cost £250-500.

DRAFTPROOFING WINDOWS

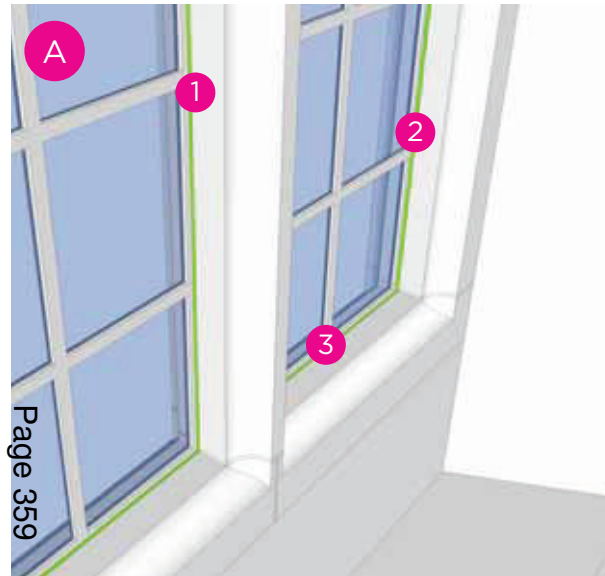
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House type relevant: All house types



A Metal Framed Window - Draughtproofing

- 1 Proprietary compression and wiping seals are also available which can be discretely fitted at the perimeter of the window.
- 2 A simple draughtproofing technique is to apply a mastic bead to the mating face of the window, with a release tape applied to the frame. This achieves a good fit, with minimal impact on the building fabric and can be applied when re-decorating.
- 3 The gap between a metal window and its frame or surround can account for a significant amount of the heat loss.

Improving the fit of the window by keeping it in good repair will help and draughtproofing will ensure the energy lost is kept to a minimum.

So what is it?

Most metal framed windows are single glazed with large plain glass panels, or in the case of earlier windows, with multiple small panes held in lead. Later windows often have a metal sub-frame, but early windows may be simply set in rebates against stone or timber surrounds.

In either case the closeness of fit between the opening parts of the window and their frame or surround will greatly affect the performance of the window by allowing draughts to enter and heat to leave the building.

In addition to placing the window in good repair, simple draughtproofing techniques can be used to improve the situation.

A simple technique such as release tape and a mastic bead can be part of the routine decoration of the window. Compressible and wiping seals are also commonly available which sit discretely at the junction between frame and window.

How effective is it?

As much as 80% of the heat lost through a single glazed window can be through air-leakage or 'draughts' and addressing this makes good sense.

When combined with other measures, such as secondary glazing, shutters, blinds or heavy curtains the benefit from simple draughtproofing can be considerable.

What does it cost?

The simplest draughtproofing measures are DIY level installations and are therefore quite inexpensive. A mastic and tape decoration upgrade can be installed for less than £5.

Proprietary weather seals are available which vary in cost between simple self-adhesive profiles for less than £1/Metre to those with profiled and replaceable seals for a little more. If DIY fitted, the cost will be modest and likely less than £20 per window.

Cost score £

Environmental score ●

Other consents: B

DRAFTPROOFING WINDOWS

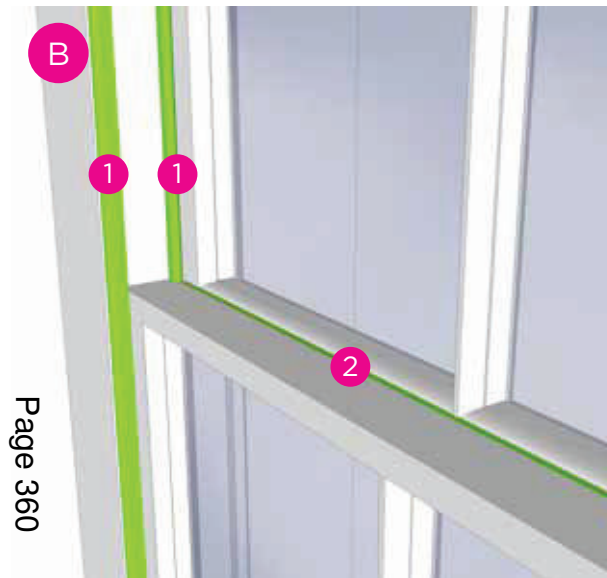
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House type relevant: 17th Century – Victorian/Edwardian



B Timber Sash Window – Draughtproofing

- 1 Staff bead and parting-bead can be replaced with components incorporating brush seals for draughtproofing.
- 2 The gap between the upper and lower sash can be improved with the addition of a mastic bead or brush seal.

Proprietary systems are available which are rebated into the joinery and are almost invisible when fitted.

So what is it?

These windows normally have glazed timber sashes (frames) set within box profile outer frames that contain counter weights to allow the window to slide vertically.

Unlike casement windows which close against the frame, these windows rely on a gap between the perimeter of the sash and the frame to provide sufficient room to be able to open. This means that a sliding sash window has a feature of its design which introduces a route for air movement. As the windows age and components wear, this gap can become enlarged, allowing cold air to enter and warm air to leave the building.

In addition to placing the window in good repair, simple draughtproofing techniques can be used to improve the situation.

A simple technique such as release tape and a mastic bead can be part of the routine decoration of the window. Proprietary systems are also available that replace the beads with ones containing brush seals which can significantly reduce air infiltration. Additionally, compression seals can be rebated into the joinery at the head of the top sash and foot of the lower one and wiping seals can be rebated into the junction between the two.

What does it cost?

The simplest draughtproofing measures are DIY level installations and are therefore quite inexpensive. A mastic and tape decoration upgrade can be installed for less than £5.

Proprietary weather seals are available which vary in cost between simple self-adhesive profiles for less than £1/Metre, pin-on, surface-fixed brush seals for £2-3/Metre; through to professionally fitted systems which replace beads and rebate seals into the sash joinery. These professionally fitted systems can

cost considerably more, but often include overhaul of the entire window.

A simple mastic bead and release tape can improve the fit between the head of the upper sash and the frame. This can also be used at the foot of the lower sash. Alternatively, proprietary compression seals are available. Some of these can be fully rebated into the joinery.

How effective is it?

A significant amount of the heat lost through a single glazed window can be through air-leakage or 'draughts' – so addressing this makes good sense.

Recent research has shown that placing the window in good repair can reduce air leakage by a third and draughtproofing will substantially improve on this.

When combined with other measures, such as secondary glazing, shutters, blinds or heavy curtains the benefit from simple draughtproofing can be considerable. With such measures it is possible to raise the performance of a sash window to a level above many modern double glazed replacements!

Cost score £

Environmental score ●

Other consents: L B

DRAFTPROOFING WINDOWS

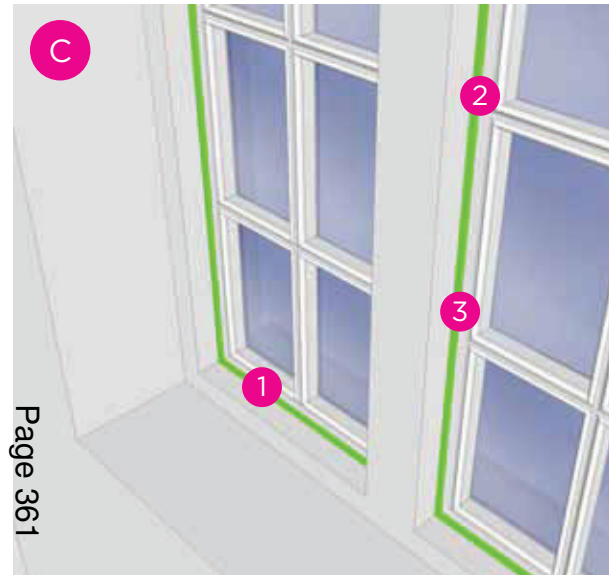
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Topics in this section:

- Issues
- Opportunities
- ▶ Passive
- Active

House type relevant: All house types



C Timber Casement Window - Draughtproofing

- 1 The gap between casements and the window surround should be improved to reduce air movement.
- 2 A simple mastic bead and release tape can improve the fit between the window components and can be part of the routine re-decoration.
- 3 Proprietary pin-on or self adhesive weather-strip components are available which can be fitted at the junction between casement and surround.

Alternatively, professionally fitted systems are available which can be fully rebated into to the joinery.

So what is it?

Timber casement windows typically have opening frames which sit within a timber surround, when closed. Normally hinged to one side, these frames are designed to be a close fit with the surround to keep weather out, but a gap has to exist to allow the window to open.

Over time and through wear this gap can increase in size. Warm air can be lost from the building through this gap and cold air can enter, often referred to as draughts.

In addition to placing the window in good repair, simple upgrade techniques can be used to improve the situation.

A simple mastic bead and release tape will do much to improve the fit between window components and can be installed as part of the routine decoration of the window.

Proprietary 'draught-strip' components are also available to provide a combination of compression seals and wiping seals to effectively close the air path at the perimeter of a casement window.

What does it cost?

The simplest draughtproofing measures are DIY level installations and are therefore quite inexpensive. A mastic and tape decoration upgrade can be installed for less than £5.

Proprietary weather seals are available which vary in cost between simple self-adhesive profiles for less than £1/Metre, to pin-on, surface-fixed brush seals for around £2-3/Metre.

Professionally fitted systems are also available, which although considerably more costly will normally be fitted as part of a comprehensive window overhaul.

How effective is it?

A significant amount of the heat lost through a casement window can be through air-leakage or 'draughts' – so addressing this makes good sense.

Recent research has shown that placing the window in good repair can reduce air leakage by a third and draughtproofing will substantially improve on this.

When combined with other measures, such as secondary glazing, blinds or heavy curtains the benefit from simple draughtproofing can be considerable.

Cost score £

Environmental score ●

Other consents: L B

DRAFTPROOFING WINDOWS

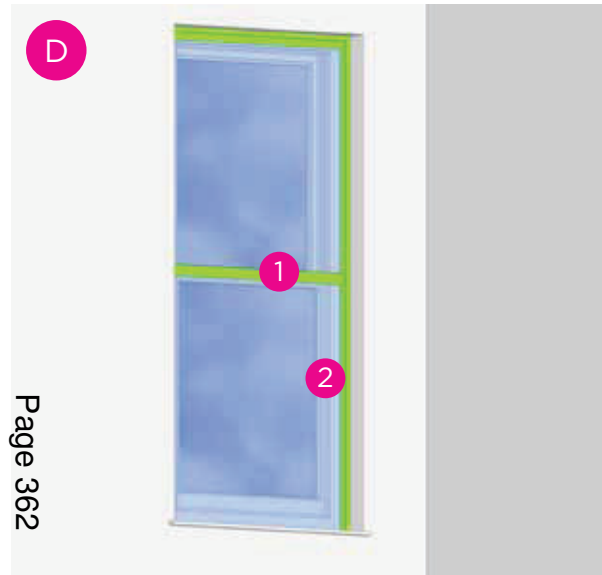
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House type relevant: All house types



D Secondary Glazing

- 1 A typical secondary glazing system sits discreetly inside the window reveal, close to the existing joinery.
- 2 The existing timber window can be retained without the need for change – sustainably prolonging the service life of these traditional building features.

So what is it?

Secondary glazing units are normally single glazed, glass or polycarbonate sheet (light weight).

Systems can be demountable, for removal in the summer months; hinged, or sliding to allow flexibility and opening for ventilation and cleaning.

The simplest systems are single pane panels which are secured to the rear of the window frame, or in some cases to the sash or casement itself. These can even be secured with magnetic tape, making them easy and quick to fit and reducing 'retrofitting' work to a minimum!

The perimeter frames are narrow, so as to remain unobtrusive and fit within a small space and some can accommodate double-glazed units if space permits. Slender profile double glazing can be a good solution, raising an existing window toward triple-glazed performance levels without loss of the existing window.

In addition to the enhanced thermal performance, secondary glazing can also eliminate draughts and improve acoustic privacy.

How effective is it?

Recent research has shown that the addition of a simple secondary glazing system to a traditional double hung sliding sash window can improve the thermal performance by 58%.

When combined with timber shutters and heavy curtains the energy saved on a chilly winter's evening can be every bit as good as a high performance modern window!

What does it cost?

The cost will depend on a number of variables, such as the system used, the complexity of opening lights/panels, glazing specification and of course the size. Better value may also be possible when more windows are purchased, if you fit it yourself or by having simpler units where there is no need for regular opening, for example.

A typical installation such as the one illustrated here, with two single glazed low-e glass panels, the lower panel of which is sliding would cost in the region of £400 for a 1.8x1.2m window.

Cost score £

Environmental score ●●

Other consents: L B

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SLIM PROFILE DOUBLE GLAZING

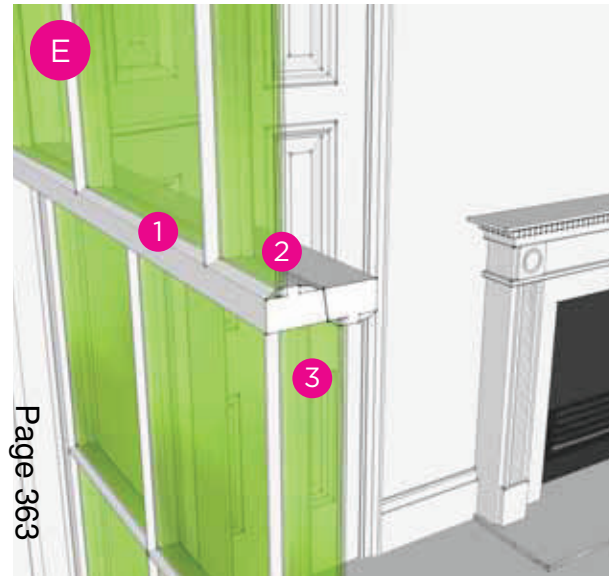
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Topics in this section:

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- Opportunities
- ▶ Passive
- Active

House type relevant: 17th Century – Victorian/Edwardian



E Slim Profile Double Glazing

1 The slim double-glazed units can be putty or mastic seated and decorated to match the window joinery.

As the weight of the glazed parts of the window will be increased, hinges, sash-weights and other components may need upgrading slightly.

2 Existing single panes are replaced with new slim-section double-glazed panels, which are set in the original glazing rebates.

3 Typically only 10-12mm thick, and capable of using original or replica glass, the high performing slim double-glazing panels can be difficult to distinguish from the original when fitted.

Slim double-glazing is an option as part of a package of measures to upgrade an existing window which allow original or otherwise sound windows to be retained and extend their useful life.

So what is it?

Most older timber and metal windows have slender components which were designed to have a single sheet of glass set within a simple rebate, often secured with putty.

Slim-profile double glazing is a method by which the thermal performance of these windows can be improved, by replacing the single layer of glass with a narrow double-glazed panel around 10-12mm thick.

These panels use thin glass with a slim cavity that is normally filled with an inert gas, to improve its resistance to the passage of heat. Sometimes, the original glass can be re-used as one of the panes in the new unit.

For many windows this change can be achieved without the need to adjust the original window, although some sash weights or hinges may need upgrading to accommodate the additional weight.

If the rebate is sufficiently deep, the panels can be putty fixed to match the original glass. The perimeter spacer used to separate the glass sheets can be colour matched to the joinery and the final appearance hard to detect.

How effective is it?

Slim profile double glazed panels can help raise overall window performance to a high level.

Dependant on the cavity size, glass type and choice of gas fill typical thermal transmittance values between 2.0 and 1.6 W/SqM/K can be achieved. (Vacuum filled units can double this performance)

Together with placing the window in good repair a draught-proofed, slim double-glazed window with a thermal blind, shutters and curtains can easily out-perform many new windows.

What does it cost?

The more highly performing slim double-glazing panels are vacuum filled and made to order abroad, so are very expensive; however there are now a number of suppliers in the UK who can make panels to measure at a reasonable price.

The gasses in these glazing panels are more expensive than normal double-glazed panels; installation costs and the complexity of the window will also affect the price.

Slim profile double-glazing will cost in the region of £600-800 to install in an average 6-over-6 sash window.

Cost score **££**

Environmental score ●

Other consents: **L B**

DOUBLE AND TRIPLE GLAZING

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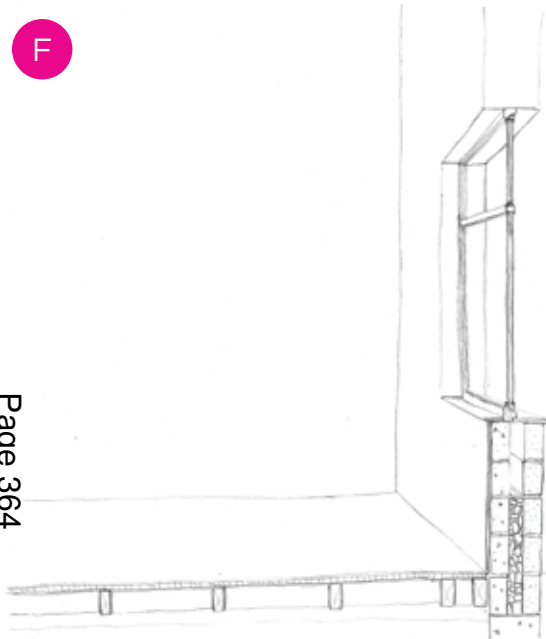
Topics in this section:

- Issues
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- ▶ Passive
- Active

House type relevant: Victorian/Edwardian – late 20th Century

F

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F Double/Triple Glazing

So what is it?

Double or triple glazing is formed by two or three window panes separated by a gap filled with air or another gas such as Argon to create an insulating barrier limiting heat transfer through windows. The panes are separated with spacers that should be designed to prevent heat loss and condensation.

A typical house loses 10% of its heat through the windows. As part of a refurbishment scheme the replacement of existing windows with new high performance windows should be seriously considered.

Treatment of windows in historic houses or houses in conservation areas can be more problematic. Replacing windows to match the appearance of the existing windows requires careful specification if the windows cannot be upgraded. The designer should co-operate with the local conservation officer to ensure that any compromise between performance and

appearance can be optimised.

How effective is it?

Around two thirds of the energy lost from a standard window is through radiation through the glazing. The inside pane of a double-glazed unit absorbs heat from the room and transmits it through conduction and convection (see below) to the cooler outside pane, and so to the outside. The thermal transmittance of a glazing unit, known as the U-value, is expressed in units of Watts per square metre per degree of temperature difference (W/m^2C). Where windows are replaced in existing dwellings the building regulations require a minimum 'Window Energy Rating' of C or a U Value = $1.6W/m^2C$.

A small amount of heat is lost through convection within the glazing cavity. In some circumstances, particularly in wider glazing cavities, air within the cavity is warmed by the inner pane. The warm air rises and is replaced by cooler air and so sets up a convection current which transfers heat from the inner

pane through to the outer pane(s). Convection up to 20mm in double-glazing units particularly with argon gas, which is denser than air, is insignificant; In triple glazing there is an improved performance up to between 18-20mm.

Technical Information from

www.greenspec.co.uk

What does it cost?

The cost of double and triple glazing varies considerably according to the materials used for the frame and gas used for the performance of the glazing units. Quotes need to be obtained to compare the many variables.

INSULATION FOR WALLS

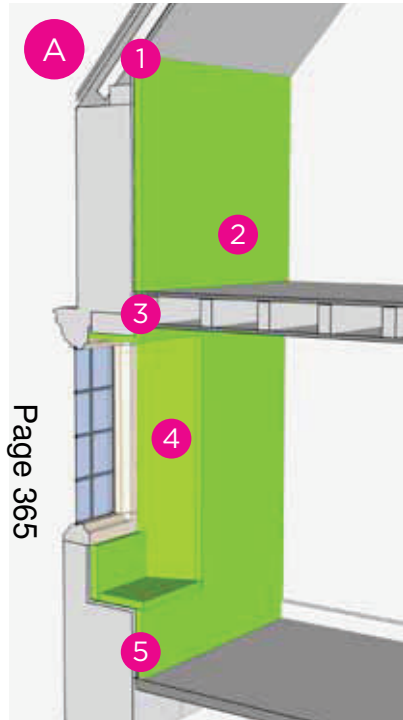
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Topics in this section:

- Issues
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House type relevant: All house types



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A Solid Wall Insulation

- 1 The insulation should be carried over lintols wall-plates and the like and arranged so as to be contiguous with insulation at ground and roof level.
- 2 Internally applied insulation can be a sheet, compressible insulation or a wet-applied layer. In each case the construction arrangement and impact on the existing building will be different and advice should be sought on the correct system for your building.

Most systems have a plaster decorative layer as the internal finish and can be decorated to match elsewhere.

On terraced buildings insulation may be carried partly across the party walls to reduce the thermal bridging at the edges of the building.

- 3 Insulation must be carried into the floor voids to ensure continuity.

- 4 Insulation is carried into the reveals of windows and doors to ensure there are not cold spots where the wall is thinnest.

- 5 Insulation may require adjustment of building features such as skirting boards.

So what is it?

The majority of buildings constructed before the early part the C20 have solid external walls, formed of masonry. The more slender of these are ashlar bathstone or brick, with stouter walls typically of smaller stones with dressings at openings and edges, and a core of rubble and mortar.

These solid walls often have shallow (or no) footings, no damp-proof courses and are finished with porous plasters and natural paint finishes. The walls absorb and release moisture from the ground, weather and humidity from occupation and are commonly known as 'breathable'.

Stouter solid walls have good thermal mass and can be quite insulative due to their thickness, however the walls of the later C18 and C19 are often quite slender and poorly performing thermally.

As there is no cavity for these walls insulation must be placed externally or internally, on the face of the wall. The insulation is visibly evident and may take up some floor space. It can also necessitate adjustment of building features such as cornices and skirting boards and will

impact the passage of moisture through the construction. The position of the insulation internally or externally will affect the thermal mass of the wall, with externally applied insulation preferred for maximising this benefit.

A desire is generally expressed for natural breathable insulants, such as hemp fibre, wool and cellulose, however other systems are available.

In protected buildings consent may also be required from the local authority before an installation can be undertaken.

There are currently a number of research studies looking at the technical, performance and risk factors connected with solid wall insulation and these have yet to be completed.

Expert advice should always be sought before undertaking solid wall insulation.

How effective is it?

The external walls of any building are normally the largest proportion of its envelope and so offer the greatest potential for heat loss. This element is therefore very important to improve.

The effectiveness of the insulation will vary with the type of insulation chosen, thickness and configuration of the existing building.

For most, an improvement in wall performance will of around 35% will be possible.

What does it cost?

For simple internally applied insulation systems the cost will be in the region of £100-150/SqM.

This cost will vary with the type of insulation, thickness and complexity of building – typically a two-storey mid-terrace dwelling will cost £6-8k. Other buildings will be considerably more.

Typical payback periods for internally applied solid wall insulation are longer term, between 10-15 years.

Some grants and financial assistance are available. Refer to The Energy Savings Trust, your utility company or the local authority for more information.

Cost score **£££**

Environmental score **●●●**

Other consents: **L B**

On occasion the building regulations require a minimum amount of insulation (as well as ventilation) to be installed or applied to the element (If external insulation **L B**. Can be **D** if certain conditions met otherwise requires **P**)

INSULATION FOR WALLS

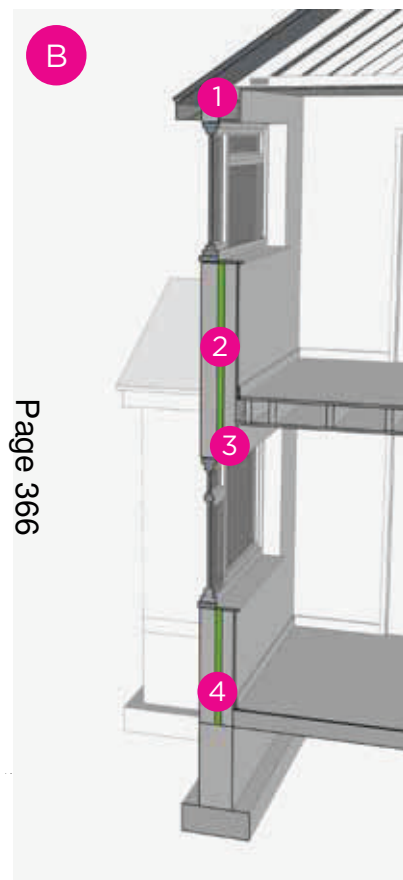
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Topics in this section:

- Issues
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- Active

House type relevant: Early and late 20th Century



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B Cavity Wall Insulation

- 1 The edges of cavities at the roof and openings may need physical closers installed to ensure the insulation does not escape.
- 2 Typically, fibre insulation or expanded polystyrene spheres are injected into the cavity through a series of entry holes drilled in the facade. The cavity is fully filled.
- 3 Some additional insulation measures may be needed around lintols, vents and other features which bridge the cavity.
- 4 Cavity wall insulation should be carried over the abutment with other insulation measures at the head and foot of the wall, to ensure there are no cold spots on the exterior at the floor and roof.

So what is it?

The majority of buildings constructed in the C20 have external walls constructed of two layers, the outer being a weathering skin and the inner one usually structural. Space between the layers is a cavity used to drain any moisture which passes through the outer layer – preventing it from reaching the inside.

These 'cavity' walls are usually quite thin and being made of slender components normally have low thermal performance.

Cavity wall insulation is a method of improving the building envelope by insulating the void between the skins of a cavity wall. It is normally non-reversible and non-visible.

A number of methods are available which involve an insulant being injected into the void. These insulants vary in their thermal efficiency, moisture resistance and integrity (ability to support themselves). The more commonly used insulation types are expanded polystyrene spheres and blown fibres.

The insulation is normally fitted over 1-2 days with holes drilled at intervals on the facade to allow the insulation to be injected. Particular care must be taken at openings, perimeter of the cavities, ventilation routes and damp-courses to ensure the building can function as designed. A detailed survey will need to be undertaken by the installer to assess the suitability of the building for the insulation type being proposed.

Some highly exposed walls may not be suitable for cavity wall insulation.

In later modern homes the cavity may already be partially filled with an insulation board and here retrofitting top-up insulation can be difficult as the void can be quite narrow.

This insulation can be fitted without disruption, making it a suitable choice for many.

How effective is it?

The external walls of any building are normally the largest proportion of its envelope and so offer the greatest potential for heat loss. This element is therefore very important to improve.

The effectiveness of the insulation will vary with the type of insulation chosen, size of cavity and proportion of wall to say windows, roof, etc.

For most, an improvement in wall performance will of around 35% will be possible.

What does it cost?

For most cavity walls retrofit cavity wall insulation will cost in the region of £50/SqM.

This cost will vary with the type of insulation, thickness of cavity and complexity of building – e.g. amount of scaffold required.

Typical payback periods for cavity wall insulation are medium term, between 5-8 years.

Some grants and financial assistance are available. Refer to The Energy Savings Trust, your utility company or the local authority for more information.

Cost score £

Environmental score ●●●●

Other consents: L B

On occasion the building regulations require a minimum amount of insulation (as well as ventilation) to be installed or applied to the element

INSULATION FOR ROOFS

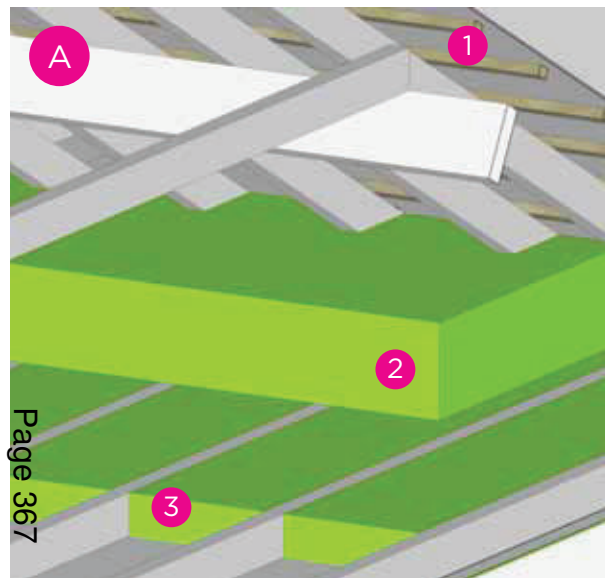
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Topics in this section:

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- Active

House type relevant: All house types



A Roof Insulation at Ceiling

- 1 Some adjustments may be required to improve ventilation in the roofspace above loft insulation.
- 2 Typically 200-300mm of insulation is required at ceiling level and should be laid in alternate layers across and between the ceiling joists to avoid cold spots.
- 3 Although normally insufficient, you should ensure your existing loft insulation is well fitted, to eliminate cold spots through which heat can pass.

Care should be taken to adequately insulate tanks, pipes and other services in the roof. Also ensure that the loft access door is draughtstripped and insulated.

So what is it?

The roof of a building is normally simply made from thin tile, slate or lead coverings on a slender timber frame. With only this and a thin layer of plaster between the upper floor rooms and the outside it is easy to see how heat can be readily lost through an unimproved roof.

Many properties will already have some loft insulation, commonly laid as a loose quilt between the ceiling joists. This arrangement is a

good start, but the joists remain un-insulated, the insulation is often too thin and in many cases poorly fitted – particularly around the eaves, where the interior is closest to the outside. Top-up insulation is therefore often required.

To achieve adequate performance it is recommended that loft insulation is the equivalent of c.300mm mineral wool or fibre quilt. The insulation should be laid in layers between and across the timbers so as to reduce heat loss through joints.

Ventilation of the roof space is an important factor to consider as moisture within the roof void should be encouraged to dissipate through ventilation. It may therefore be necessary to introduce ventilators to improve the air circulation in the roof.

Modern insulation materials are commonly wrapped, to enclose the fibres and ensure the insulation is unaffected by moisture. Care should be taken however as existing and older insulations may have small fibres which can be hazardous in a confined environment.

In addition to improving the insulation levels, loft access doors, tank and pipes should also be insulated.

Although normally insufficient,

you should ensure your existing loft insulation is well fitted, to eliminate cold spots through which heat can pass.

How effective is it?

Up to 35% of the heat loss from a home passes through the roof this area is therefore very important to improve.

Fortunately, there are very many insulation systems and products available and most can be fitted in less than a day.

For a typical energy spend of £1500 per year, loft insulation will normally recover its installation cost within 12-18 months.

What does it cost?

The majority of roofs can be insulated for modest cost with £150-300 being typical for a smaller home.

The work can be DIY to reduce cost, but there are a number of installation schemes available which subsidise the cost for an installer to fit the insulation.

For details of financial incentives and grant programmes available contact The Energy Savings Trust, utility company or your local authority for more details.

Remember – improving the fit of insulation you already have will cost you nothing.

Cost score £

Environmental score ●●●

Other consents: L B

On occasion the building regulations require a minimum amount of insulation (as well as ventilation) to be installed or applied to the element

INSULATION FOR ROOFS

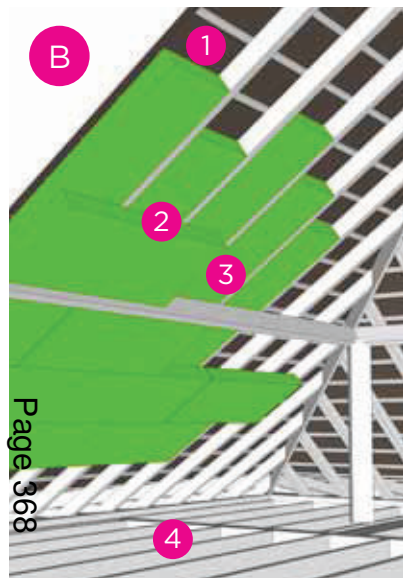
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House type relevant: All house types



Cost score £

Environmental score ●●●

Other consents: **L B**

On occasion the building regulations require a minimum amount of insulation (as well as ventilation) to be installed or applied to the element

B Roof Insulation at Rafter Level

1 Some adjustments may be required to improve ventilation of the roof above the insulation. Vents, counter-battens, breathable underlays and the like are basic measures which a builder or roofing contractor could fit.

2 Insulation is laid in alternate directions so as to eliminate heat loss through joints.

3 Typically rigid insulation boards are laid between and beneath the rafters to achieve the required level of insulation.

Compressible insulation types can be held in place with a net or breathable building membrane.

With insulation at rafter level, the roof can remain useable and tanks, pipes and the like may not need separate insulation.

4 Retaining existing insulation at ceiling level will reduce the heat from the home spent warming the roofspace.

So what is it?

The roof of a building is normally simply made from thin tile, slate or lead coverings on a slender timber frame. With only this and a thin layer of plaster between the upper floor rooms and the outside it is easy to see how heat can be readily lost through an unimproved roof.

For some later buildings, the insulation is already at rafter level, but most properties will likely have any insulation laid as a loose quilt between the ceiling joists. This arrangement is a good start, but the joists remain un-insulated, the insulation is often too thin and in many cases poorly fitted – particularly around the eaves, where the interior is closest to the outside. Top-up insulation is therefore often required.

Insulation at rafter level can be supplemented or newly retrofitted and is typically set both between and beneath the rafters; in alternate directions so as to reduce heat loss through the joints. Rigid insulation boards which are self-supporting can be used, alternatively, soft insulation can be supported with a net or breathable building membrane.

Rafter level insulation products are normally higher performing, to reduce the thickness required, but to achieve adequate performance it is recommended that loft insulation is the equivalent of c.300mm mineral wool or fibre quilt.

A ventilation path must be established above the insulation, to dissipate any moisture which could condense on the colder timbers or reduce the performance of the insulation. This will normally only involve basic adjustments of the building by a roofing contractor or builder.

Although a little more complex to fit than insulation at ceiling level, rafter level insulation allows the roofspace to be used and reduces the need to upgrade loft access, water tanks, pipes, etc. as the roof space is 'warm'.

This technique will likely be required where the ceilings follow the line of the roof and there is no roofspace available.

How effective is it?

Up to 35% of the heat loss from a home passes through the roof this area is therefore very important to improve.

Fortunately, there are very many insulation systems and products available with strong competition in price to ensure good value.

For a typical energy spend of £1500 per year, rafter level insulation will normally recover its installation cost within 2-3 years.

What does it cost?

The majority of roofs can be insulated at rafter level at a reasonable cost; with £900 – £1200 being typical for a smaller home.

Many systems can be retrofitted from below in less than a day, although some work may need to be undertaken by a contractor, to ensure ventilation routes are achieved.

There are a number of installation schemes available which subsidise the cost for an installer to fit the insulation. For details of financial incentives and grant programmes available contact The Energy Savings Trust, utility company or your local authority for more details

INSULATION FOR FLOORS

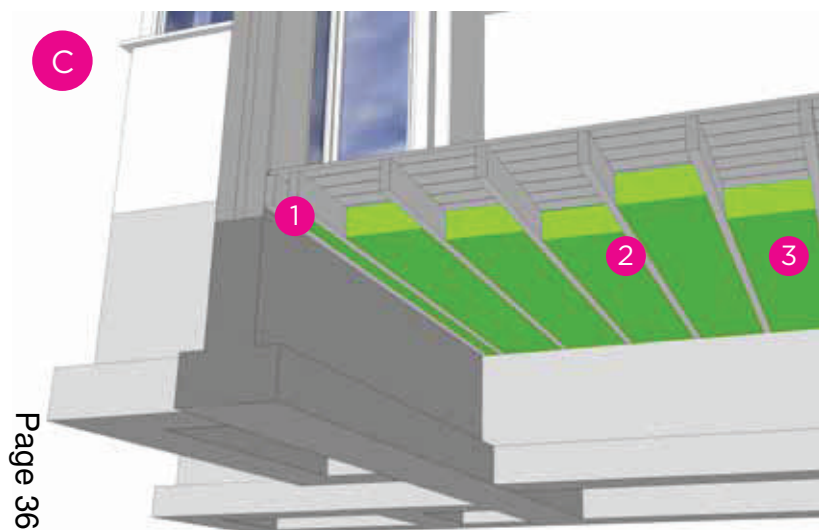
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House type relevant: All house types



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Cost score ££

Environmental score ●●

Other consents: L B

On occasion the building regulations require a minimum amount of insulation (as well as ventilation) to be installed or applied to the element

C Timber Floor Insulation (see also timber floor draughtproofing)

1 It is very important to insulate between the last joist and the wall as these narrower spaces are closest to the exterior and are therefore the coldest.

2 Don't forget to ensure that building services which pass below the floor are also insulated. This can be especially important where the addition of insulation elsewhere results in a lower underfloor temperature.

3 Typical underfloor insulation measures involve laying insulation between the carpentry.

Rigid insulation will need to be carefully trimmed to give a close fit and could be supported on timber battens secured to the joists. A compressible insulation such as mineral wool or sheepswool will give a snug fit and can be supported on a lightweight net laid over the joists.

In some cases the floor void may be large enough to work in and here, further insulation can be set below the joists.

Ensure that any sub-floor ventilation and air bricks are not obstructed and the insulation is at least 150mm clear of the ground level. In methane or radon affected areas seek advice from

the building control department of your local council.

So what is it?

The loss of warmth through floors is not a new concern; as some of our oldest properties had double boarded floors or lime mortar 'pugging' between the joists to improve their thermal performance. However, the vast majority of suspended timber floor structures in buildings are uninsulated and offer little resistance to the passage of heat energy.

Beneath the 25mm or so of timber boards, the underfloor void of a suspended timber ground floor is commonly ventilated and cold - presenting an ideal route for the dissipation of heat. At their edges, heat lost through these floors can also pass out via poorly performing walls.

In addition to ground floors, heat passes between rooms themselves - meaning that heat from a living area can be lost through upper floors to an unoccupied or cooler space elsewhere in the home.

Insulating timber floors will normally involve lifting some of the floor boards and laying insulation between the joists so as to improve the thermal performance of the most slender element i.e. the boards themselves. Where

possible, it is also desirable to improve the performance of the joists also, perhaps by under drawing the entire floor.

In some cases it may be possible to insulate from above the boards by overlaying the floor with insulation and new floor finish. Adjustment of doors, room joinery and fireplaces will need to be considered in this case.

How effective is it?

In a typical dwelling 60% of the energy used is for space heating and around 15% of this is lost through the ground floor.

Whilst some heat will always pass through the building fabric insulating a suspended timber floor within the joist depth (as indicated) can reduce this to below 5%.

Overall, this can be 5-8% of your carbon emissions saved.

What does it cost?

For an annual energy bill of £1500 around £135 is spent heating the ground beneath you feet!

Figures from the Energy Savings Trust suggest that an average DIY installation will cost around £100 and can recover its cost within two years.

This measure can therefore cost less than the energy being wasted!

SOLAR THERMAL & PHOTOVOLTAICS

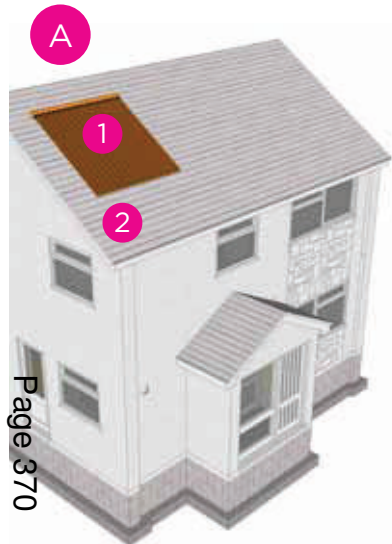
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House type relevant: All house types



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Cost score **££**

Environmental score ●

Other consents: **L B**
(Can be **D** subject to certain conditions being met otherwise **P**)

A Solar Thermal

This diagram shows a typical Solar Thermal Collector installation for a later modern dwelling.

- 1 The solar thermal collector must be located on a predominately south facing slope, ideally at an angle around 30 degrees.

Choosing a location free from over-shading chimneys trees and buildings will be necessary to ensure maximum efficiency.

Evacuated tube types are more efficient and may take up less space than a flat-plate system.

- 2 The roof of your building may require strengthening locally to accommodate the solar collectors and you should consider safe access for installation and cleaning.

Solar Thermal collectors can be set at low level but will work more efficiently if kept close to where the water is used.

So what is it?

Solar Thermal collectors use infra-red heat radiation from the sun to warm water for domestic use.

Typically these systems circulate water from a buffer tank into a roof mounted collector, where they absorb heat. This pre-heated water can then be used by a conventional boiler for domestic hot water and sometimes heating. By using already warmed water, these systems reduce the amount of fossil fuel otherwise consumed.

Several types of installation are available, from simple flat-panel collectors to more sophisticated, but more efficient, vacuum evacuated tubes.

Collectors are normally a series of panels, placed out of the way on the roof of a building. It is helpful to have the system close to and above the place where the water is to be used, to allow gravity to reduce the electricity used for circulating the system. It is also worth bearing in mind that the collectors can get very hot, so safety will be a consideration if installed at a lower level.

Although most efficient in warmer weather, solar thermal collectors will work all year round and in the summer can eliminate the need for a boiler altogether.

The panels should face south and be set at an angle to maximise their efficiency. North and East facing roofs are not suitable.

The service life of a system will typically be c.20-25 years.

Specific consent may be required from the local authority for protected buildings or those in a conservation area.

Note: The collectors are heavy and may require strengthening of the roof locally. The collectors also require cleaning from time to time so safe access should be considered.

How effective is it?

Solar PV panels do not burn fossil fuels to generate electricity and are classed as renewable technology.

The equipment uses well established technology and gives a good service life if well cared for.

Solar thermal collectors are less efficient in the winter, when it is cold; but over an annual cycle they can greatly reduce the energy needed for hot water use in the home.

Systems are typically capable of delivering up to 40% of your annual domestic hot water requirement.

What does it cost?

The cost for a Solar Thermal installation will vary greatly with the size, output and complexity of installation. Some systems can work with an existing boiler and infrastructure, which can also reduce cost.

A normal domestic sized installation will be in the region of £5-7k (plus boiler if needed).

A government 'Green Deal' scheme is expected which may help to offset the cost of a renewable heat installation. Details are available from your utility company, The Energy Savings Trust or Department for Energy and Climate Change.

SOLAR THERMAL & PHOTOVOLTAICS

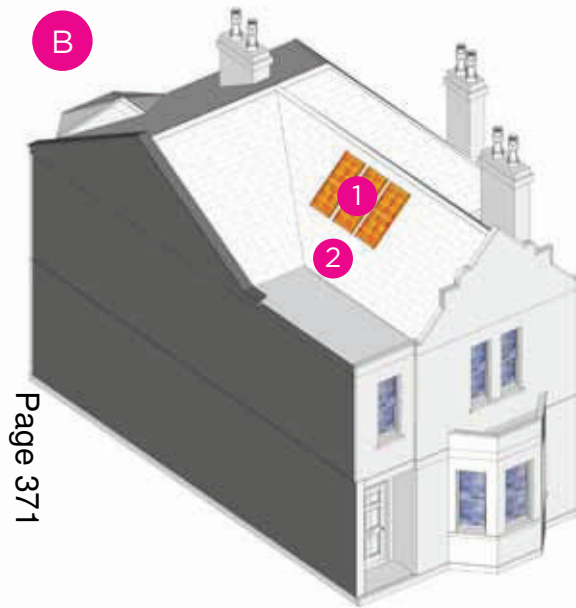
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Topics in this section:

- Issues
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- ▶ Active

House type relevant: All house types



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Cost score **££**

Environmental score ●●

Other consents: **L B**

(Can be **D** subject to certain conditions being met otherwise **P**)

B Photovoltaics or SOLAR PV

This diagram shows a typical Solar PV installation for a Victorian building.

- 1 The solar PV array must be located on a predominately south facing slope, ideally at an angle around 30 degrees.

Choosing a location free from over-shading chimneys trees and buildings will be necessary to ensure maximum efficiency.

- 2 The roof of your building may require strengthening locally to accommodate the solar PV panels and you should consider safe access for installation and cleaning.

Solar PV installations can be set elsewhere around your home, such as free-standing in the garden or on the roof of a garage or outbuilding.

So what is it?

Solar Photovoltaic (or PV) systems use energy from solar radiation to generate small amounts of electricity. This can be supplied directly to the home or via a connector to the national grid.

The PV 'array' is normally a flat panel or series of panels and which is commonly placed 'out of the way' on the roof of the building.

PV installations can be sited anywhere that does not regularly get overshadowed, however. Garden sheds, garages and outbuildings can be equally good sites!

Although most efficient on a sunny day, solar PV can operate in overcast weather. The panels should face south and be set at an angle to maximise their efficiency. North and east facing roofs are not suitable.

The service life of a PV panel will be 15-20 years and systems can be augmented over time.

Specific consent may be required from the local authority for protected buildings or those in a conservation area.

Note: The panels are heavy and may require strengthening of the roof locally. The panels also require cleaning from time to time so safe access should also be considered.

How effective is it?

Solar PV panels do not burn fossil fuels to generate electricity and are classed as renewable technology; or micro-generation.

The equipment uses well established technology and gives a reasonably good service life if well cared for.

Systems are typically capable of delivering between 1.5-6 kW/Hrs electricity at peak performance and would do much to mitigate the energy costs of lighting and small appliances.

What does it cost?

The cost for a Solar PV installation will vary greatly with the size, output and complexity of installation. Clearly a crane used for installation will cost more than a ladder!

A normal domestic sized installation will be in the region of £7-10k.

A government scheme exists which can provide a payment for surplus electricity delivered to the National Grid. Details are available from your utility company, The Energy Savings Trust or Department for Energy and Climate Change.

HEATING OPTIONS

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House type relevant: All house types



Pages 372
Cost score **££**

Environmental score ●●●

Other consents: **L B**

The building regulations require fixed building services to be installed and commissioned in accordance with the Domestic Building Service Compliance Guide, DCLG 2010 available free, from www.planningportal.gov.uk.
(P) may be needed for flues or ventilation or this can (D)

A Boiler and Heating Controls

- 1 A programmable time switch can make the installation much more efficient at delivering heat and hot water only when you need it.
- 2 A modern condensing boiler can be over 90% efficient, saving a third or more on your heat energy costs. Most are smaller in size and easier to locate than their older predecessors.
- 3 A thermostatically controlled radiator valve will allow you to set the temperature for each space individually making sure you only have it warm where you need it to be.
- 4 Modern radiators use less water, can operate at lower system temperatures and are more efficient at transferring the heat than older ones.

Don't forget that insulating pipes, tanks and storage vessels can greatly reduce the energy lost from your heating and hot water system.

So what is it?

Many homes have a centralised heating system, with a boiler providing hot water which is circulated through a series of radiant panels. These systems use electrical energy to circulate the water and due to the high system losses and less efficient radiators typically circulate water at around 80°C. The whole home is often heated to the same temperature.

Modern radiators have been developed which have high thermal efficiency, can use less water and at a lower temperature, to deliver the same amount of heat to the room.

By adding a thermostatically controlled valve to the radiator, those rooms which are unused can be set to a lower temperature, reducing the energy needed.

By replacing an old and inefficient boiler with a new one the amount of energy required for heating and hot water can be considerably reduced.

In addition, fitting a new control panel can allow the timing of the heating and hot water services to vary from morning to evening, between different days and even over the course of a month – in case you are away on holiday for example.

In addition to replacing the boiler for a centralised heating and hot water system, consideration should be given to local heat sources such as an open fire, stove or radiant electric fire. These methods can easily reduce the heat demand during those times when the temperature only dips slightly but warming the whole home may otherwise be necessary. Alternatively, if you only regularly only use a few rooms in your home they can allow the remainder of the space to be heated to a lower overall temperature.

Any upgrade to the system should also have the circulating pipework insulated, so as to reduce heat loss in the system. Un-insulated pipes running in cold floor voids are not an effective way to heat the home - but they are sadly all too common!

How effective is it?

For most dwellings the single largest consumer of energy is the boiler which warms the home and heats water. Typically 60% of your energy is used here and it therefore makes good sense to ensure the boiler is both efficient and well maintained.

Modern condensing gas fired boilers can turn as much as 90% of the heat from burning fossil fuels into hot water. This compares with older boilers which are commonly around 60% efficient and some oil and solid fuel appliances which can be as low as 30-40%.

Upgrading your boiler could therefore potentially save 30-50% on your fuel usage!

What does it cost?

An efficient condensing gas fired boiler can cost between £2-3k, with stoves normally between £500-800. A 28-day heating programmer will be less than £100 and a thermostatic radiator valve can be as little as £10.

Some works to adjust your existing installation may be needed but the benefit from reduced fuel usage will normally recover this cost within a short period.

A boiler scrappage scheme may help to meet the cost of upgrading this element of your home. Details are available from your utility company, The Energy Savings Trust or Department for Energy and Climate Change.

HEATING OPTIONS

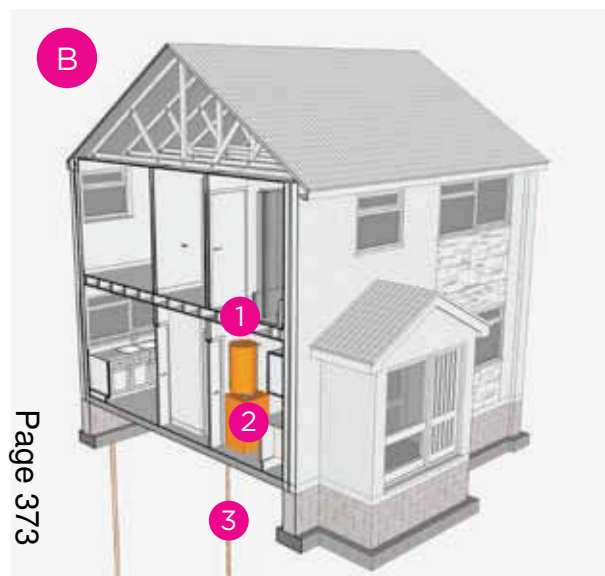
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House type relevant: All house types



B Ground Sourced Heat Pump

This diagram shows a typical GSHP installation in a later modern dwelling.

1 Ground sourced heat exchange systems can connect to existing heating and hot water infrastructure, although will work best with efficient radiator and underfloor heating installations.

The size of the heat exchanger and buffer tank will depend on the building size, insulation level and the amount of hot water likely to be used.

2 A typical heat exchanger is the size of a domestic appliance and the buffer tank similar to a hot water storage cylinder.

3 Ground loops can be laid as a 'slinky' pipe in a shallow trench, as a compact cassette or in a deep borehole.

The size and type of installation will depend on space available and ground conditions.

So what is it?

Ground Sourced Heat Pumps use the solar heat energy stored in the ground to provide heat and hot water for a home. They are an alternative to conventional boilers.

The systems use a simple refrigerant circulated within a pipe which that is laid below ground. A small amount of heat from the ground is transferred into the fluid and this passes to a heat exchanger; which in turn stores the heat in a 'buffer' tank of warm water.

The below ground pipe or ground loop can be laid in a shallow trench or a deep borehole, dependant on space and ground conditions.

The heat exchanger is typically the size of a floor mounted boiler and can be located away from an external wall.

Ground sourced heat exchangers can provide water at lower temperatures and are suitable for domestic hot water systems. They can also serve the more efficient radiator or underfloor heating systems which operate at lower system temperatures.

In Summer months it may be possible to reverse the flow of the heat exchanger and use the heating system to cool the building.

How effective is it?

Ground sourced heat pumps do not burn fossil fuels and are classed as renewable technology.

The equipment is simple, well established and gives a good

service life. A heat exchanger with a high efficiency should be used where possible.

The system requires electrical energy to operate but with a well insulated building and other energy efficiency measures can deliver savings around 75% on heating and hot water cost.

What does it cost?

For an average home the cost of a GSHP installation will be around 50-75% more than a conventional boiler.

(This can be considerable higher if boreholes are required as these are typically £1500-2500 each to drill)

The lower running cost of the systems make it possible to recover the cost in the short to medium term.

Cost score **££**

Environmental score ●●

Other consents: **L B**

The building regulations require fixed building services to be installed and commissioned in accordance with the Domestic Building Service Compliance Guide, DCLG 2010 available free, from www.planningportal.gov.uk. (Can be **D**)

HEATING OPTIONS

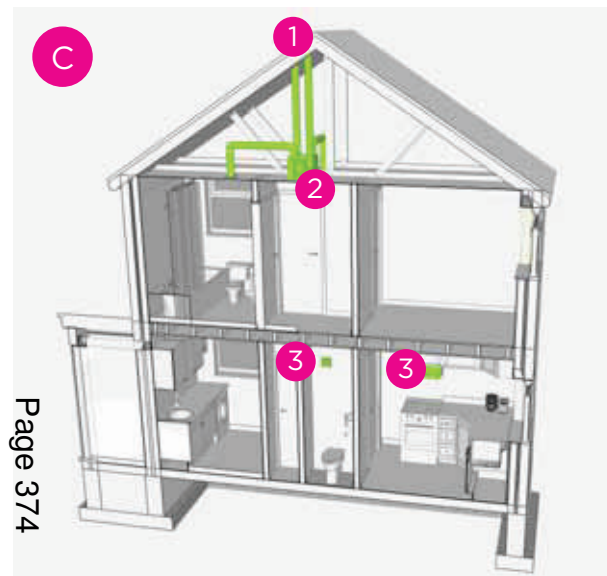
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House type relevant: Victorian/Edwardian – late 20th Century



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Cost score ££

Environmental score ●●

Other consents: L B

The building regulations require fixed building services to be installed and commissioned in accordance with the Domestic Building Service Compliance Guide, DCLG 2010 available free, from www.planningportal.gov.uk. (P) may be needed for flues or ventilation or this can (D)

C Mechanical Ventilation and Heat Recovery

- 1 All extract is taken through a single outlet which can be discreetly located on the building, for example at roof level.
- 2 Ductwork will be required to connect the various extract outlet locations to the MVHR plant. Some slimline systems are available which can fit inside partition and ceiling voids.

The MVHR plant is a cardboard box sized piece of equipment which can be installed in a concealed location such as a cupboard or roof space.

- 3 Extracts from kitchens, WC's and utility rooms at lower floors and bathrooms, shower rooms and en-suite's at upper floors can all be connected to the MVHR system.

So what is it?

It is a regulatory requirement for all modern homes to have a means to rapidly remove humidity and foul air from the interior.

In the majority of dwellings this work is simply done by opening a window, but even this uses energy by allowing warmed air to

escape. Alternatively, many homes have mechanical extract fans which remove cooking odours, foul air and humidity from WC's bathrooms and showers.

All such fans use electrical energy to remove warm and humid air from the building, which in turn, is replaced with cold air from the outside. In addition to the energy used to operate the fan, these systems remove valuable heat energy, lowering the internal building temperature and consequently increasing the demand for space heating.

Mechanical ventilation and heat recovery systems (MVHR) combine the various extract fan functions in a home with a small heat exchanger. This takes warmth from the waste air being removed and uses it to heat the incoming air which is replacing it. This reduces the energy needed to raise the temperature of incoming air by making use of the heat otherwise thrown away.

An MVHR installation normally has a chamber around the size of a modest cardboard box, located out of view, in the roofspace for example. Extracts from the kitchen, bathroom, etc are then

connected to it and air is taken through a central duct to the outside. The warmed replacement air can be introduced at a suitable location anywhere in the home.

How effective is it?

These systems do use electrical energy to operate and therefore are likely only to be of net benefit in reducing energy for larger or more highly serviced homes.

Passive systems are available however which use wind pressure and thermal stack-effect to naturally move air through the system and these can be useful in some situations where the benefit is otherwise marginal.

What does it cost?

An MVHR system will connect all the extract outlets from the home to a centralised plant, this may mean some alteration to the existing building, finishes and electrical services. The extent of this will vary with the complexity of the building, number of extracts and their location.

A typical proprietary system for a smaller modern dwelling such as the one illustrated here would be in the region of £800-1200.

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Listed buildings are nationally recognised for their special architectural or historic qualities and are protected for their special architectural or historic qualities and are protected in law by the Planning (Listed Buildings and Conservation Areas) Act 1990.

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

It is a criminal offence to carry out unauthorised works to a listed building which alter their

character or appearance, without consent.

The listed building consent symbol highlights where listed building consent is required for each retrofitting measure. **L**

Listed buildings are varied in their design, construction, character and status. When Listed Building Consent is necessary the Council assesses each proposal on its individual merits. In some cases the scope for alteration and adaptation may be limited; in other cases a greater degree of change may be justifiable.

The Council advocates a holistic and structured approach to devising proposals to improve energy efficiency in listed buildings. This should include assessment of:

- the heritage values and significance of the building;
- the condition of the building fabric and building services;
- their impact on heritage values and significance;
- the technical risks;

This will help to identify the measures best suited to an individual building less intrusive improvements should be provided before more potentially harmful measures are considered. In practical terms the following strategy is recommended:

- understand how the building currently performs;
- ensure the existing building fabric and services as are in good repair and properly maintained to obtain the optimum performance from them;

- look at benign enhancements, such as improving the efficiency of lighting and heating systems, controls and equipment; and thermally lined curtains and blinds.

- control draughts, particularly through doors, windows and flues, to reduce air infiltration throughout the building during colder weather;

- consider lower risk insulation opportunities such as loft and floor insulation rather than insulation to solid walls;

- consider higher risk opportunities, such as solid wall insulation, once other less invasive works have been explored or implemented;

It is worth noting that under Building Regulations Part L there are exemptions and special considerations relating to heritage assets that encompass both statutorily protected and unlisted, traditionally constructed buildings. Applicants are therefore encouraged to seek advice regarding this matter from building control specialists. Details are in the Directory.

Detailed advice on improving the energy efficiency in historic buildings, produced English Heritage, is available from

<http://www.climatechangeandyourhome.org.uk/>

English Heritage has also published relevant detailed guidance regarding thermal efficiency of traditional buildings; please see <http://www/environmentandplanning/planning/Conservation/Pages/ClimateChangeandtheHistoricEnvironment.aspx>

Advice about the need for planning consents should always be obtained from the Council's Planning department at an early stage and before any work is started.

The Council also recommends the employment of an appropriately experienced architectural or conservation professional when considering changes to historic buildings.

Bath & North East Somerset Council encourages listed building owners to identify feasible solutions to deliver climate change mitigation with the least or no harm to the significance of the historic asset and its setting. In this guidance, we highlight issues to be considered when you apply for listed building consent. Attention to detail and the manner in which works are undertaken are critical in relation to listed buildings.

A justification may include demonstration that other energy saving measures, with less or no impact on historic fabric have been undertaken or considered. However, this should not in itself be a reason for refusal. It should be the impact of the proposed measures that the judgement will be made on.

The table below provides local historic building guidance for retrofitting measures for listed buildings in Bath & North East Somerset. Applicants should also consider national policy and English Heritage guidance and are recommended to employ a Conservation Architect.

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Sustainable Construction & Retrofitting SPD: Guidance for measures on listed buildings

	Is listed building/ planning consent required?	SPD position	Factors that will be considered during consent process
Reinstate missing shutters	Reinstatement of shutters requires listed building consent	There is a presumption in favour of reinstating shutters where there is evidence of their existence	<ul style="list-style-type: none"> Professional installation will be encouraged Shutters should be sympathetic to the design and materials of the window and replicate the original
Draught proofing Windows and doors	<ul style="list-style-type: none"> Listed building consent is normally required for any draught proofing which has a visual or physical impact on the window. Draught proofing that is easily reversible, such as flexible stick-on strips, may not need listed building consent 	There is a presumption in favour of careful draught-proofing windows and doors in all listed buildings	<ul style="list-style-type: none"> Professional installation and the use of unobtrusive products, such as rebated edge seals, should be considered where the strength of the frame will not be compromised
Secondary Glazing	<ul style="list-style-type: none"> Temporary, seasonal solutions to secondary glazing, such as plastic film, that are easily reversed and have no impact on the fabric of the window do not need listed building consent Integrated, fixed secondary glazing will need listed building consent 	<p>Preamble: The design and detailing of windows can be a significant component of a building's overall appearance and character.</p> <p>-----</p> <p>There is a presumption in favour of permitting the use of secondary glazing in any listed building where there is no impact on the special architectural or historic interest of the building</p>	<ul style="list-style-type: none"> Ensure that the proposed secondary glazing will not interfere with the use of shutters, if you have them Ensure that the design is as discreet as possible and has minimum visual impact on the existing window including careful alignment of glazing bars Ensure that any distinctive architectural details of the existing architrave are not disguised by the frame of the secondary glazing Minimise the impact of permanent fixings required to secure the new frame Consider fitting secondary glazing within a removable frame Consider how changes will impact on the relationship with neighbouring heritage assets, particularly in the case of terraced properties with a unified composition

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Is listed building/ planning consent required?		SPD position	Factors that will be considered during consent process
Double glazing: replacement windows	Replacement or alteration of windows will require listed building consent, and in certain cases will require planning permission	<ul style="list-style-type: none"> There is a presumption in favour of the replacement of windows with timber framed slim profile double-glazing units where such alterations would preserve or enhance the special architectural or historic interest of the building. For example where existing windows are inappropriate modern replacements 	<ul style="list-style-type: none"> The section of these units should be no greater than 12mm (4mm x 2 glazing + 4mm cavity) The thickness and profile of glazing bars should be replicas of the original glazing bars. At no time will applied glazing bars or applied lead comes be considered appropriate in a listed building. UPVC double glazing will not be considered appropriate due to its lack of authenticity and visual impact
Double-glazing: replacement panes in existing windows	Replacement of panes will require listed building consent.	There is a presumption in favour of replacement of individual glass panes in significant windows with slim-profile double-glazing for all listed buildings, with crown-effect glass used for the outer pane where historic crown glass will be lost.	<ul style="list-style-type: none"> The section of these units should be no greater than 12mm (4mm x 2 glazing + 4mm cavity) Care should be taken not to damage the original window frame when applying the new pane.
Draught proofing floors, skirting boards and ceilings	Listed building consent is needed for most methods of draught-proofing floors, skirting boards and ceilings	There is a presumption in favour of the replacement of individual glass panes with slim profile double-glazing units where such alterations would preserve or enhance the special architectural or historic interest of the building	<ul style="list-style-type: none"> The section of these units should be no greater than 12mm (4mm x 2 glazing + 4mm cavity) Care should be taken not to damage the original window frame when applying the new pane Take care to ensure that slender glazing bars are sufficiently robust to withstand the increased weight Early and original glass needs to identified and preserved Care should be taken to adjust the sash weights to counter balance the increase in weight created by the double glazing

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Insulating suspended timber floors	<ul style="list-style-type: none"> The insulation of suspended floors may require listed building consent if the works involve alterations that affect the character of the building such as disturbing plaster ceilings or historic floor boards 	There is a presumption in favour of the installation of ground floor insulation under suspended timber floors in all listed buildings except where significant historic surfaces have to be removed, and where there is an adverse impact on skirting boards and door architraves	<ul style="list-style-type: none"> If the floors are original, consider adding insulation over the floor, minimising impacts on the original fabric. If you are adding insulation over your floor, consider natural breathable materials, for example carpets and carpet liners can be wool, sisal or hemp. Sprayed foams should be avoided as they are not easily reversible should future repairs be required Work will be expected to be undertaken by a qualified professional
Insulating under solid floors	Works that involve lifting historic floor surfaces or digging out ground surfaces will need listed building consent	There is a presumption in favour of ground floor insulation under solid floors in listed buildings except where significant historic floors or archaeological features will be adversely affected	<ul style="list-style-type: none"> Work should be undertaken by a qualified professional Breathable materials should be used
Loft insulation	Loft insulation may be installed in listed buildings without consent as long as the insulation is not adhesive, avoids disturbance to historic surfaces and roof profiles, and can be removed without any damage to the building fabric or the significance of the building. Discreet tile vents may not require consent if the character of the listed building is unaltered.	There is a presumption in favour of benign and passive insulation measures in listed buildings	<ul style="list-style-type: none"> Care should be taken not to restrict the ventilation of cold roofs Roofs can be the least altered areas of heritage assets and care should be taken to maintain historic roof profiles, verge details, and plaster surfaces Natural, sustainable and breathable materials, such as sheeps' wool, is encouraged

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Ventilation	Listed building consent is required to install an outlet for an extractor fan or heat-recovery ventilation system in an external wall	<p>Preamble: Activities such as clothes drying, cooking or showering, in combination with comprehensive draught proofing, can lead to increased levels of moisture in the air which may result in condensation and damp. This can be damaging to historic buildings. Fully functioning windows remain the best solution</p> <p>-----</p> <p>There is a presumption in favour of the installation of ventilation outlets in discreet locations</p>	<ul style="list-style-type: none"> Specify a discreet outlet and paint the outlet the same colour as the wall If possible, offer to remove redundant services from the wall where they are not needed Consider putting the exhaust through a vertical flue in a roof that cannot be seen.
Solid wall insulation: external	Listed building consent is needed for external wall insulation, and planning permission will usually also be required	There is a presumption in favour of the installation of external wall insulation at listed buildings on secondary elevation which are, or have been, rendered and where the existing wall is of no architectural or historic significance	<ul style="list-style-type: none"> Use a finish which is appropriate for the traditional construction and sympathetic to the architectural context Breathable lime-based insulating render should be considered A through colour lime render finish the colour of local stone may be suitable but where painting is proposed then it should be in breathable finish Great care is necessary to ensure that detailing at roof eaves, and window and door reveals do not damage the building's ability to shed moisture Permeable or breathable materials should be always be considered when alterations are proposed to the exterior of historic buildings Consideration will be given to whether there is an intrinsic historical problems of damp in the building and whether this has been successfully resolved Work must be undertaken by an appropriately qualified professional

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Solid wall insulation: internal	Interior walls define the character of listed buildings so you must seek listed building consent	There is a presumption in favour of installation of internal wall insulation in listed buildings as long as there is no impact on important historic features such as the proportions of the room, window and door reveals, skirtings, architraves, dado rails, any cornice and built in furniture	<ul style="list-style-type: none"> Breathable insulating lime or lime/hemp plaster should be considered Features such as cornicing and ceiling roses must be preserved Consideration will be given to whether there has been a history of damp in the building and whether this has been successfully resolved Work must be undertaken by an appropriately qualified professional The removal of historic surfaces should be avoided
Boiler flues	The installation of a new gas boiler, or a replacement boiler in a location where a new external flue is required, will require listed building consent. Associated new internal and external plumbing routes will also require consent	There is a presumption in favour of boiler flues in discreet locations provided there is no adverse cumulative impact.	<ul style="list-style-type: none"> Specify a discreet outlet and paint the outlet the same colour as the wall At properties and terraced buildings in multiple occupancy where flues may have a cumulatively damaging effect consider using alternative means of heating Consider putting the exhaust through a vertical flue in a roof that cannot be seen Plumbing routes should avoid notching and weakening floor joists If possible, offer to remove redundant services from the wall where they are not needed Careful planning and design will be needed to ensure that new pipe runs do not damage historic surfaces and decorations Flues will need to be carefully sited to ensure compliance with the Building Regulations
Wood burners and boilers	Listed building consent is required for a wood burner if the installation involves the removal of an existing chimney piece, fire surround or hearth. It will also be required for a new flue or new flue liner	There is a presumption in favour of the installation of wood burners and boilers in listed buildings as long as an existing flue can be reused without damage to an historic fireplace	<ul style="list-style-type: none"> Care must be taken regarding fire risk where wood burning stoves are introduced in combination with flue liners within thatched properties Consideration should be given to using existing chimneys and flues

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Air source heat pump	The installation of flues or pipes in association with an air source heat pump in a location where there is no existing flue, will need listed building consent	There is a presumption in favour of the installation of air source heat pumps with intakes and/or outlets in discreet locations	<ul style="list-style-type: none"> • Air source heat pumps do not usually save more carbon than gas so are best installed in off-gas areas. • Heat pumps should only be used in houses that are well insulated, since the heat they provide is more suitable for background heat than the bursts of heat needed in the morning and evening to heat less efficient homes. This is unlikely to be the case in listed buildings.
Ground source heat pumps	If you are installing a ground source heat pump in a location where there is no existing flue, you need to obtain listed building consent to install the flue or a pipe on the outside of a protected building. Other external development may require planning permission, and in some cases Scheduled Monument Consent	There is a presumption in favour of the installation of ground source heat pumps where there is no adverse impact on below ground archaeology, the character of the protected building, or its setting	<ul style="list-style-type: none"> • Heat pumps should only be used in houses that are well insulated and fairly airtight, since the heat they provide is more suitable for background heat than the bursts of heat needed in the morning and evening to heat less efficient homes. This is unlikely to be the case in listed buildings. • Ground source heat pumps that are installed by digging long trenches in big gardens and laying pipes one metre down. Trenches should not disturb archaeological features • In Bath there is significant concentration of known archaeology and archaeological potential where ground disturbance is likely to be harmful • Ground source heat pump using vertical boreholes need to have regard to the Avon Act (1982) which protects the source of the Bath hot springs.

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	Is listed building/ planning consent required?	SPD position	Factors that will be considered during consent process
Page 382	Solar panels including photovoltaic and solar water panels	Listed building consent and planning permission would be required for solar panels on listed buildings, their the curtilage and outbuildings.	There is a presumption in favour of roof-mounted solar panels on any listed building where the panel is discreetly located.
	Solar photovoltaic slates	<ul style="list-style-type: none"> Listed building consent would be required for solar slates 	<ul style="list-style-type: none"> Fixing equipment should cause no damage to significant historic fabric and the installation should be reversible without significant long term impact on historic fabric. Cabling, pipework, fuse boxes or other related equipment can be accommodated without loss of, or damage to, significant historic fabric. The possibility of siting panels on outbuildings or as a ground mounted array should be considered Ensure there is a supply of replacement matching stone/handmade tiles if tiles need to be removed The internal slope of an 'M' shaped roof may provide a discreet location

LISTED BUILDINGS

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Topics in this section:

Issues
Opportunities
Passive
Active

Is listed building/ planning consent required?		SPD position	Factors that will be considered during consent process
Domestic-scale wind turbines	Building mounted turbines will require listed building consent, and free standing turbines will require listed building consent where the obligatory cable runs and any other related equipment is to be attached to the protected building. There may also be a need for planning permission in some cases	There is a presumption in favour of domestic wind turbines on or within the curtilage of listed buildings except on elevations or roofs that are prominent, or where there is a risk of damaging vibration or wrenching, or where the special architectural or historic interest will be harmed	<ul style="list-style-type: none"> • A minimum NOABL average wind-speed of 6m/s or a year-long anemometer reading of 6m/s will be needed. Domestic wind turbines require sufficient wind in order to be effective. • Visual impact of the equipment should be minor or can be accommodated without loss of special interest, or harm to the setting of heritage assets • Fixing the equipment should not damage significant historic fabric • The installation must be reversible without significant long term impact on historic fabric. • Cabling, pipe-work, fuse boxes or other related equipment should be accommodated without loss of, or damage to, significant historic fabric. • A consent condition will be imposed requiring removal of the equipment, including cabling etc and making good of the historic fabric as soon as it falls out of use. • Issues such as weight, vibration and increased wind pressure should be considered, especially in timber framed buildings and roof structures
Hydro	Listed building consent required for works to structures within the curtilage of a listed building. Planning permission will also normally be required	There is a presumption in favour of hydro power turbines provided care is taken to understand and protect the significance and setting of heritage assets	<ul style="list-style-type: none"> • For proposals concerning historic mill-runs, opportunities should be taken to restore historic mill features where possible • The materials and colours should be in keeping with the heritage asset
Flood Doors	Requires listed building consent	<p>Flooding presents a major risk to listed buildings in certain areas.</p> <p>The Council will be sympathetic to proposals for flood mitigation equipment which requires approval.</p>	<ul style="list-style-type: none"> • Care should be taken to understand and protect significance • It is expected that a high level of risk to the building has been evidenced

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HEATING AND HOT WATER

- **Efficient controls** – installing a thermostat, thermostatic radiator valves and a timer will help to make heating systems work in the most efficient way and will reduce fuel bills
www.energysavingtrust.org.uk
- **Underfloor heating** – in some cases, underfloor heating can be a suitable alternative to conventional radiators. The system uses a low operating temperature that can be linked in with alternative heating sources that output at the same low temperature, for example solar panels
www.greenspec.co.uk/radiators-underfloor-heating
- **PV's, solar thermal, biomass** – by installing renewable energy systems to heat hot water and provide space heating, less fossil fuel is used and therefore less CO2 is emitted than conventional systems such as electric heating
www.cse.org.uk/pages/energy-advice/renewable-energy

WINDOWS:

- **Frames** – there are several choices of materials for window frames such as plastic, timber and aluminium. Timber window frames are the best choice from an environmental point of view but the timber should be sourced from well managed forests
www.fsc-uk.org
- **Glazing details** – heat loss through window glass is much greater than through walls and roofs. Insulating double or triple glazed units are now easy to source and the glazing unit is filled with an inert gas, making it even more energy efficient
www.fensa.co.uk
- **Solar shading** – adding blinds, shutters and/or solar shades on the outside of the windows can keep unwanted sun out in the summertime and will help to keep indoor temperatures at a comfortable level
www.wikipediaorg/wiki/Passive_solar_building_design#Operable_shading_and_insulation_devices

- **Thermal bridging** – it is important to make sure that the gap between the window frame and the wall is well sealed otherwise heat will be lost around the window even if the window itself is very energy efficient
www.isover.com/Q-A/Implementation/What-is-a-thermal-bridge

INTERIOR DESIGN:

- **Lighting** – LED lighting (and to a lesser extent, compact fluorescent lights) use a fraction of the energy of normal light bulbs but give the same light output and there are a range of options to choose from. Although initially more expensive to buy, they last for many times longer than conventional bulbs and the costs are easily recouped over time
www.greenspec.co.uk/lighting
Natural daylight is even cheaper.
- **Painting** – synthetic paints contain hundreds of chemicals in them and can cause health problems when used. There are a number of alternative 'natural' paints and finishes available that are better for the environment and better for the occupants
www.greenspec.co.uk/paint

- **Flooring** – there are many natural flooring alternatives to conventional synthetic choices (nylon carpet, pvc vinyl flooring and laminate as examples) that have a lower impact on the environment, are more durable and in many cases are healthier alternatives such as linoleum, wool carpet and solid timber flooring
www.healthyflooring.org

ROOF:

- **Insulation** – as much as 20% of energy bills can be saved by good loft insulation (200mm minimum) which is easy and inexpensive to install
www.nef.org.uk/energysaving/insulation
- **room in a roof** – where appropriate, creating a room in the roof (the attic space) rather than building out to the side of back of a house can be less expensive and saves on materials. Even if the room is not in the original plans for the attic, making sure the roof is not filled with trussed rafters allows a room in the roof to be created at a future date.

- **Materials** – using natural slate or clay tiles as opposed to concrete tiles or asphalt means less energy is used to make the building materials in the first place thereby reducing fossil fuel use
www.greenspec.co.uk/pitched-roof-coverings
- **solar panels** – providing the roof faces south (or south east/west) and is unshaded there will be an opportunity to generate heat for hot water and/or electricity from solar panels. The roof structure needs to be designed so that it is strong enough to take the extra weight of the panels
www.cse.org.uk/pages/energy-advice/renewable-energy

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VENTILATION:

- **Airtightness** – lots of heat is lost through unintentional gaps in the walls, floors and roofs of buildings creating draughts and so it is extremely important to make sure these are eliminated. This down to good detailing and good site workmanship
www.greenspec.co.uk/refurb-airtightness
- **natural and mechanical ventilation** – fresh air is an important aspect of a healthy building and can be provided by natural ventilation systems rather than mechanical which use energy to operate
www.monodraught.com/ventilation_products
- **heat recovery** – if mechanical ventilation systems are used, a heat recovery system can really help to capture and reuse the 'waste' heat from outgoing air
www.carbontrust.co.uk/cut-carbon-reduce-costs/products-services/technology-advice/pages/heat-recovery

- **Indoor Air Quality (IAQ)** – it is important to provide adequate fresh air into a building to maintain a healthy indoor environment and to remove pollutants such as smoke, cooking odours and offgasing from building materials. When a building is very airtight it is even more important that fresh air is regularly introduced to a building through either natural or mechanical means
<http://www.bre.co.uk/page.jsp?id=720>
- **Moisture control** – moisture build-up in a building – due to cooking, breathing and washing – can cause mould growth resulting in an unhealthy indoor environment. Trickle vents in windows, mechanical extract and careful use of opening windows can expel the moisture and keep levels down to a minimum
www.nhbcfoundation.org/Researchpublications/NF37PartF2010/tabid/479/Default.aspx

WALLS:

- **Insulation** – up to half the heat can be lost through un-insulated walls so it is essential that adequate insulation – in the cavity, internal or external depending on the wall construction – is installed. This will reduce fuel bills and make the building more comfortable to occupy
www.nef.org.uk/energysaving/insulation
- **thermal mass** – using heavyweight materials such as brick, block and concrete can moderate the temperatures inside buildings by holding onto the heat during the day and releasing again at night time when it is needed
www.theyellowhouse.org.uk/eco-prin/princip.html#p5
- **materials** – using natural materials such as brick and timber cladding means less energy is used to make the building materials in the first place saving on fossil fuel use
www.greenspec.co.uk/materials-compared

WATER:

- **reduce consumption** – the best way to save water is to reduce it at the point of use so installing low flush, dual flush WC's, low flow shower heads and tap aerators will help save water and reduce water bills
www.energysavingtrust.org.uk/In-your-home/Water
- **rainwater harvesting** – Collecting rainwater and using it for washing machines, garden irrigation and to flush WC's reduces the use of mains water (which is cleaned using fossil fuel energy) and reduces water bills
www.ukrha.org
- **surface water runoff** – if rainwater that falls onto a property is kept on site it can help to reduce the burden on mains drainage during heavy rainfall and allow topping up of the local water table. Using porous paving, swales and retention ponds will all help to keep rainwater on site
<http://www.ciria.com/suds/glossary.htm>

FLOORS:

- **insulation** – a significant amount of heat can be lost through un-insulated floors so it is essential that adequate insulation – below or above the slab or between joists depending on the floor construction – is installed. This will reduce fuel bills and make the building more comfortable to occupy
www.nef.org.uk/energysaving/insulation
- **thermal mass** – using heavyweight materials such as concrete or floor finishes such as tiles or stone can moderate the temperatures inside buildings by holding onto the heat during the day and releasing again at night time when it is needed
www.theyellowhouse.org.uk/eco-prin/princip.html#p5
- **materials** – using natural floor finishes such as stone, timber and linoleum means less energy is used to make the building materials in the first place and saves on fossil fuel use
www.greenspec.co.uk/materials-compared

DIRECTORY OF USEFUL CONTACTS AND INFORMATION

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BATH & NORTH EAST SOMERSET COUNCIL CONTACTS

For all queries on planning, building control and listed buildings you can contact us via Bath & North East Somerset's Council Connect service.

www.bathnes.gov.uk/contactus/Pages/councilconnect.aspx

If you would like confirmation that development you are proposing does not require planning permission, the planning department can provide a "Certification of Lawfulness" for a nominal fee on request.

For Building control advice www.bathnes.gov.uk/environmentandplanning



USEFUL RESOURCES:

Bath & North East Somerset Council

Sustainable Construction & Retrofitting Supplementary Planning webpage with latest information about local events, projects and information sign-posted. Additional information on permitted development rights for microgeneration can also be found here.

www.bathnes.gov.uk/greenbuild

Sustainability webpage includes a planning and sustainability page with links to more information on local planning, building control and listed buildings advice www.bathnes.gov.uk/environmentandplanning/Sustainability/Pages/default.aspx

Centre for Sustainable Energy

www.cse.org.uk/advice
Free advice on domestic energy use

Customs and Excise

0845 010 9000
New works to listed buildings may be VAT exempt and fabric improvements to buildings are usually only 5% VAT so you can claim back the extra you spend.

Direct Gov

www.direct.gov.uk/en/Environmentandgreenerliving/index.htm

Guide to greener living

Energy Saving Trust

www.energysavingtrust.org.uk/
Independent and impartial advice about energy and water saving

Green Register

www.greenregister.org.uk/
A register of sustainable construction professionals in the South West

English Heritage

www.climatechangeandyourhome.org.uk/live/

Understand the best ways to save energy if you have an older house, includes a useful "home energy toolkit" you can also get customised advice for your house type

Historic Scotland

www.historic-scotland.gov.uk/conservation-research
Research on energy efficiency in historic buildings including pilot studies

Low Impact Living Initiative

www.lowimpact.org
Retrofitting Factsheets and information

National Insulation Association

www.nationalinsulationassociation.org.uk/
Find an accredited insulation installer locally

National Microgeneration Scheme

www.microgenerationcertification.org
National quality assurance certification scheme for microgeneration products and installation

Recycled Products

www.recycledproducts.org.uk/view/index.cfm
Find a recycled product

Planning Portal

www.planningportal.gov.uk/permission
UK Government's online planning regulation and building resource. Find out if you need planning permission or use the interactive house features – terrace and semi-detached – for advice on common householder projects including microgeneration.

Society for the Protection of Ancient Buildings

www.spab.org.uk

Transition Bath

www.transitionbath.org/welcome
Bath based group increasing awareness of climate change and planning changes to deal take action at a local level.

Warmer Bath

www.cse.org.uk/downloads/file/warmer_bath_june2011.pdf
Informative local guide to improving energy efficiency of traditional homes in the city of Bath

Wessex Water

www.wessexwatershop.co.uk/freepack
Free water saving packs and information about water saving.

Zero Carbon Hub

www.zerocarbonhub.org/
Information on challenges, issues and opportunities related to developing, building and marketing your low and zero carbon homes

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Listed Building Guidance for Bath & North East Somerset

Measure	CO2 saving per measure (t/Co2/yr)	Lifetime CO2 saving per measure (t/Co2)	Embodied Energy t/Co2
Biomass boiler for all heat, replacing oil	4	80	
External Solid Wall Insulation	1.9	57	0.03
Internal Solid Wall Insulation	1.8	54	0.03
Solar Photovoltaic panels	1.4	35	0.24
Ground Source Heat Pump	1.6	32	
Filling a loft with no insulation	0.73	21.9	0.012
Filling a cavity wall	0.56	16.8	
Boiler Replacement and Heating Upgrade	1.1	16.5	
Replacing single with double glazing	0.68	13.6	0.012-0.026
Air Source Heat Pump	0.81	12.15	
Secondary Glazing	0.5	10	
Floor insulation (timber floor)	0.24	4.8	
Solar Thermal panels	0.23	4.6	
Draughtproof windows, doors, keyholes etc	0.22	4.4	
Filling a loft with less than 200mm of insulation	0.11	3.3	0.012
Fill gaps between floor and skirting board	0.1	1.5	
Borrow a real-time energy monitor	0.2	0.2	

Data derived from Severn Wye Energy Agency (Feb 2012)

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Costs estimates for retrofit measures (professional installation)

House type	C17 cottage	Georgian townhouse	Victorian/Edwardian terrace	Early modern	Late modern
Measure		Cost (£)			
Supplementary loft insulation	1846	615	1369	547	845
DIY draft proofing	264	533	667	385	385
Low energy lighting	129	225	139	139	139
Improved heating controls	1929	3502	2017	2017	2105
Curtains	528	1056	1452	377	277
Carpet underlay (wool/felt)	315	n/a	757	565	516
Thermal blinds	506	1012	1391	1170	1170
Secondary glazing	5345	9716	17430	10614	6531
Water efficiency	No cost	No cost	No cost	No cost	No cost
Suspended ground floor insulation	n/a	n/a	4770	3582	n/a
Professional draft proofing	n/a	8987	12357	1250	975
Boiler replacement	1980	3480	2280	1980	1980
Roof underlay	n/a	n/a	1846	1631	1645
PIR/ Heat motion sensors to stairwell	138	336	138	138	138
Draft proofing chimney flues	976	3176	975	651	n/a

To inform this document, the planning department commissioned Bath based Quantity Surveyors Bare Leaning and Bare to run a cost exercise for 30 different retrofitting measures for each of the five house types in this Supplementary Planning Document. Costs were then calculated, using specifications derived from the scale drawings of each house produced for this project.

The information presented in is strongly informed by local build projects and other legitimate building cost sources, and data sources and product descriptions are referenced.

It should be noted that these are estimate costs at August 2011 rates. Costs for many products and their installation are decreasing as installation becomes more commonplace. Costs include the cost of any products and labour costs to install, and the cost of securing any planning, listed building or building control consents needed is not included. In the same way, income generated through feed-in-tariffs or similar or cost savings to your energy bills are not taken into account, as this has been subject to change.

DIY installation where appropriate of different material specification of house size and dimensions will yield different costs.

For the source information, and more detail on methodology and sources of costs data, please see the BLB (2011) *Report on Typical Costs of Retrofitting Measures to improve energy efficiency of existing buildings and the installation of microgeneration technology in the Bath & North East Area*.

The table below summarises the contractor cost estimates for professional installation of the retrofit measures for the whole house.

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House type	C17 cottage	Georgian townhouse	Victorian/Edwardian terrace	Early modern	Late modern
Draftproofing floors	n/a	n/a	1137	908	852
Suspended upper floor insulation	1909	5082	2282	1198	1648
Living green walls	No cost	No cost	No cost	No cost	No cost
Thermal shutters	600	1600	16500	8250	6750
Double/triple glazing	n/a	n/a	n/a	4062	5281
Insulated solid floors	10252	14834	n/a	n/a	n/a
Cavity wall insulation	n/a	n/a	n/a	422	844
External wall insulation, externally	40450	12015	30184	16143	28407
External wall insulation, internally	30465	21520	28260	4861	8545
Mechanical heat and ventilation recovery	766	5450	1315	4895	4895
Ground source heat pump	15600	15600	15600	15600	15600
Biomass stove	3115	4113	3115	2757	610
Solar thermal	4800	4800	4800	4800	4800
Solar PV	18000	18000	18000	18000	18000
Micro CHP	8124	11424	8124	8124	8124
Air source heat pump	10000	15000	10000	10000	10000

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4



16 Elm Place, Bloomfield Rd BA2 2AB



- Solar PV • Insulated mansard roof
- Solar thermal roof tiles • Renovated sash windows and shutters

Regency Terrace: Making the most of the original features and orientation of the building, the subtle improvements have created a warm and energy efficient heritage home.

Age: 1823 **Area:** Bear Flat **Visiting:** Drop-in

Image © Will Anderson

3



77 London Rd West BA1 7JE



- Triple glazing • Mechanical ventilation and heat recovery • Cavity and internal wall insulation • Floor and loft insulation • Heating controls • Low energy lighting and appliances

Detached Extension and Refurbishment: Insulation and controlled ventilation make this a healthy family home. The on-going works allow features to be seen that will eventually be hidden.

Age: 1980 **Area:** Batheaston
Visiting: Saturday only. **Booking Essential**

2



Chesterfield House, 4 Sion Rd, BA1 5SG



- Air source heat pump • Mechanical ventilation and heat recovery • Solar PV • Solar thermal • Energy management system • Rainwater harvesting • External and cavity wall insulation

1960's Detached Conversion: This high-tech conversion has completely consumed the original 1960's house to create a highly efficient, intelligent, and beautifully finished home.

Age: 1965 **Area:** Lansdown
Visiting: **Booking Essential**

1



19 Devonshire Buildings BA2 4SP



- Solar PV • Secondary double glazing
- Draught proofing • Zoned heating controls

Georgian Terrace: This is the first Grade II listed home in Bath to install solar PV and it has an interesting combination of secondary double glazing and draught proofing.

Age: 1792 **Area:** Bear Flat
Visiting: **Booking Essential**

Image © Will Anderson

5



24 Horseshoe Walk BA2 6DF



- Solar PV • Wood burning stove
- Draught proofing • Solar thermal • Cavity wall insulation

1930's Semi-detached: A mixture of low cost energy efficiency measures and non-structural additions. Data from before and after installation illustrates interesting savings in electricity and gas consumption.

Age: 1935 **Area:** Widcombe
Visiting: **Booking Essential**

6



37 Hansford Square BA2 5LH



- Solar thermal • Green roof • Hemp walls • Smokeless wood burner with back boiler • Floor & internal wall insulation • Energy efficient lighting & appliances

Semi-detached Post War Extension: This extended 1940's family home has maximised the light and experimented with natural building materials, insulation, and low carbon technologies.

Age: 1947 **Area:** Odd Down **Visiting:** Drop-In

7



Straw BaleHaus Uni of Bath BA2 7AY



- Straw bale construction • Hemp walls
- Experimental:** A rare chance to visit this uninhabited research house, built using experimental environmentally-friendly building materials.

Age: 2011 **Area:** University of Bath Campus
Visiting: Drop-In 11am - 3pm

Image © University of Bath

8



Terranova Shepherds Walk, Pioneer Av.



- Earth sheltered construction • Green roof • Mechanical ventilation and heat recovery • Triple glazing • Solar thermal • Wood burning stove

New Build: A purpose built eco home designed to be energy efficient and to maximise the natural light and beautiful surroundings.

Age: 2004 **Area:** Combe Down
Visiting: **Booking Essential**

9



Darlington Wharf BA2 6NL



- Solar PV • Solar thermal • Energy efficient lighting • Mechanical ventilation and heat recovery • Highly insulated • Rainwater harvesting for toilets

New Build Terrace: These recently finished eco houses for the rental market go beyond the current building regulations to create affordable sustainable homes, with low bills predicted for the occupants.

Age: 2012 **Area:** Bathwick **Visiting:** Drop-In

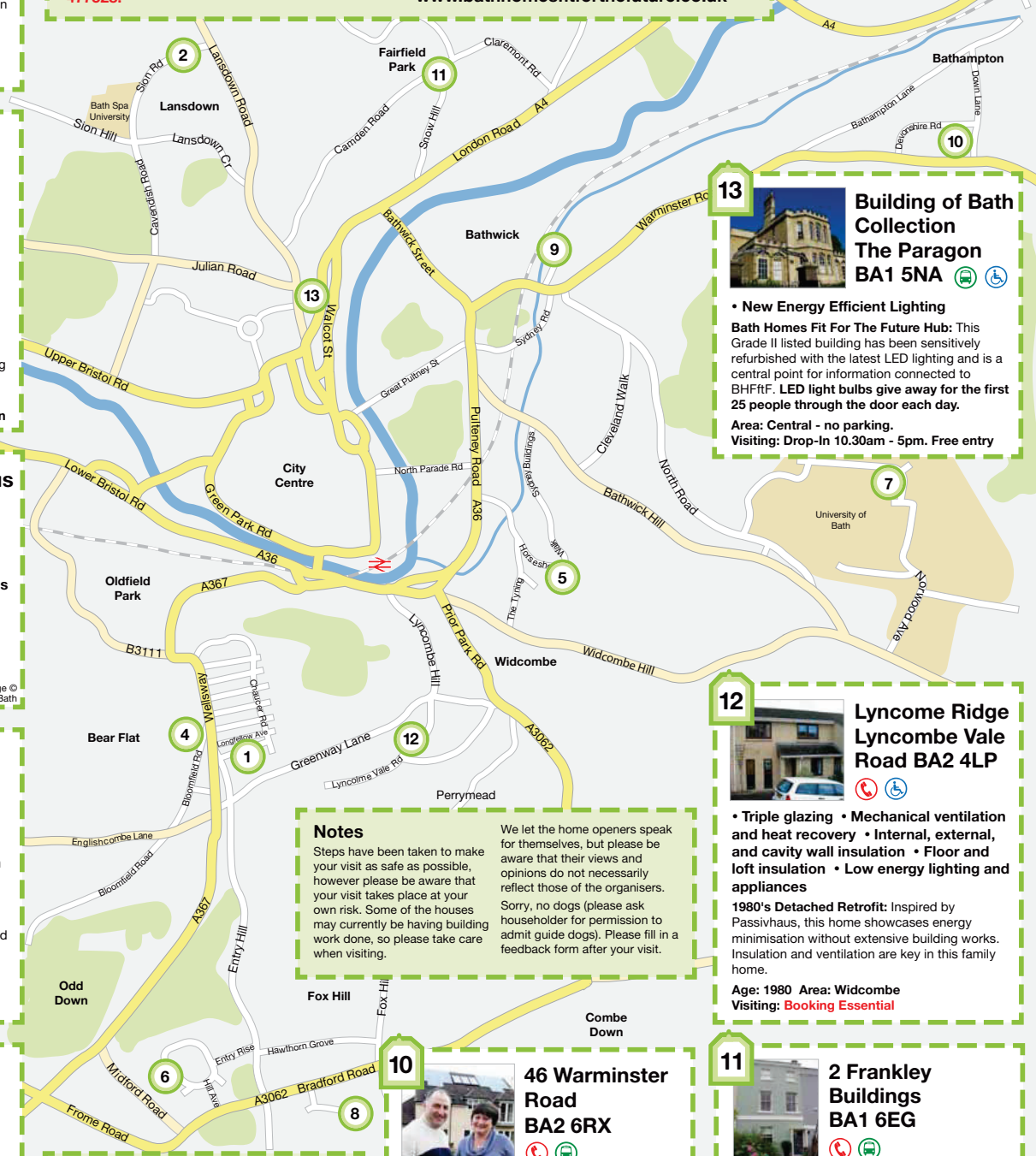
Visiting Arrangements

Standard opening times are 11am - 2pm and 3pm - 6pm on Saturday 17th and Sunday 18th March.

Some home visits must be booked in advance through our website or by phoning 01225 477528.

The Open Homes Weekend is free and open to everyone. Please be respectful when visiting and observe the opening arrangements. Thank you to all the Home Openers and volunteers who are generously giving their time to make this project possible.

www.bathhomesfitforthe future.co.uk



Notes

Steps have been taken to make your visit as safe as possible, however please be aware that your visit takes place at your own risk. Some of the houses may currently be having building work done, so please take care when visiting.

We let the home openers speak for themselves, but please be aware that their views and opinions do not necessarily reflect those of the organisers. Sorry, no dogs (please ask householder for permission to admit guide dogs). Please fill in a feedback form after your visit.

Key

Booking essential

Disabled access
Easy access to the ground floor, with interesting features to see on that level. Access to the rest of the house may be restricted.

Refreshments available
At Openers' discretion.

Homes easily reached by bus
We encourage everyone to travel by public transport, bicycle or on foot. Travel information can be found at www.transportdirect.info

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46 Warminster Road BA2 6RX



- Solar PV • Wood burning stove
 - Low water use features • Solar thermal • Passive solar design • Highly insulated
- 1930's Detached Conversion:** A highly insulated whole house conversion, that reused waste material from the works in the new development. Renewable energy, low carbon technologies, and clever design also increase the efficiency and comfort of the home.

Age: 1930 **Area:** Bathampton
Visiting: **Booking Essential**

Image © Bath News & Media Group

11



2 Frankley Buildings BA1 6EG



- Refurbished sash windows • Shed with green roof • Draught proofing • Sheep's wool loft insulation • Energy efficient lighting

Georgian/Regency Terrace: Sensitive refurbished, this 19th Century Grade II terrace has been made more comfortable and more energy efficient using a range from low-cost to high-tech measures.

Age: 1810 **Area:** Fairfield Park
Visiting: **Booking Essential**

12



Lyncombe Ridge Lyncombe Vale Road BA2 4LP



- Triple glazing • Mechanical ventilation and heat recovery • Internal, external, and cavity wall insulation • Floor and loft insulation • Low energy lighting and appliances

1980's Detached Retrofit: Inspired by Passivhaus, this home showcases energy minimisation without extensive building works. Insulation and ventilation are key in this family home.

Age: 1980 **Area:** Widcombe
Visiting: **Booking Essential**

Events

Bath Homes Fit for the Future has teamed up with some great organisations and local community groups to deliver an exciting Programme of Events throughout March and April.

The organisers of Bath Homes Fit for the Future do not accept any responsibility for events run by other groups or organisations.

Wed 29th Feb
7 - 10pm
The Friends Meeting House, Lower Hall, York St, BA1 1NG

Getting inspired to reduce energy consumption

Workshop: Three expert speakers who will inspire you with examples of how you can reduce energy consumption in your Bath home. Speakers: Jonathan Hetreed, Director Hetreed Ross Architects; Robert Cohen, Technical Director, Camco; Piers Taylor, Director, Invisible Studio.
A free event from RetSE - Retrofit to Save Energy:
retse.bath@gmail.com 07817 587151

Tues 6th March
3 - 7pm
Innovation Centre, Broad Quay, Bath, BA1 1UD

Green Deal & Business Development Seminar

An event for local businesses: Find out about the growing market for renewable technologies and retrofit; and how new policies and initiatives can help support your business to meet this demand.
Booking essential. With Low Carbon South West:
events@lowcarbonsouthwest.co.uk or call 0117 945 8730

Tues 13th March
1.30 - 2.30pm
Building of Bath Collection, The Paragon BA1 5NA

Love Your Windows!

FREE drop-in practical demonstration: Draught proofing sash windows
With Bath Preservation Trust

Tues 13th - Fri 16th March
Bath Central Library during opening hours

Bath Homes Fit For The Future Exhibition

Drop-in to see the displays and pick up information on saving energy and retrofitting.

Tues 13th March
8.30 - 8.45pm
Jika Jika cafe, George Street, BA1 2ED

Transition Bath HUB

The HUB is Transition Bath's monthly forum to find out what's going on, connect, share and get involved.
info@transitionbath.org www.transitionbath.org

Wed 14th March
9.30 - 2.30pm
Building of Bath Collection, The Paragon BA1 5NA

Love Your Windows!

FREE drop-in practical demonstration: How to use magnetic secondary glazing. **With Bath Preservation Trust**

Wed 14th March
1.30 - 11pm
Rising Sun, 3-4 Grove Street, BA2 6PJ

Bath Green Drinks

An opportunity to get together over a drink and discuss issues surrounding sustainability **www.greendrinks.org/bath**

Thur 15th - Sat 17th March
10am - 4pm
Stall Street, outside Roman Baths

The Green Room Mobile Advice Centre

Come along to the mobile advice centre for a wide range of information and advice about energy efficiency, renewable energy, grants and discounts, and pick-up free energy saving gadgets.
With The Green Room

Sat 16th & Sun 17th March
11am - 6pm
locations all over Bath

Bath Homes Fit for the Future Open Homes Weekend

Showcasing energy efficient homes across Bath. See map over leaf for details
www.bathhomesfitforthefuture.co.uk

Mon 19th March
7.30 - 9.30pm
The Friends Meeting House, Lower Hall, York St, BA1 1NG

Transition Bath Energy Group: Focus on Green Roofs

Talk: Speaker Simon Lewis from Bristol Green Roof, discusses installing green roofs - from garden structures to houses. The normal meeting resumes after the break, which all are welcome to stay for. £2 suggested donation. **energy@transitionbath.org www.transitionbath.org/energy**

Thur 22nd March
7am - 8pm
ExCeL, London

Ecobuild Conference, London

Trp: Ecobuild is the world's biggest event for sustainable design, construction and the built environment. Conference, exhibition, demonstrations, and seminars. Entry is free and a bus is being organised from Bath. **Booking essential: admin@bathhomesfitforthefuture.co.uk 01225 477528**

Wed 28th March
7 - 10pm
The Friends Meeting House, Lower Hall, York St, BA1 1NG

Understanding what I can do to reduce energy consumption in my Bath home

Talk: Speaker David Shewan from Parity Projects discusses assessing and prioritising energy saving options in the home, based on the Widcombe study, but applicable to all areas. **A free event from RetSE - Retrofit to Save Energy: retse.bath@gmail.com 07817 587151**

Thur 5th April
10am - 1pm
146 Walcot Street, BA1 5BL

Make a tea cosy - basic sewing

Effective insulation is like putting a tea cosy over the home; start small, with a tea cosy! Learn basic sewing skills at this fabulous tea cosy making workshop. £35. **Booking essential. With The Makery: www.themakeryonline.co.uk 01225 487708**

Tues 10th April
6.30 - 8.45pm
Jika Jika cafe, George Street, BA1 2ED

Transition Bath HUB

The HUB is Transition Bath's monthly forum to find out what's going on, connect, share and get involved.
info@transitionbath.org www.transitionbath.org

Wed 11th April
8.30 - 11pm
Rising Sun, 3-4 Grove Street, BA2 6PJ

Bath Green Drinks

An opportunity to get together over a drink and discuss issues surrounding sustainability. **www.greendrinks.org/bath**

Sat 14th April
11am - 1pm
The Friends Meeting House, Lower Hall, York St, BA1 1NG

Home Energy: Maintenance & Improvement Workshop

A practical hands-on workshop looking at tools and techniques, tips and tricks. Explore draught proofing and air tightness. £15 per person. **Booking essential. From The Green House Project. ask@thegreenhouseproject.net 07976 929433**

Mon 16th April
7.30 - 9.30pm
The Friends Meeting House, Lower Hall, York St, BA1 1NG

Transition Bath Energy Group: Introduction to Passivhaus

Talk: Speaker Colin Powell of gcp Consulting discusses Passivhaus principles and its application in new and existing homes. The normal meeting resumes after the break which all are welcome to stay for. £2 suggested donation. **energy@transitionbath.org www.transitionbath.org/energy**

Sat 21st April
10.30am - 4.30pm
Bath Artists Studios, The Old Malthouse, Comfortable Place, Upper Bristol Road, BA1 3AJ

Draught excluder making workshop

Workshop: Draught excluders can reduce heat loss from the home and look great! Explore different techniques to produce a unique, practical item for your home. Discount rate £39 including materials, tea & cake. **Booking essential. Book on line at www.funkyarthouse.co.uk or phone Jo on 07954 363467.**

Thurs 26th April
All day
Countess of Huntingdon's Chapel, Vineyards, Bath BA1 5NA

Conference: Is Bath fit for the future?

Consultation on Sustainable Construction & Retrofitting Planning Guidance

On the 25th anniversary of Bath becoming a World Heritage Site, this conference looks at how we can sensitively improve the energy efficiency of the city's buildings. The afternoon will include explanation of the new planning guidance specially developed for Bath and North East Somerset by the Council. This is your chance to comment on it as part of the consultation.
Booking required: phone 01225 477617 or email Cleo_Newcombe-Jones@bathnes.gov.uk

Welcome

Spring is here and it is the most popular time of year for home improvement...

Transition Bath, Bath Preservation Trust and Bath & North East Somerset Council have come together with local people, groups and organisations to highlight practical things that we can do to make our homes fit for the future.

The weekend features a range of homes - from heritage to new build, and demonstrate a variety of

energy efficiency measures - from low cost to high-tech. Meet the people who have already been on this journey - find out about the practicalities, top tips, and the real costs and benefits. It is a chance to discover what you can do to make your own home warmer, greener and cheaper to run.

We also have a programme of events running throughout March and April that is packed full of hands-on activities, talks, and guidance to support you to improve the energy efficiency of your home.

Whether you are a tenant, home owner, or professional we hope you'll be inspired.

New planning guidance - let us know what you think!

The Council has produced a Sustainable Construction & Retrofitting planning guide, including:

- * What retrofit measures are suitable for your house type, whether historic or modern
- * What planning, building control & listed building permissions you need
- * How to generate your own renewable energy
- * Advice on reducing environmental impacts of new build/extensions

Take part in the consultation from 21st March - 6th May:
www.bathnes.gov.uk/greenbuild



Transition Bath is a registered charity powered by fantastic volunteers who want to be part of a better future for their city. It is a local, practical response to rising food and fuel prices, shaky economies, dwindling resources and climate change.

We think that empowering, enabling and supporting each other to create practical solutions is the surest way to create a future we want to be part of. We're showcasing the solutions, running inspiring projects, talks, workshops and skill-sharing events.

Find out more at
www.transitionbath.org



The Bath Preservation Trust is a charity with over 1400 members. We encourage and support the conservation, evolution and enhancement of Bath and its environs whilst making sure this is appropriate both to its historic setting and its sustainable future. In 2011 we published 'Warmer Bath, A guide to improving the energy efficiency of traditional homes in the city of Bath'.

In recent months we have been working with the London Road & Snow Hill community to develop a neighbourhood climate change mitigation design strategy. For more information visit our museums or go to
www.bath-preservation-trust.org.uk



The Council's ambition is to lead Bath and North East Somerset to an environmentally sustainable future and reduce our area's carbon emissions by 45% by 2026.

We are committed to tackling fuel poverty and enabling our residents to lead low carbon lifestyles. We are also supporting our communities to be greener, and helping the transition to a low carbon economy.

For more information see
www.bathnes.gov.uk/greenerliving

With support from:



get the real story

pick up info and case studies

discover what you can do to improve your home

Bath Homes fit for the future

Open Homes Weekend

17th & 18th March

Showcasing local homes that are warm, green and cheap to run from heritage & listed to modern & new build

Map & info inside

PLUS events in March & April

Page 392

www.bathhomesfitforthefuture.co.uk

Phone 01225 477528 or email **admin@bathhomesfitforthefuture.co.uk**

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2338
TITLE:	Community Organisers in Bath and North East Somerset	
WARD:	Southdown, Combe Down, Odd Down, Radstock, Farmborough, Timsbury, Bathavon West, Keynsham North, Keynsham South	
AN OPEN PUBLIC ITEM		
List of attachments to this report		
Appendix: Co-operation Agreement with RE:generate		

1 THE ISSUE

- 1.1 The national Community Organiser programme aims to train 5000 community organisers across England. They will work to enable people to take action on their own behalf to tackle the issues that are important to them. The programme is led by Locality (programme managers) and RE:generate (lead training partners) with the Cabinet Office acting as the client. The report provides an update on this national programme as it is being introduced in Bath and North East Somerset

2 RECOMMENDATION

The Cabinet agrees that:

- 2.1 The introduction of five community organisers into Bath and North East Somerset as part of the national scheme be welcomed
- 2.2 Action to Regenerate Community Trust (RE:generate) as the local host for the scheme be encouraged to work closely with local elected members, community groups, parish councils and other local forums and public service bodies to maximise the effectiveness of the initiative
- 2.3 The Council enter into a Co-operation Agreement with RE:generate as set out in the Appendix
- 2.4 Officers be requested to work with the scheme to identify service improvements and potential cost savings from improved working with the local community
- 2.5 Feedback and learning from the Community Organisers Programme and its impact locally be used to identify opportunities for linking to existing or emerging forms of community engagement.

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of the 12-month training and placements for community organisers nationally as well as other costs of the scheme are being met through funding allocated to the national scheme providers by the Cabinet Office. This is a national scheme that has been procured by the Cabinet Office with Locality and RE:generate as the delivery partners, and without the involvement of local authorities. As such, there is no Council budget to support ongoing costs following the end of the initial 12-month period. The community organisers in Bath and North East Somerset operate within this national framework with RE:generate as the local “hosts”. Consequently, all risks relating to future and ongoing funding for the scheme are borne by these funders and providers and not by the Council.
- 3.2 Any additional resources - for example to develop business cases for cost savings from better community engagement or to respond to specific projects arising from the scheme- would be required to be allocated from budgets such as the Community Enablement Fund.

4 CORPORATE OBJECTIVES

- 4.1 Community organisers aim to work directly with communities to strengthen their capacity to address local issues and priorities. They therefore contribute potentially to the full range of corporate objectives in the following ways:
- *Promoting independence and positive lives for everyone-* through helping and encouraging people to take part in their local communities
 - *Creating neighbourhoods where people are proud to live-* by supporting social action that delivers community improvements
 - *Building a stronger economy-* through developing skills and providing the basis for entry into employment and the development of businesses and social enterprise

5 THE REPORT

- 5.1 The national Community Organisers Programme is a key part of the Government's Big Society initiative. However, the community organisers themselves are recruited locally. During their 12-month training they work within their community to listen to residents, and to build trust, respect and networks to help people develop their collective power to act together for the common good. Their support aims to help people take action on their own behalf to tackle the issues which are important to them.
- 5.2 Each community organiser is recruited and supported by a “host” organisation while they undergo their training. The first 47 community organisers have now been recruited by “host” organisations from 11 communities. These 11 hosts were selected by Locality (a national organisation with links to many local development trusts and other organisations) to be part of the pilot stage of the programme.
- 5.3 As part of the extension of the scheme to a further 11 areas across the country, funding for the training of five community organisers has been announced for Bath and North East Somerset. The “host” organisation for these community organisers will be Re:generate, who will build on the “Listening Matters” work already progressed in Bath and North East Somerset, particularly in Whiteway, the Queens Road area of Keynsham and London Road and Snowhill.

5.4 This announcement provides a significant investment into the area in recognition of the forward-thinking approach taken by the Council, other public services, partners and local people to new ways of working. Building on learning from the three areas highlighted above, the Cabinet Office investment provides a number of opportunities for the Council to work with the community organisers scheme to develop further a shared approach and to maximise opportunities for improving services, for example:

- Ensuring community ideas for changing the way services are delivered “on the ground” are identified and acted upon
- Supporting and championing the role of local elected members as community leaders
- Making sure projects arising from the work of the Community Organisers make a real difference, leave an effective legacy and are sustainable

5.5 In addition, there will be a need to address any impacts arising from the introduction of community organisers, including:

- Ensuring effective communication and engagement with partners and community groups
- Responding to the changing landscape for community engagement including working with local forums and parish councils
- Working with communities on expectations to balance realism and ambition, particularly given the short-term nature of the community organiser roles
- Managing the impact on the capacity of public services and other agencies to respond to new initiatives and demands

5.6 Recruitment by RE:generate for the 5 Community Organisers in Bath and North East Somerset has now taken place and they are beginning their work in five neighbourhoods, as set out in the Appendix. These communities reflect a mix of building on opportunities arising from existing “Listening Matters” work, and engagement with new communities and areas. Bath and North East Somerset ward councillors representing these areas have been invited to an event to introduce Community Organising. This will set out the process of how community networks are developed and action in local communities supported.

5.7 Funding for Community Organisers is for the one-year training stage only. Hosts around the country are therefore considering the sustainability of their schemes. Community Organisers are being encouraged to identify business cases for cost reduction and service improvement from the Council and other agencies by finding new ways of working. There is an opportunity for the Council to provide analytical and other support for this process where appropriate as well as “pump-priming” Business Cases where this improves services and/or reduces costs. However, as stated in 3, all risks relating to future and ongoing funding for the scheme are borne by the national funders and providers

5.8 In order to manage and progress the issues set out above, it is proposed that a co-operation agreement be entered into with RE:generate as the local hosts for the community organiser programme, as set out in the Appendix.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 There is a risk that without the development of a Co-operation agreement and engagement with the community organisers programme that there will be a disjointedness with other forms of community engagement, for example those available through the Localism Act such as neighbourhood planning. To help avoid this the Co-operation agreement will be used to identify potential links to existing or new community partnership meetings and other forms of engagement. The important role that parishes play in local governance will also be recognised.
- 6.3 There may be opportunities to link the work of Community Organisers with other forms of local community engagement, including through other initiatives arising from the Localism Act. These opportunities are currently being explored as there is at present a relatively complex pattern of community engagement potentially made more complex by the Localism Act.

7 EQUALITIES

- 7.1 The Co-operation Agreement commits the parties to work together to promote equalities and to use the agreement to contribute to the delivery of the Council's public sector equality duty.
- 7.2 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found. Whilst it is not foreseen that the Co-operation Agreement in itself will raise equalities issues, specific projects arising from it might, and these will be considered in the initial phases of each project by the Partnership Group. The Community Organisers project is part of a national scheme. Cabinet Office have confirmed that the Public Sector Equality Duty under the 2010 Act has been incorporated into the contract with Locality and all relevant suppliers including at local delivery level.

8 RATIONALE

- 8.1 Given that the Community Organisers scheme is to be introduced in Bath and North East Somerset, it is considered appropriate to ensure that the advantages of the scheme can be maximised through effective joint working with public services.

9 OTHER OPTIONS CONSIDERED

- 9.1 An alternative option would be for the Council not to engage at any level with the Community Organisers scheme. It is considered appropriate however for the Council to have an overall approach to such a key initiative and that this would not maximise the potential benefit to our area. It could also lead to a disjointed approach which could bring additional risk and possible cost, particularly in officer time.

10 CONSULTATION

10.1 *Ward Councillor; Cabinet members; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 Drafts of the report have been circulated to officers and Cabinet members. A briefing session on community organising for relevant ward members has been arranged.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights;*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Andy Thomas, 01224 394322</i>
Sponsoring Cabinet Member	<i>Councillor Paul Crossley</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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COOPERATION AGREEMENT

This Cooperation Agreement is made on the _____ 2012

BETWEEN: Bath and North East Somerset Council of Lewis House, Manvers Street, Bath, BA1 1JG, United Kingdom ("**the Council**");

AND: Action to Regenerate Community Trust Ltd (Charity Registration No number 1078551) of 75 Westminster Bridge Road, London SE1 7EH ("**RE:generate** ")

Collectively referred to as the "**Parties**" and each a "**Party**".

Definitions:

"Partnership Group" - a joint working group comprising equal representation from both Parties

"Project Register" – the collective list of agreed partnership projects to be developed and/or being delivered at any time.

1. Introduction

1.1 The Council is the only directly elected body representing the whole of the Bath and North East Somerset area and its vision is of one

- Where everyone fulfils their potential
- With lively, active, communities
- With unique places with beautiful surroundings

1.2 To support this vision, the Council wishes to become a listening Council with active citizens that reaches every community and culture.

1.3 In order to achieve this, the Council wishes to work in partnership with a wide range of organisations, including making appropriate use of the powers available to it under law including the general power of competence provided for in the Localism Act 2011.

1.4 Action to Regenerate Community Trust (RE:generate) is a national social enterprise that has developed a dynamic and empowering process called 'Root Solution- Listening Matters' to enable and support all people to fully participate in public life and influence the future of their area through the development of community-based projects, enterprises, partnerships and autonomous local civil society organisations and institutions. It is a registered charity and company limited by guarantee established for the relief of poverty and wider community and public benefit. Further details are contained in Appendix 1 to this Agreement.

1.5 The Parties have been working together since 2008 on a range of community empowerment schemes, beginning with the pilot Community Animator Scheme in Whiteway (which led to the Proud of your Doorstep initiative which received national attention) and subsequently extending to the Queens Road area of Keynsham and the London Road and Snowhill area of Bath. From shared experience of working through these pilots, these schemes have been identified by the Council as having potential to deliver significant benefits in local

communities, engaging local people in finding local solutions and potentially building strong bases for new models of service delivery. Subsequently, Re:generate have become the training partners for the roll-out of the Cabinet Office's national Community Organisers scheme and have secured funding for 5 trainee community organisers in Bath and North East Somerset. There is therefore significant potential to draw on the Parties' shared learning and experience to maximise the potential of these and other initiatives in Bath and North East Somerset.

2. Purpose

2.1 The purpose of this Agreement is to set out how the Parties will work together to

2.1.1 Strengthen and build on the experience highlighted in a above

2.1.2 Help local people to actively lead the delivery of improvements in their community

2.1.3 Build community resilience through social action

2.1.4 Contribute to the local economy by building skills and social enterprises

2.2 This Agreement sets out how specific projects can be enhanced through joint working between the Council and Action to Regenerate Community Trust. It also provides a framework for more general joint working on the basis of a shared approach to enhancing the capacity of local communities. The Agreement sets out the key areas the parties have in common as well as identifying the process through which agreement on new issues can be sought, also recognising the separate objectives and interests each party may have.

3. Ways of Working

3.1 Both parties will commit to working through this agreement in the following way

3.1.1 Being open and actively engaging

3.1.2 Making things happen

3.1.3 Being positive about working with others

3.1.4 Working in partnership with a range of public, private, community and voluntary organisations

3.1.5 Making decisions at the right time and level

3.1.6 Making services easy to reach

3.1.7 Encouraging mutual learning and continuous improvement through establishing appropriate "space" and process for reflection

3.2 Where one Party considers that the other Party has not acted on one of these principles, this feedback shall be given and received in an open, supporting and honest way and will be considered appropriately and not to the detriment of this agreement.

4. Identification and Development of Community Partnership Projects and Other Opportunities

4.1 The Parties agree to work together to identify projects within the Council's area that meet the purpose set out in 2. Either Party may add a project to the draft project register to be considered by the Partnership Group. The Partnership Group shall consider proposals for entry into the Project Register and determine for each project whether to add it to the register.

- 4.2 The Partnership Group shall then agree how it wishes to progress agreed projects- eg, to progress the project to the next stage (eg preparation of Business Case), “hold” the project, or suggest that it be transferred to another party or group.
- 4.3 The process set out in 4.1 and 4.2 will be subject to any procedures which apply relating to the conduct of Council business and its decision-making and delegations processes. If the Parties decide to progress a Project together that Project will be the subject of a separate Project Agreement, to be developed and agreed.
- 4.4 The Parties will consider a range of opportunities for working together in a wide range of settings and communities, including schools and educational institutions, amongst health practitioners, voluntary and community organisations, business and national partners. They will also engage with other organisations to understand better the needs of local communities and identify potential for joint leverage of external funding investment.

5. Limitations

- 5.1 Where a Party is accountable for delivery through other mechanisms, eg national, another governance arrangement or separate programme, programme or some other governance arrangement, this Agreement will not change this accountability.
- 5.2 The Parties agree that they will be open and transparent on the procurement of services and goods for individual projects and follow the procurement regulations where this is necessary or, if it is not necessary, it is appropriate to do so.
- 5.3 Both Parties reserve the right to work independently or with other organisations or partners on Projects within the District.
- 5.4 This Agreement will not limit the scope of activities that could be considered and pursued in partnership to deliver Council goals relating to empowering communities.

6. Governance and accountability

- 6.1 A Partnership Group will be established comprising two (2) representatives from B&NES and two (2) from RE:generate with ad hoc and invited attendance at Partnership Group meetings as required.
- 6.2 The Partnership Group will meet regularly to review progress on achieving the aims of this Agreement and work diligently to overcome any barriers. An Issues Log will be kept by the Partnership Group as well as the Project Register as set out in 4
- 6.3 The Partnership Group will be sponsored by a Strategic Director of the Council, and chaired by a Divisional Director

6.4 Each Party will appoint a named representative to oversee the administration and day-to-day running of the matters falling within the scope of this Agreement and bring any issues that arise to the attention of the Partnership Group. Meetings of the Partnership Group will be convened by the Council's representative with dates agreed by mutual consent of the Parties' representatives.

6.5 An Annual Report relating to this agreement will be jointly produced by the Parties. The report will set out the achievements of the Parties as well as any areas of concern and any proposal to update or amend this Agreement.

7. Publicity and Communications

7.1 The Parties may develop a joint communications plan and publicise the cooperation outlined in this Agreement and the wider importance, principles and benefits of Projects, in such a manner as agreed in writing by them.

7.2 All publicity material relating to this Agreement or any of the joint work referred to within it will be agreed in writing by both Parties. Specific projects may be subject to separate agreement on publicity as appropriate to the governance of that project.

8. Term and Variation of this Agreement

8.1 This Agreement will remain in force for a period of 3 years from the date on which it is signed by both Parties. The Parties may agree in writing to extend the term of this Agreement on an annual basis for up to a maximum of two additional years.

8.2 The Parties may vary this Agreement at any time upon their joint written agreement.

9. Costs

9.1 Any costs incurred in respect of this Agreement will be for the account of the Party incurring those costs.

10. Freedom of Information

10.1 RE:generate acknowledges that B&NES is subject to the requirements of the Freedom Of Information Act and will assist and cooperate with B&NES to enable B&NES to comply with these Information disclosure requirements. This will be at Re:generate's expense, subject to the appropriate limit set out in Section 12 of the Freedom of Information Act. In these circumstances, Re:generate will be required to provide full justification in regard to the time required, and the final decision on this will rest with the Council.

11. Equalities

11.1 The Parties will work together to promote equalities and will use this agreement to contribute to the delivery of the Council's public sector equality duty.

12. Status of Agreement

12. 1This Agreement is a statement of intent and does not create legal obligations between the Parties.

Signed

On behalf of B&NES:

Signature _____

Name _____

Position _____

On behalf of RE:generate :

Signature _____

Name _____

Position _____

APPENDIX 1: BACKGROUND TO RE:generate

Action to Regenerate Community Trust (RE:generate) seeks to establish a new partnership with local people (RE:generate BaNES) to develop a community enterprise promoting participation in social, environmental, economic and cultural projects in the Bath area that will deliver connectivity, energy efficiency, health and well being across the district.

RE:generate is social action charity and company limited by guarantee. Its founders, staff and trustee directors bring a wealth of project development, community animating, organising, education, grant making and enterprise experience and expertise – covering practical, process and political aspects of participatory and transformational development.

Initially RE:generate is looking to develop 5 local foci where we will apply and demonstrate a systematic listening strategy and process to develop networks of active citizens prepared to engage in planning and delivering projects that address local aspirations and needs.

RE:generate will offer training and support to individuals and to local organisations that identify potential opportunities for collaborative asset development and for ethical investment with reasonable returns to local people.

RE:generate will identify suitable locations, develop the projects (with appropriate local investors and stakeholders) and own and operate the listening, animating and organising process technologies

APPENDIX 2: Community Organisers in Bath and North East Somerset

The national Community Organiser programme will train and support up to 5,000 community organisers from 2011 to 2015. 500 of these community organisers will be full-time 'senior' community organisers and 4,500 will be part-time and voluntary organisers who will support the senior organisers.

The programme was created by the Office for Civil Society in the Cabinet Office (OCS) and forms a key element of the social action pillar of the Big Society. The delivery partnership nationally comprises of Action to Regenerate Community Trust (Lead Training Provider), Locality (Programme Manager) and OCS (Client) 5 Community Organisers, as part of this national programme will be hosted by RE:generate and work in 5 neighbourhoods in Bath and North East Somerset. These include: Foxhill and Wansdyke, Radstock and Tynning, Daglands and Farmborough, Southdown, Keynsham

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 th March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2356
TITLE:	Bath & North East Somerset Council, Staff Volunteering Scheme	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
<ul style="list-style-type: none">Equalities Impact Assessment		

1 THE ISSUE

- 1.1 To consider the policy direction and resource implications of the proposed Council Staff Volunteering Scheme prior to formal approval required by the Council's Employment Committee.
- 1.2 To consider the impact of the Staff Volunteering Scheme in relation to the Council's Vision and Strategic objectives.

2 RECOMMENDATION

- 2.1 The Cabinet endorses the Staff Volunteering Scheme and agrees that the Employment Committee will consider the proposal for a Council scheme at their meeting in April 2012.

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of the scheme will be largely borne by the individual service areas where staff absences will be required to be managed by the service itself. Research on other local authority schemes has indicated that during years 1 to 5 the take up is no more than 5% - 10%. Kent County Council introduced a similar scheme over 10 years ago and this is now well established within the organisation. They have no more than 15% of staff accessing the scheme at any one time.
- 3.2 It is therefore anticipated that during years 1 to 3 no more than 5% of staff will access the Council's scheme. Staff will carry out a variety of different activities including team building days, and direct support to local community and voluntary groups. Staff will be able to apply for a maximum of three days. The third day must be matched by at least one day of staff's own time.
- 3.3 Based on these figures, it is expected that during the first three years, 196 days will be taken by staff to undertake a voluntary activity. This is equivalent to 0.86fte post. This will be a combination of one day team building activities and individuals working directly with local community and voluntary groups on a variety of different projects.
- 3.4 The scheme encourages staff to give their own time to voluntary activity, therefore it has been estimated that the investment to the voluntary and community sector will be more than 300 days / 2,250 hours. The cashable benefit to the voluntary and community sector is well in- excess of £20,000. This is a modest estimate as it is recognised that there are a number of Council staff who regularly give their time freely to volunteer. These figures are not currently measured and therefore are unable to fully evaluate the positive impact.
- 3.5 The impacts of the scheme will be annually monitored to assess the value of the volunteering to the voluntary and community sector and the impact across the Council.
- 3.6 Implications on additional resource for Human Resources are marginal and will be managed within existing resources.
- 3.7 The scheme will be managed and co-ordinated by Policy & Partnerships. There will need to be some brokerage service for staff to undertake the scheme and this is currently being appraised through Policy & Partnerships Commissions and Service Action Plan. This will be managed through existing resource either in the service or external contracts (or a combination of both).

4 CORPORATE PRIORITIES

- 4.1 The Council's Staff Volunteering Scheme will offer the opportunity for its staff to work with young people, adults or community groups and help build their own skills and knowledge. The scheme offers particular benefit to those staff who have little or no direct contact with the community and the users of the Council's services.
- 4.2 The scheme will contribute to achieving the following Council's priorities:-
- *Promoting independence and positive lives for everyone*

- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 THE REPORT

- 5.1 Since 2008, the Policy and Partnerships Service has been organising a number of team volunteering days during National Volunteers Week. The request came from staff to do something different to the normal team away-days that were previously organised.
- 5.2 The days were extremely successful and since then Policy & Partnerships have continued to use this opportunity to hold their annual team away days and have involved other services in their activities. In 2010, students from both Universities and Somer Community Housing Trust staff were also invited to join the activities.
- 5.3 The experience drawn over the last four years has enabled Policy & Partnerships to develop a proposal for a Corporate Staff Volunteering scheme. The scheme aims to utilise the skills of the workforce and create opportunities to learn new skills and knowledge.
- 5.4 The scheme will also enable staff to build relationships within the community to obtain a better understanding of their needs and the challenges that face them for the future. This places staff in a better position to support the Cabinet's aims of building a listening Council with active and engaged community.
- 5.5 Within Bath and North East Somerset it has been estimated that over 20,000 people volunteer and give 5 million hours of their own time each year. These volunteers are vital to many voluntary sector organisations who rely on a steady stream of volunteers to help deliver their services.
- 5.6 As one of the largest employers in the area, the Council will be able to use its own scheme to highlight the benefits to other employers in the area that wish to engage in their own corporate social responsibility. Some work has already taken place on the social benefits of a local Volunteering Business Network, and it is recognised that this mechanism is important for encouraging active citizenship in Bath and North East Somerset.
- 5.7 There maybe opportunities in the future to explore the development of an exchange / reward scheme as a recognition of volunteers time and effort. This initiative is outside the scope of this report and would require further consideration.
- 5.8 The scheme will require formal approval of the Council's Employment Committee.

6. RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7. EQUALITIES

7.1 An Equalities Impact Assessment has been completed. Adverse impacts were identified and have been justified in consultation with the Equalities Workers groups in the following ways:-

7.1.1 Disabled workers may not consider themselves eligible for the scheme as they feel there are no opportunities that could support their disability. - Not all opportunities will be accessible for disabled staff. Staff will be encouraged to discuss with the host organisations their access issues and whether they are able to make any reasonable adjustments. The scheme will be monitored annually including assessment of take-up by equality group to ensure staff are not being disadvantaged.

7.1.2 Discrimination due to race, age, sex, disability, gender, religion - bullying and harassment of staff. During the initial discussion between the member of staff and their line manager about the scheme, they will need to discuss if the placement is a safe environment for the individuals needs, and what steps to take should any issues arise.

7.1.3 Discrimination due to religious beliefs. Staff will be encouraged to discuss with the host organisations about their personal needs for instance, dietary arrangements, prayer room etc.

7.2 The scheme will be monitored annually including an assessment of take-up by the equalities groups to ensure staff are not being disadvantaged.

8. RATIONALE

8.1 The report sets out a proposal for a Staff Volunteering Scheme that will positively respond to the Council's Vision and Strategic objectives and will encourage active citizenship and strengthen community engagement.

8.2 In addition, the scheme will encourage Council staff to take part in voluntary activities as a means of recognising personal development needs and, to utilise their skills and knowledge to support the voluntary and community sector across Bath & North East Somerset area.

9. OTHER OPTIONS CONSIDERED

9.1 None.

10. CONSULTATION

10.1 Policy & Partnerships have continued to encourage feedback as part of their annual staff volunteering team days. Feedback has been received from both staff and the host organisations to ensure that future activities are well planned and respond to the needs of the voluntary and community sector. It has also been important to understand the types of activities staff wish to contribute to and also understand the barriers staff face in considering volunteering outside their normal working life. The comments staff have made include:-

- *"Having some time to carry out volunteering roles during the week would be good (limited time obviously)"*

- *“Cultural acceptance (in the Council) that it is a worthwhile activities”*
- *“Have a statutory quota of days available for volunteering”*
- *“Should be core to employee personal development and training”*
- *Feedback from Paulton Scout and Guide group, “Thanks again for allow us to benefit from this, the rest of the Scout and Guide group have been blown away by how much we managed to achieve. It looks absolutely amazing, the only problem is, we now have plans for the rest of the garden!”*

10.2 The proposed Staff Volunteering scheme has been developed alongside the Council’s Human Resources department to ensure that it can be fully integrated into the personal development plans of staff and be able to respond to managers concerns and issues when implementing the scheme.

10.3 Consultation on the proposed scheme took place during 2011. A number key service areas including, legal, insurance, health & safety, took part in the discussions and commented on the proposals. Issues raised in these discussions have been logged and where possible have been amended.

10.4 Consultation has also taken place with the Equalities Workers Groups and the Unions. Feedback and issues raised during these discussions have been logged and responded to where possible.

10.5 The Chief Executive, Strategic and Divisional Directors have commented and approved the policy direction of the scheme.

10.6 Further opportunity to comment on the policy will take place as part of the formal adoption process through the Employment Committee.

10.7 *Cabinet members; Staff; Other B&NES Services; Unions; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

11. ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

12. ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>David Trethewey 01225 396353</i>
Sponsoring Cabinet Member	<i>Councillor Paul Crossley</i>
Background papers	<i>Equalities Impact Assessment</i>
Please contact the report author if you need to access this report in an alternative format	

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Equality Impact Assessment

Title of service or policy	Corporate Employee Volunteering Policy
Name of directorate and service	Resources, Policy & Partnerships
Name and role of officers completing the EIA	Sara Dixon, Community Project Officer
Date of assessment	8 th February 2011 Amended 9 th February 2012

An Equality Impact Assessment is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when conducting an Equalities Impact Assessment (EIA) on a policy, service or function. It is intended that this is used as a working document throughout the EIA process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	<p>The Corporate Staff Volunteering Policy (SVS) will enable employees to take part in voluntary activities as a means of recognising personal development needs and, to utilise their skills and knowledge to support the voluntary and community sector within the district. The scheme is open to all employees (excluding Teaching staff). They will have access to an additional 2 days paid leave with an additional day if staff match at least one day with their own time (pro-rata for part-time and temporary employee).</p> <p>It is the responsibility of the employee and their line manager to implement the policy and ensure that they access a safe environment for volunteering.</p> <p>The outcomes of the policy will be to create :</p> <ul style="list-style-type: none"> • a positive contribution to recruitment and retention. • an increase in staff morale, confidence and performance. • opportunities to build a positive team culture. • alternative training and personal development opportunities. • valuable skills and expertise to the voluntary sector. • opportunities to recognise the contributions employees made as a volunteer through the Employee Excellence Awards.

1.2	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? • Is it a national requirement?). • How much room for review is there? 	<p>The SVS scheme is a proposed new Corporate HR policy positive benefits to the employee and the Council.</p> <p>The Government is committed to involving citizens that will create to have more of an active part in their communities which has been driven by the Big Society agenda and the Localism Bill. Whilst there is no national requirement for a SVS scheme, the Council will be contributing to these agendas by allowing employees to actively take part in volunteering in their communities.</p> <p>‘The Corporate Citizenship Company’s 2003 study Good Companies, Better Employees’ highlighted the importance of integrating community involvement programmes within HR strategies and suggested that it creates;</p> <ul style="list-style-type: none"> • a real alternative to staff training. • provide evidence for ‘Investors in People’ process. • supports Equal Opportunity and Diversity objectives. <p>‘MORI has found that satisfied employees are more likely to become ambassadors for their employer, advocating it to potential customers and other employees and to external stakeholders’. (Volunteering England)</p> <p>A number of local authorities have formally adopted SVS schemes. Kent County Council have used their scheme to highlight the benefits that volunteering creates to staff’s work-life balance, and has helped support their business and staff care packages. Others include: West Sussex CC, Devon CC, Cabinet Office Contribution all have implemented similar schemes.</p> <p>The policy will be reviewed annually to ensure that it responds to the Council and employees needs.</p>
1.3	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>The policy complements the Sustainable Community Strategy and contributes towards the Council’s Vision and Values. It also promotes the Community Leadership role of Bath & North East Somerset Council.</p>

2. Consideration of available data, research and information

Monitoring data and other information can help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential evidence:

- Demographic data and other statistics, including census findings
- Recent research findings
- Results from recent consultation or surveys
- Service user monitoring data (including ethnicity, gender, disability, religion/belief, sexual orientation and age)
- Information from relevant groups or agencies, for example trade unions and voluntary and community organisations
- Analysis of records of enquiries about your service, or complaints or compliments about them
- Recommendations of external inspections or audit reports

	Key questions	Data, research and information that you can refer to
2.1	What is the equalities profile of the team delivering the service/policy?	This is a Corporate HR policy. The Council employs a diverse range of people (see 2.3). Policy & Partnerships are the lead service area for this policy. P&P are a small team that has a diverse range of people of different ages, ethnic and cultural backgrounds. The service has a larger proportion of female staff (who account for just under two thirds of the 36 employees).
2.2	What equalities training have staff received?	The service has had access to the Corporate Equalities training programme and has undertaken a number of service days focussed on equalities issues (as the Council's Equalities Team is part of the policy and partnerships service)..

2.3

What is the equalities profile of people using the service?

The equalities profile of the Council staff, excluding schools, is:

	Employees in post	2478	% of Staff in groups
Gender	Male	930	37.53%
	Female	1548	62.47%
Ethnicity	Asian	13	0.52%
	Black	19	0.77%
	Mixed	18	0.73%
	Other	9	0.36%
	White	2172	87.65%
	Not Revealed	247	9.97%
Religion	Alother	58	2.34%
	Bhuddist	11	0.44%
	Christian	1253	50.56%
	Hindu	5	0.20%
	Jewish	2	0.08%
	Muslim	11	0.44%
	Sikh	3	0.12%
	No Religion	694	28.01%
	Not Revealed	441	17.80%
Sexuality	Bi-Sexual	12	0.48%
	Gay	13	0.52%
	Hetrosexual	630	25.42%
	Lesbian	6	0.24%
	Not Revealed	1817	73.33%
Disabled	Yes	388	15.66%
	No	11	0.44%
	Not Revealed	2079	83.90%
Age	16-25	140	5.65%
	26-35	461	18.60%
	36-45	608	24.54%
	46-55	753	30.39%
	56-65	493	19.90%
	65+	23	0.93%
Part time	Male	171	6.90%
	Female	928	37.45%
Full time	Male	620	25.02%
	Female	759	30.63%

2.4	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, results of previous consultations)	<p>National Survey of volunteering by equality group – click here: http://www.guardian.co.uk/society/2008/mar/18/volunteering.voluntarysector</p> <p>There has been no local survey to establish the number of by equalities profile who volunteer. Within the district it has been estimated that over 20,000 people volunteer on a regular basis.</p> <p>The scheme will be monitored annually.</p>
2.5	Are there any gaps in the data, research or information that is available?	Yes, as above.
2.6	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	The Council's Workers Groups (the Black Workers Group, Disabled Workers Group and the Lesbian, Gay, Bisexual and Transgender Workers group) and Unions have been consulted. The scheme is required to be approved by the Council's Employment Committee in April 2012. The scheme will be monitored annually and will collect a profile of those taking up the scheme. Employees will also be asked if their host organisation has implemented an Equal opportunities policy for its volunteers.
3. Assessment of impact		
	<p>Based upon any data you have analysed, or the results of consultation or research, use the spaces below to list how the service or policy:</p> <ul style="list-style-type: none"> • Meets any particular needs of each of the six equalities groups or helps promote equality in some way. • Could have a negative or adverse impact for each of the six equalities groups 	
		<p>Examples of what the service has done to promote equality</p> <p>Examples of potential negative or adverse impact and what steps have been or could be taken to address this</p>
3.1	Gender – identify the impact/potential impact of the policy on women, men and transgender people	<p>The scheme is open to all staff.</p> <p>Part-time staff (predominantly women) maybe less likely to take up the scheme. The scheme will be monitored</p>

			annually to check if there is disproportionately low take-up of either gender.
3.2	Transgender – identify the impact/potential impact of the policy on transgender people	The scheme is open to all staff.	Bullying and harassment. During the initial discussion between the member of staff and line manager about the scheme, they will need to discuss if the placement is a safe environment, and what steps to take should any issues arise. They will be encouraged to discuss with the host organisation about their equality opportunity policies for volunteers.
3.3	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	The scheme is open to all staff.	Not all opportunities will be accessible for disabled staff. It is the responsibility of the individual to explore with the host organisations their access issues and whether they are able to make any reasonable adjustments. Bullying and harassment. During the initial discussion between the member of staff and line manager about the scheme, they will need to discuss if the placement is a safe environment for the individuals needs, and what steps to take should any issues arise.
3.4	Age – identify the impact/potential impact of the policy on different age groups	The scheme is open to all staff, however does encourage older members of staff who are considering making the transition from employment to retirement to take up voluntary	Bullying and harassment. During the initial discussion between the member of staff and line manager about the scheme, they will need to discuss if the placement is a safe environment for the

		activity.	individuals needs, and what steps to take should any issues arise..
3.5	Race – identify the impact/potential impact on different black and minority ethnic groups	The scheme is open to all staff.	Racial bullying and harassment. During the initial discussion between the member of staff and line manager about the scheme, they will need to discuss if the placement is a safe environment, and what steps to take should any issues arise. They will be encouraged to discuss with the host organisation about their equality opportunity policies for volunteers.
3.6	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	The scheme is open to all staff.	Bullying and harassment. During the initial discussion between the member of staff and line manager about the scheme, they will need to discuss if the placement is a safe environment, and what steps to take should any issues arise. They will be encouraged to discuss with the host organisation about their equality opportunity policies for volunteers.
3.7	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	The scheme is open to all staff.	It is the responsibility of the individual to discuss with the host organisations about their personal needs for instance, dietary arrangements, prayer room etc. Bullying and harassment. During the initial discussion between the member of staff and line manager about the scheme, they will need to discuss if the placement is a safe environment, and what steps to take if any issues arise.

			They will be encouraged to discuss with the host organisation about their equality opportunity policies for volunteers.
3.8	Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	The scheme is open to all staff.	The Scheme will be monitored annually to assess if staff from lower paid jobs within the Council are taking up volunteering opportunities. There may be problems in publicising the scheme to manual workers who do not have email accounts/ internet access.
3.9	Rural communities – identify the impact / potential impact on people living in rural communities	The scheme is open to all staff.	Access to transport. It is the responsibility of the individual to discuss with the host organisations whether there is transport available, expenses for volunteers or car share schemes.

4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Monitoring	Develop a monitoring scheme to enable an annual assessment of take-up by equality group, and to ensure staff are not being disadvantaged.		HR and P&P	Prior to implementation

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Consultation	Consult with the Staff workers groups, Unions, HR and Legal		SD	Spring/Summer 2011
Promote the scheme	Identify marketing strategy (including strategies to ensure non-email/internet users receive information).		HR & P&P	April 2012

5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by: David Trethewey(Divisional Director or nominated senior officer)

Date: 9th February 2012

Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2366
TITLE:	Bath City Conference – Update	
WARD:	All Wards in the City of Bath	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Terms of Reference		

1 THE ISSUE

This report sets out the current proposals for developing the Bath City Liaison Forum into a new Bath City Conference (BCC) recommending Terms of Reference and outlining plans for the first Bath City Conference, as one of the ways of engaging with communities across Bath.

2 RECOMMENDATION

The Cabinet agrees that:

- 2.1. The emerging approach to the future development of the Bath City Conference set out in this report be adopted and kept under review so that opportunities to link this process with other community engagement are fully considered
- 2.2. A Steering Group be established with the membership as set out in paragraph 5.4
- 2.3. The involvement of the Council on the basis of the attached Terms of Reference (attached in Appendix 1) be agreed and kept under review and the membership and working arrangements of the forum be presented for approval at the first meeting of the Bath City Conference.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications. The aim is to use the capacity of Partnership groups and other organisations in Bath to ensure the sustainability of the conference. Some Council resources may be required to support the processes involved including Task and Finish Groups and any online services that the Conference uses. These will be found from within existing budgets.

4 CORPORATE OBJECTIVES

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 THE REPORT

- 5.1. The Bath City Liaison Forum was established in 2008 as a way of improving information flow and liaison between residents' groups in Bath and the Council and other partners. It has provided a useful conduit for raising local concerns and in keeping residents' groups informed of Council activities as well as setting up a successful Task and Finish group on street cleansing, which directly led to improved outcomes in this area of work.
- 5.2. At the Cabinet meeting on 13th July 2011 the Cabinet agreed a new approach to the future development of the Bath City Liaison Forum based on developing and deepening collaboration between public services and local residents. It established an interim steering group to prepare detailed Terms of Reference, membership and working arrangements.
- 5.3. Following this, the Council has engaged with residents' groups to consider new ways of working which meet these objectives. Emerging from this process are the following proposals for a more flexible style of partnership working, which aims to be one of the ways of strengthening engagement in Bath, promoting active citizenship and better reflecting the diversity of Bath's communities.
- The proposal is that a "Bath City Conference" (BCC) will be a way of engaging a wide range of local organisations across the City of Bath. This will reflect the diversity of Bath and its communities, encompassing local businesses, student bodies and other organisations contributing to the life of local communities in Bath. Relevant public service partners will also be included. It would agree the goals of Task and Finish groups to be established, as set out below. The BCC would also provide an opportunity for Elected Members representing Bath wards to help identify key issues. Further work is being undertaken by the Interim Steering Group on the detailed arrangements for the first full meeting of the BCC.
 - Task and Finish Groups – comprising representatives of groups with an interest in the subject under discussion, potentially including representatives of: local residents' and locally-based businesses; elected members; and representatives of relevant public service providers supported by appropriate Council Officers.
 - An online presence, which would enable quick and easy communication, reduce the need for meetings and encourage practical discussions and collaboration on key issues. This could potentially be accessed by a wider group of local citizens who wish to collaborate and develop practical solutions. However, it is also

recognised that take-up of online services is uneven across different areas and communities. The aim would therefore be to complement our “face-to-face” work with local residents and businesses, not replace it.

- A “light touch” steering group which will support and manage the process and ensure it is delivering its objectives.

5.4 An interim steering group has been meeting to develop the current proposals. It is suggested that the steering group taking forward the Bath City Conference should have representation from; the following:

- Cabinet Member for Neighbourhoods,
- Local Business,
- Residents’ groups
- Tenants’ groups
- Communities of Interest
- Communities of Place
- Student representatives
- Somer Community Housing Trust

The membership of the Steering Group will be reviewed at the first full meeting of the Conference. This membership and other proposed objectives and working arrangements for the Bath city Conference are outlined in the draft terms of reference set out in the Appendix.

5.4. It is envisaged that Council officers will help to support the organisation of the BCC, including its online presence, steering group and task groups. The Council will also help to publicise the work of this BCC through its work in specific communities and more widely. However, due to this being an emerging landscape the Council will need to keep it under review and potentially look at other ways of engaging the community in local areas, such as through other initiatives some of which arise from the Localism Act, in particular Neighbourhood Planning.

6 RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision-making risk management guidance.

6.2 There is a risk that the Bath City Conference will not join up with other forms of community engagement. To help avoid this the council's involvement in the conference and the Terms of Reference will be kept under review to see what links can be made to existing and emerging forms of community engagement.

7 EQUALITIES

7.1 An Equalities Impact Assessment was carried out on the establishment of the previous Bath City Liaison Forum. This has since been revised and updated taking in to consideration the broadening out of the BCC, which allows for a more diverse range of groups and individuals to take part in this forum, in particular those that reflect the protected characteristics of different groups.

7.2 The introduction and use of an on-line system could have a differential impact across the different protected characteristics groups, but this will be mitigated by ensuring other communications methods are used and that tailored support is given. These working arrangements will be incorporated into the plans and documentation of the Bath City Conference.

8 RATIONALE

8.1 The development of the Bath City Conference set out in this report arise from discussions with the Federation of Bath Residents' Associations, other residents' groups and Small Business Focus with all discussions aimed at improving the operation and impact of this Forum.

9 OTHER OPTIONS CONSIDERED

9.1 Consultation with residents' groups considered whether the Bath City Liaison Forum could continue in its previous form. It was concluded that there was a need for an improved arrangement.

10 CONSULTATION

10.1 Cabinet members; Other B&NES Services; local residents; community Interest groups; Section 151 Finance Officer; Chief Executive; Monitoring Officer

10.2 The Steering Group (currently made up of representatives from Resident, communities of place and business groups) have taken part in many meetings to discuss these Terms of Reference and a draft of this report was circulated to seek views. The Terms of Reference will also be presented at the first full meeting of the Bath City Conference before they are formally adopted.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Corporate;*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Stacy Pritchard 01225 395429</i>
Sponsoring Cabinet Member	<i>Councillor Paul Crossley</i>
Background papers	<i>Previous Bath City Liaison Forum Terms of Reference</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix 1

DRAFT TERMS OF REFERENCE: BATH CITY CONFERENCE

1. Name

The Bath City Conference

2. Purpose

To help Bath to flourish by debating the challenges which face the City, and identifying the innovations needed to meet them.

3. Responsibilities

- To be a forum where local people, communities, organisations and businesses can work together for the common good of the City
- To act as a catalyst for sharing ideas, generating innovation and driving improvements that benefit the City and its communities
- To generate a greater sense of shared purpose and cohesion across communities in Bath, so as to build their capacity to address local needs
- To provide a forum where public services can share approaches to new initiatives, well in advance of decisions being taken
- To act as a 'champion' and 'voice' for Bath residents, businesses and communities

4. Scope

- The geographical scope is the City of Bath
- The key principle of the Conference will be inclusivity of involvement – but with a particular focus on improving the lives of Bath's citizens, local businesses and all those who have a clear and substantial interest in the daily life of the City
- The Conference will have no decision-making powers but will use its networks and linkages to shape innovation and move forward projects
- The Conference will not discuss the details of particular planning, licensing or similar matters whilst formal application processes are underway

5. Operating Arrangements

The Bath City Conference will meet as a full conference at least once a year. All of those who wish to pursue the conference's purpose are welcome to attend on an open invitation. However, an initial invitation list will be established for this Conference which will ensure maximum input from those with a key interest in the City and its well-being, including:

- Elected members representing the City from Bath and North East Somerset Council, in their role as local community leaders
- Citizens of Bath and the local groups and generic groups which they have formed, such as residents organisations and other groupings including those organised through the auspices of Somer Housing Group
- Those who have an interest in a thriving local economy, in particular businesses and other employers which do not have other "umbrella" organisations through which to exercise influence
- Voluntary and community organisations which deliver services and/or act on behalf of local citizens
- Chairs of key local groups such as PACTs

- Transition Groups/Heritage Groups
- National and regional businesses and other organisations who make a clear contribution to our local economy and communities
- Equalities and other groups with links to the wider community including communities of faith

There will be a particular focus on seeking out and listening to the views of people that public services have traditionally not heard in the City, including young people and students.

The Bath City Conference will work in new ways, which seek to maximise input, generate options, facilitate consensus and generate tangible improvements. If appropriate there will be a recording of opinion gathered at the meeting, which the Steering Groups will follow up on at their meetings. ¹ The Conference “cycle” will be designed in such a way as to assist with this new way of working, and will include:

Online forum. This will allow networking, discussion and debate between members in the period between each Conference and to test and develop innovation. The forum will be subject to a moderation policy. Matters arising from the forum will be considered for inclusion in the plan for the conference itself. ²

Task & Finish Groups. At each Conference a number of topics will be agreed, and if necessary recorded for further discussion and this will form the Terms of Reference for Task and Finish Groups, which will focus on addressing particular issues. These Groups may receive input and support from a wide range of persons with expertise and interest in the appropriate subject. They will normally comprise public services and other people with specific skills or experience relevant to the task in hand, and will report back their findings and recommendations to the Conference for consideration.

Steering Group. A Conference steering group will meet to oversee arrangements for the Annual Conference, and consider the overall functioning of the Conference (including its Chairing and other working methods), Task and finish Groups and other arrangements. This Group will consist of

- Bath and North East Somerset council, Cabinet member for Neighbourhoods
- 1 Business Representative
- 1 Resident Association Representative
- 1 Tenant Association Representative
- 1 Community of Interest Representative
- 1 Community of Place Representative
- 1 Student Representative
- Somer Housing

¹ The conference will provide the opportunity to listen to all residents and the main issues that arise will inform which Task and Finish groups are set up. If more issues arise than Task and Finish Groups can allow for, then opinion will be recorded and followed up by the Steering Group to determine which groups should be set up

² The online forum will include a feedback mechanism so people are able to add and comment on issues they feel are most important and this will be fed in to the Conference.

6. Linkages with other networks

The Bath City Conference will form part of the overall family of partnerships operating in Bath and North East Somerset. At time of drafting these are under review but arrangements will be put in place to ensure issues are escalated and communicated through the partnership process.

7. Alterations to these Terms of Reference

These initial Terms of Reference will be drawn up, reviewed by the Steering Group and approved by a Senior Officer in the Council in consultation with the Leader of the Council. They will be kept under review by the Steering Group. At each Annual meeting of the Conference, there will be an opportunity for attendees to give feedback on the Terms of Reference so they reflect so far as possible the needs of local communities in Bath.

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	Wednesday 14 th March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2374
TITLE:	Youth Service Vision and Pledge to Young People	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
The Youth Service Vision (Appendix 1)		
Pledge to Young People (Appendix 2)		

1 THE ISSUE

- 1.1 Following a Youth Service review in March 2011, it decided that the Youth Service should focus some of its resources on targeted youth work as well as the more traditional open access work.
- 1.2 The Youth Service Management Team also looked at ways to support the Voluntary Sector to meet any gaps in provision and provide a diverse range of provision that meet young people's ever changing needs so young people could make a positive difference to their own lives and that of their community, as well as to support them to reach their full potential.
- 1.3 We also looked at how we communicate this message to the young people and other interested parties. To this end we decided to update the Youth Service Vision (Appendix 1) and the Young People's Pledge (Appendix 2).

2 RECOMMENDATION

The Cabinet agrees:

- 2.1 That both the Youth Service Vision and Young People's Pledge are adopted in full
- 2.2 That both the Youth Service Vision and Young People's Pledge can be used as part of the publicity campaign to effectively communicate to young people, their parents and wider stakeholders what we aim to achieve when working with young people in Bath and North East Somerset Youth Service. It also states the outcomes we are planning in to delivery and the approach we will take.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications for this work as it will be covered through the Youth Service core budget.

4 CORPORATE OBJECTIVES

- 4.1 This work will support all 3 of the Council's corporate objectives, although it will link mostly to the first one.

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 THE REPORT

- 5.1 Following a Youth Service review in March 2011, it decided that the Youth Service should focus some of its resources on targeted youth work as well as the more traditional open access work.
- 5.2 The Youth Service Wider Management Team took this opportunity to look at what the aims of the service were to agree a Youth Service strapline and mission statement. We also agreed the outcomes that all staff and young people should be working towards.
- 5.3 The Youth Service Wider Management Team revisited their approach to youth work to support young people working to empower them helping to make a positive difference to their lives and communities.
- 5.4 The Youth Service Wider Management Team revisited their approach to support other stakeholders in the Voluntary Sector as appropriate, linking to the Localism agenda. Empowering local communities to deliver positive activities to young people, especially those 13 to 19 years old. Supporting local people to start up new projects offering hands on practical support whilst operating safe and needs led youth work.
- 5.5 This process has enabled staff to discuss what we do and why and has been a useful process as well as producing the two documents that you have attached the Youth Service Vision (Appendix 1) and the Young People's Pledge (Appendix 2).
- 5.6 These documents will be used to promote a clear message about the service and the work we do. They link into the Council's new vision and value work and compliment it by providing more specific information about an individual service, especially focusing on young people.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An Equalities Impact Assessment has been completed for the Youth Service. No adverse or other significant issues were found.

8 RATIONALE

- 8.1 This work has been an on-going process over the last year; the work has been developed through a robust process and has been widely consulted upon. Much of the wording has come direct from staff and young people themselves. Therefore the Cabinet has been asked to adopt both documents in full.

9 OTHER OPTIONS CONSIDERED

- 9.1 No other options were considered as this was a long process that lead to the final documents that you have presented before you.

10 CONSULTATION

- 10.1 *Cabinet members; Parish Council; Town Council; Trades Unions, (as part of the Youth Service review); Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 10.2 The consultation for this work started in 2011 which led up to the Youth Service review. Following on from that a full consultation programme was agreed by the Youth Service Management Team and they instructed the work to be carried out and monitored progress against the original plan. All young people who use the service had a chance to input into discussions, supported by qualified and experienced youth workers. All staff had a chance to input into this programme through staff team meetings in the autumn and a final opportunity at the Youth Work conference. Stakeholders and key Councillors including the Executive Member were asked at this time. They were invited to make comments by email and a small group of stakeholders were visited to feed in their thoughts over the consultation period.
- 10.3 The ideas that were feed in were discussed by the Youth Service Wider Management Team. Many of which were taken on board to form part of the final documents.
- 10.4 We were aware that many of the young people that had commented were users of the service therefore we also asked the Student Union from Bath College to discuss them to gain an outside perspective.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 *Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights; and; Impact on Staff.*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Paula Bromley</i>
Sponsoring Cabinet Member	<i>Councillor Nathan Hartley</i>
Background papers	Equalities Impact Assessment
Please contact the report author if you need to access this report in an alternative format	

YOUTH SERVICE

Youth Service Vision

To be the Youth Service most admired for its people, performance and partnerships

Youth Service Strapline

Helping young people make a positive difference to their lives and communities

Youth Service Mission Statement

The Youth Service and its delivery partners will work with a wide range of young people while maintaining a particular focus on those who need additional support.

The Youth Service, with its delivery partners, will enable young people to:

- be emotionally and physically healthy, supporting them through adolescence to make a successful transition to adulthood
- act as volunteers/active citizens, have their voices heard and make a real contribution to the Service and society.
- improve their life chances through meeting challenges and learning to manage risk safely
- build high expectations and be able to make positive informed choices about their future
- have opportunities to develop skills while having fun and making friends

Outcomes

Young People access enjoyable, positive and challenging experiences which will improve confidence, develop self-esteem and resilience whilst enhancing life skills. Young people gain accreditation for social and emotional skills developed through informal learning opportunities.

Our Approach

The Youth Service is committed to promoting equality of opportunity in all aspects of its work through the delivery of high quality youth work provided by qualified and experienced staff. The Youth Service will offer start-up expertise to local communities to enable them to deliver youth activities. The Youth Service will support organisations to provide experiences and opportunities for young people as partners in a joint commitment to give young people a chance to do better in life than they ever thought they could.

B&NES Childrens Services Commitment: We want all children and young people to enjoy childhood and to be well prepared for adult life

Bath & North East Somerset Council Youth Service, PO Box 25, Riverside, Temple Street, Keynsham, BS31 1DN, Tel: 01225 396980

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PLEDGE TO YOUNG PEOPLE

“Helping young people make a positive difference to their lives and communities”

This is the Local Authority Youth Service Pledge to young people who use and attend local provision in Bath and North East Somerset.

We pledge to:

- Treat you as an individual, with respect and ensure everyone is treated equally and provide you with the support you need.
- Provide a range of opportunities so you can take part in things you want to do.
- Provide safe spaces so you can have fun and meet friends.
- Support you with your choices by providing you with up to date and accurate information and access to the right support services including sexual health, drugs/ alcohol, counselling, relationship issues, employment and training.
- Support you in your right to have your views listened to and taken seriously and provide you with someone to talk to.
- Enable you to influence and effect decisions made locally wherever possible.
- Consult with you to improve opportunities and services you want/ need.
- Offer you opportunities to take part in volunteering and other positive activities that enable you to become an active citizen, this work will lead to recorded and accredited outcomes.

Paula Bromley
Principal Youth Officer

Cllr Nathan Hartley
**Deputy Leader & Cabinet Member for Early Years,
Children & Youth**

Youth Service, Children's Services, PO Box 25, Riverside, Temple Street, Keynsham,
Bristol, BS31 1DN. 01225 396980 / youth_service@bathnes.gov.uk

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Bath & North East Somerset Council			
DECISION MAKER:	Cllr Roger Symonds, Cabinet Member for Transport		
DECISION DATE:	On or after 14th March 2012	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2346
TITLE:	Blue Badge Reform Programme and Charges		
WARD:	All		
AN OPEN PUBLIC ITEM			
List of attachments to this report:			
Appendix 1 – Equalities Impact Assessment			
Appendix 2 – Consultation Responses			

1 THE ISSUE

- 1.1 A revised, nationwide scheme for the issuing and management of "blue badges" will be implemented in January 2012. This report considers how the Council might decide to operate the scheme locally (given that there are options within the scheme) and what charge should be made to applicants.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

- 2.1 A £10 fee will be charged for the issue of a blue badge for all new applications, renewal applications and replacements due to loss or theft processed from 1st April 2012 and this fee will contribute to external fees and internal administration costs.
- 2.2 That the basic service will be used and none of the additional options including the data entry, secure posting and fast track posting service will be specified
- 2.3 That the additional income received is used to for the enforcement of Blue Badge abuse service using a specialist company

3. FINANCIAL IMPLICATIONS

3.1 As of the 1st January 2012, changes will be made to the administration of the blue badge scheme and the associated IT systems used. From this date all badges nationally will be issued by one company, Northgate, who have been instructed by the Department for Transport to carry out this work. All local authorities who issue blue badges are required to sign up to the new scheme.

3.2 As part of the scheme, there will be a charge to each local authority for each blue badge issued or replaced; this will be £4.60 per badge excluding VAT. This cost includes the new badge, parking clock, the rights and responsibilities leaflet, a covering letter and 2nd class postage.

3.3 The local authority can also opt in to:-

- (1) Have badges fast tracked at an additional cost of £2.45 per badge
- (2) Sign up to a data entry support service at £4.96 per application and £2.68 per update (Northgate will input the application information but the authority would still make the decision as to whether an application is successful)
- (3) Include secure posting –prices will vary depending on level of security/tracking required
- (4) Have an integrated badge and clock design for an additional £0.25 per badge issued

We do not plan to sign up to the above options initially but intend to review our approach as the new scheme is bedded in.

3.4 To offset the costs involved, Local Authorities will be allowed to charge each successful applicant a minimum of £2 and a maximum of £10 for each blue badge issued to contribute to offsetting the costs of issuing badges. The exact cost is a matter for the Local Authority to decide locally.

3.5 Currently the cost of purchasing and administering the blue badge scheme is met from the Parking Services budget. Under current legislation, Local Authorities are permitted to charge a maximum of £2 for the badge, a figure not reviewed since 1983. However, due to the low level of the transaction and the costs associated with collecting the fee many authorities, ourselves included, do not charge for the service. The current cost to the authority for delivering this scheme is therefore approximately £21k per annum, including 3/4 FTE member of staff to process the badges and the purchase costs of the badge itself.

3.6 The changes to the scheme will result in an increase of costs to the authority of approximately £10k per annum to £31k due to higher cost per badge. To ensure that all badges are issued in a timely manner no reduction to staffing are recommended at this time.

3.6 There are no further additional costs to the authority for software, licences or any other aspects as part of this change as all costs are being funded by the Department for Transport as part of the Blue Badge Improvement Scheme (BBIS)

3.7 It is however proposed that an additional £25k per annum is spent on enforcement of the service with approximately 50% being recovered in fines from Magistrates Court back to the authority.

3.8 The Council's 2012/13 budget anticipates the recommendation of this report being agreed.

4 CORPORATE PRIORITIES

- *Promoting independence and positive lives for everyone.* The continued issuing of blue badges will help disabled people maintain their independence and their ability to access services.
- *Creating neighbourhoods where people are proud to live.* The opportunity for crime will be reduced through the implementation of the new centralised system. It will help reduce theft of badges for profit and thus reduce instances of car crime targeted at the theft of blue badges. Reinvestment of fees into enforcement (as in paragraph 3.7) will further reduce the level of blue badge fraud as a result of successful prosecutions and the publicity this is likely to attract.

5 THE REPORT

5.1 The Government announced on 14 February 2011 a major programme of reforms to the Blue Badge scheme. The reform programme has been developed in consultation with disabled people, local authorities and other stakeholders, and on the basis of research and economic analysis. The reforms will deliver the most comprehensive changes to the Blue Badge scheme for 40 years.

5.2 The reforms to the system are designed to crackdown on drivers who abuse the scheme and other changes to make it more sustainable for the future.

5.3 The benefits of the wider changes such as the new blue badge design include:

- Fraud prevention – automated checks can be made at the application stage to prevent multiple and fraudulent applications.
- Use of sophisticated anti fraud technologies on the new badge, more security in the supply, storage and distribution of the badge
- Quick and easy enforcement checks by officers anywhere in the country on badges issued by any local authority.

5.4 Currently in Bath and North East Somerset a total of approximately 9000 badges are in circulation. The life of a badge is usually 3 years. It is expected that blue badge holders will need to submit a renewal application at least once every three years.

5.5 A blue badge can be issued under the following criteria:

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You are automatically eligible to apply for a badge if you are over two years old and either: receive the Higher Rate of the Mobility Component of the Disability Living Allowance; are registered severely sight impaired (blind); receive a War Pensioner's Mobility Supplement. Subject to assessment you may also be eligible for a badge if you are over two years old and either: have a permanent and sustainable disability which means you cannot walk, or which makes walking very difficult; drive a motor vehicle regularly, have a severe disability in both arms, and unable to operate all or some types of parking meter (or would find it very difficult to operate them).

If you are a parent of a child who is less than two years old, you may apply for a badge for your child if they have a specific medical condition which means that they either: must always be accompanied by bulky medical equipment which cannot be carried around without great difficulty; need to be kept near a vehicle at all times, so that they can, if necessary, be treated in the vehicle, or quickly driven to a place where they can be treated, such as a hospital

- 5.6 The option within the new regulations to charge between £2 and £10 does give flexibility to local authorities to set their own charging levels.
- 5.7 The abuse of blue badges is a significant issue for those who need access to facilities that having a badge brings and an issue that receives a large amount of complaint. Most abuse, according to recent studies, is from misuse by family/friends of the holder when they are not present. The badge should not be used even when performing tasks on behalf of the disabled person.
- 5.8 To combat this fraud it is necessary to use specialist services to prosecute offenders using the criminal system. Working in partnership under a joint procurement with Bristol City Council is proposed that we appoint BBFI Ltd to undertake the enforcement on behalf of the council. It should also be noted that each member of the public who uses a badge to procure free parking on street is a customer who is not using the car parks and possibly paying to park. Therefore the introduction and publication of successful prosecutions will reduce levels of fraud. The impact and seriousness of abuse from a user's forum perspective can be seen in Appendix 1, response by Equality B&NES to the local consultation recently held on the blue badge changes.
- 5.9 As part of the agreement we will release a minimum of 4 press releases per year highlighting the enforcement and any successful prosecutions. This is anticipated to further reduce abuse over time.

6 RISK MANAGEMENT

- 6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An Equalities Impact Analysis (EqIA) has been completed and is attached as Appendix 1 of this report. Adverse impacts were identified where the proposed fee is met by economically disadvantaged people who qualify for a badge. The fee is however low (£10 for 3 years generally) and badge users will benefit as a result of reduced levels of abuse of the scheme particularly as the result of reinvestment of fees into enforcement. Around two thirds of blue badge holders are over 65 years old and they too will benefit through reduced abuse as parking spaces will be made available through implementing improved enforcement measures.

8 RATIONALE

- 8.1 The benefits from adopting the new system for the affected groups are significant. However, the costs for the new system are also significantly higher than the previous system. Therefore charging the full fee of £10, whilst not making the service completely self-funded, does reduce significantly the costs to the authority.
- 8.2 As detailed in 2.4 above the current charging structure for blue badges does not cover all costs associated with providing this service and the annual net cost to the Authority is currently £21k per annum.
- 8.3 Research has indicated that other local authorities are considering increasing the badge fee to £10, including all neighbouring authorities.
- 8.4 The life of the badge, as referred to above, is usually 3 years from issue which equates to £3.33 per annum. The badge allows significant parking concessions and benefits to the holder including free parking in Pay & Display bays on street and the ability to park on Double Yellow Lines for up to 3 hours where a loading ban is not in force. Additionally the issue of a badge removes the need for the holder to purchase a Residents Parking Permit within the Residents Parking Zones which currently cost between £30 and £140 depending on the location and numbers of permits issued and therefore still represents a significant saving per annum if the applicant resides within the zone.
- 8.5 The additional income received will help pay for the enforcement thus reducing complaints and abuse.

9 OTHER OPTIONS CONSIDERED

- 9.1 Do nothing – this option was rejected as changes to the scheme are significant and improve the service significantly. The authority must participate in the revised scheme if it is to continue in its current role and the new scheme is considered beneficial to all parties.
- 9.2 Charge at a rate less than the full £10 fee – this option was rejected as the service, even at the full rate of £10, is not self-funding.
- 9.3 Do not enforce – this option was rejected due to the high level of complaints and potential loss in income the abuse may cause. Additionally, we have a duty to ensure that all sections of the community can access the facilities available and abuse of parking areas is not a barrier.

10 CONSULTATION

- 10.1 Other Public Sector Bodies; Section 151 Finance Officer; Monitoring Officer
- 10.2 Full consultation was undertaken by the Department for Transport in regard to the changes proposed. All key stakeholders were included within the consultation process.
- 10.3 A further local consultation has been carried out prior to this report. This involved contacting the representatives of disabled people across Bath and North East Somerset as advised by the Equalities Team, listed below, for their views.

Bath People First-Equality B&NES
Action 4 Pensioners
Headway
Clover House
BEMSCA
Access Banes
The Care Forum

Only one response was received, from Equality B&NES, stating that “*whilst no increase in charges is welcome in the current climate we accept that £10 for a three year badge represents good value for money.*” The full response is attached as Appendix 2 for reference.

- 10.4 In addition, a letter has been received from Radstock Town Council which expresses concerns regarding the proposed charges. (See Appendix 2)

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 Social Inclusion; Customer Focus; Human Rights; Other Legal Considerations

12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Chris Major 01225 394231
Background papers	<p><i>Consultation, including public Impact Assessment: Blue Badge Reform Programme: A consultation document, DfT, March 2010</i> http://www.dft.gov.uk/consultations/closed/2010-20/</p> <p><i>Research report: Blue Badge Reform Strategy: Enforcement Evidence Base, DfT, March 2010</i> http://webarchive.nationalarchives.gov.uk/+/http://dft.gov.uk/adobepdf/259428/281009/enforcementevidence.pdf</p> <p><i>Previous Government strategy, including Impact Assessment: Comprehensive Blue Badge (Disabled Parking) Reform Strategy (England), DfT, October 2008</i></p>

	http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/transportfor you/access/bluebadge/reform/reformstrategy/bbreformstrategy.pdf
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Please contact the report author if you need to access this report in an alternative format
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Equality Impact Assessment / Equality Analysis

Title of service or policy	Blue Badge Reform Program and Charges
Name of directorate and service	Environmental Services – Parking Services
Name and role of officers completing the EIA	Chris Major – Head of Parking Services
Date of assessment	10 th October 2011

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites.

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers / Notes
1.1	Briefly describe purpose of the service/policy including <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	The service, which is to undergo significant reform, provides Blue Badges to members of the public who have disabilities requiring additional support to access facilities. The service works by allowing any holder of a blue badge to display it in the vehicle they are travelling in to allow additional parking concessions such as the ability to park in blue badge holder bays and to park on Double Yellow Lines for up to 3 hours when not causing an obstruction. The service is delivered by the Parking Services team currently using an in house solution. The reforms include a national online database of blue badges that will increase the ability of enforcement authorities to identify and reduce abuse. The scheme is being changed to: <ul style="list-style-type: none"> •help ensure that people with severe mobility difficulties are treated fairly when they are being assessed for a Blue Badge •respond to increasing demand for Blue Badges and pressures to extend the scheme to other groups of disabled people •reduce the current high levels of abuse and misuse by designing a new badge that is harder to copy, forge or alter.
1.2	Provide brief details of the scope of the policy or service being reviewed, for example: <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? 	The objectives of the reform programme are to address current problems, especially those relating to fraud and abuse. It aims to improve operational efficiency, reduce public sector costs and improve customer service. The programme supports freedom and fairness and is targeted at addressing the

	<ul style="list-style-type: none"> Is it a national requirement?). How much room for review is there? 	mobility needs of those disabled people who need the most help to travel. There are currently 2.5 million badges on issue. The number has trebled in the last 20 years and demand is forecast to increase further as the population ages. Blue Badges in England are issued by 152 top tier issuing authorities.
1.3	Do the aims of this policy link to or conflict with any other policies of the Council?	No.
2. Consideration of available data, research and information		
<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> Demographic data and other statistics, including census findings Recent research findings (local and national) Results from consultation or engagement you have undertaken Service user monitoring data (including ethnicity, gender, disability, religion/belief, sexual orientation and age) Information from relevant groups or agencies, for example trade unions and voluntary/community organisations Analysis of records of enquiries about your service, or complaints or compliments about them Recommendations of external inspections or audit reports 		
	Key questions	Data, research and information that you can refer to
2.1	What is the equalities profile of the team delivering the service/policy?	Parking Services staff reflect the equalities profile of BaNES as a whole. Parking have a total of 20 female staff from an establishment of 66. We currently have 1 disabled member of staff within the Business Support Team. Parking Services do not currently have any BME staff.
2.2	What equalities training have staff received?	All managers within Parking Services have either completed or have

		booked Equalities training to ensure compliance with corporate standards. This is a total of 5 staff. For all other staff, a total of 60, no equalities training has been undertaken to date. However, a new on-going training program is now in place with all staff and the next group of staff are booked on training in March 2012, the next available course. A structured training plan is being developed for all new staff to ensure they do receive equalities training in a timely manner after commencing employment.
2.3	What is the equalities profile of service users?	<p>Users of the service will come from groups who are permitted to apply for badges under the statutory provisions. A blue badge can be issued under the following criteria:</p> <p>You are automatically eligible to apply for a badge if you are over two years old and either: receive the Higher Rate of the Mobility Component of the Disability Living Allowance; are registered severely sight impaired (blind); receive a War Pensioner's Mobility Supplement</p> <p>Subject to assessment you may also be eligible for a badge if you are over two years old and either: have a permanent and sustainable disability which means you cannot walk, or which makes walking very difficult; drive a motor vehicle regularly, have a severe disability in both arms, and unable to operate all or some types of parking meter (or would find it very difficult to operate them)</p> <p>If you are a parent of a child who is less than two years old, you may apply for a badge for your child if they have a specific medical condition which means that they either: must always be accompanied by bulky medical equipment which cannot be carried around without great difficulty; need to be kept near a vehicle at all times, so that they can, if necessary, be treated in the vehicle, or quickly driven to a place where they can be treated, such as a hospital</p>
2.4	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	<p>Data taken from 2010 statistics</p> <ul style="list-style-type: none"> Disabled Blue Badges. <p>New applications 994; Renewal applications 2118; Replacement badge applications 48 total of 3160 disabled blue badges issued.</p>
2.5	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	No specific consultation has been undertaken with this EIA by BaNES. However, full consultation was undertaken by the Department for Transport as part of the Blue Badge reform program and is available on the DfT website.
2.6	If you are planning to undertake any consultation in	No further consultation is planned.

	the future regarding this service or policy, how will you include equalities considerations within this?	
3. Assessment of impact: 'Equality analysis'		
	Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy: <ul style="list-style-type: none"> • Meets any particular needs of equalities groups or helps promote equality in some way. • Could have a negative or adverse impact for any of the equalities groups 	
		Examples of what the service has done to promote equality Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this
3.1	Gender – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)	Nil Nil
3.2	Transgender – – identify the impact/potential impact of the policy on transgender people	Nil Nil
3.3	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	The Blue Badge scheme gives severely disabled people access to vital services and a better quality of life by improving access to parking. The aim of the reform programme is to give local authorities the tools to run the scheme efficiently, deliver the scheme to the right people and target those who break the rules. Due to the recognised financial circumstances of some groups affected by disability, the imposed fee could have a greater impact on disabled people. However, as the fee is based over three years the impact is relatively low and the reduction in abuse will benefit the group significantly.
3.4	Age – identify the impact/potential impact of the policy on different age groups	Carers with children between the ages of 2-3 with specific medical conditions would benefit from the eligibility Nil

		extension. Around two-thirds of badge holders are over the age of 65 and they would benefit from the customer service improvements and be able to park in spaces made available by improved enforcement measures.	
3.5	Race – identify the impact/potential impact on different black and minority ethnic groups	Nil	Nil
3.6	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	Nil	Nil
3.7	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	Nil	Nil
3.8	Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	Nil	The increased fee will impact more significantly on the socio-economically disadvantaged who are also disabled and qualify for a badge. However, as the fee is based over three years the impact is relatively low and the reduction in abuse will benefit the holders of badges significantly.
3.9	Rural communities – identify the impact / potential impact on people living in rural communities	Nil	Nil

4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Reform of the Blue Badge Service	Publicise the reforms to the Blue Badge Service to ensure Blue Badge Holders and potential Blue Badge holders are aware of the reforms and the changes		Parking Services.	

5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by:

(Divisional Director or nominated senior officer)

Date:



Equality B&NES

A Voice for Disabled People

Unit 5a Hawthorne Estate, Old Pit Road, Midsomer Norton, BA3 4BQ
Tel 01761 235966, e-mail office@equalitybanes.org.uk

23rd January 2012

Chris Major
Head of Parking Services
B&NES Council

Dear Chris Major

Blue Badge Reform Programme

Equality B&NES is pleased to have the opportunity to submit our views on the B&NES Council's plans to implement the Government's Blue Badge Reform Programme.

Equality B&NES has been established to give a voice to the many people who are disabled or live with long term health conditions in Bath & North East Somerset. We are developing a network of disabled people and their carers to consider and comment on issues affecting their lives and use this information to help public bodies develop services which are more responsive to their needs.

Because of the short notice for this consultation we were only able to circulate the report and EIA to our steering group of 10 experienced members. However we also briefly discussed the proposal at our Open Meeting on Wednesday 18th January. We have also previously discussed Blue Badge issues at a meeting in early 2011.

We support the steps to improve the credibility and effectiveness of the Blue Badge Scheme in the Government's reform programme. Consequently we recognise that it is necessary for the Council to make a £10 charge for the Badge in order to meet the new costs involved in purchasing and issuing badges. While no increase in charges is welcome in the current climate we accept that £10 for a three year badge represents good value for money.

Our members also wished to raise the issue of enforcement of the Blue Badge. The new badge should eliminate problems with forgery and alteration of badges and make it easier to ensure that the holder of the badge is the person using it. We hope that the Council will now give greater priority to tackling the problem of people who misuse badges which have been correctly issued.

We are also aware that the decision some time ago to charge disabled people in the Council's car parks has put greater pressure on the on-street spaces which are reserved for blue badge holders which remain free of charge. We believe that it should be a priority to target those motorists who park in these spaces who do not display a badge. We also call on the Council to ensure that staff using vehicles which display its logo do not park in these bays, even when making a delivery. Such behaviour sets a very bad example and appears to endorse the behaviour of other motorists who abuse these spaces.

We hope you will find these comments helpful.

Will Bee
Development Worker

Radstock Town Council

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Town Clerk: D G Russell MILCM

Chair: Cllr Lesley Mansell BA Hons

Bath and NE Somerset Council
Council Connect

By Email

23rd January 2012

Dear Bath and NE Somerset Council

Blue Badge Increases

The Council were extremely concerned to learn that Bath and NE Somerset Council is considering making a charge for Blue Badges. This can only be seen as unfair and unjust as it comes at a time when many disabled people are facing the prospect of a 20% cut in disability benefits like the Disability Living Allowance.

While it is estimated that there are 1.3 million disabled people in the UK who are available for and want to work, only half of disabled people of working age are in work (50%), compared with 80% of non disabled people (Office for National Statistics 2009). Thus this charge becomes an immediate extra burden.

How can B&NES justify the levying of a charge on a section of the population, which is probably poorer than other parts of society and is faced with the need for an estimated 40% extra in income to survive (OPCS)?

The Equality Act 2010 says that disabled people should be treated more favorably.

Please send the Council copy of the Equality Impact Assessment of this proposal along with your reasons for making such a change.

Yours faithfully



Dominique Russell
Town Clerk

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E2385
TITLE:	West of England Planning Toolkit	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A –Draft West of England Planning Toolkit		

1. THE ISSUE

- 1.1 The West of England Local Enterprise Partnership Board received feedback from a number of groups within the development sector several of whom had raised issues around barriers to growth caused by planning. The Board asked the Infrastructure and Place Group (IPG) to consider ways of overcoming negative perceptions of the planning process to the benefit of all parties, including the identification of procedures which could be applied more consistently.
- 1.2 IPG have recommended that the West of England LEP should in conjunction with the representatives of the development industry publish a planning toolkit to promote a positive and consistent approach to handling large scale planning applications. The IPG are looking for Cabinet endorsement from all four West of England authorities in time for their next meeting in April. In order to meet this timetable this report is brought forward as a special urgency item for this meeting.

2. RECOMMENDATION

- 2.1 That Cabinet agrees to:-

Endorse and adopt The West of England Planning Toolkit as set out in Appendix A and report its agreement to the next West of England Infrastructure and Place Group meeting.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct cost implications for the Council as a result of this decision. The approach will not require any additional budget spend. The work associated with the preparation for the Planning Toolkit has been managed from existing budgets within the West of England LEP office with support from a steering group

of officers. It will however allow a more efficient and effective handling of large scale planning applications by Councils within the West of England.

4 CORPORATE PRIORITIES

- 4.1 This decision contributes mainly to the corporate priorities of “Creating neighbourhoods where people are proud to live” and “building a stronger economy”.

5 THE REPORT

- 5.1 Following a request from the West of England Local Enterprise Partnership Board the Infrastructure and Place Group within the LEP considered a way of working which would promote a more positive approach to handling large scale and complex planning applications. This work was seen to align with the LEP priority to ‘tackle barriers to business growth’ The basis for this was that there is strong evidence that having an up to date planning policy basis and an effective development management process proves to be very beneficial in encouraging business investment.
- 5.2 The aim is to build upon the good practice which exists in all four authorities in terms of pre-application advice and other parts of the Development Management process. This includes the use of a Development Team approach and Planning Performance Agreements which are already offered by the Council. The toolkit is divided into three parts. Part one sets out the key principles which will underpin how the authorities will engage business when managing development. Part two is a Charter which commits the authorities and developers to undertake some practical steps aimed at improving the application process for large scale and complex proposals. Part three is a guide to good practice with links to tools and techniques already used by the authorities.
- 5.3 It should be noted that whilst the Toolkit is designed to provide a consistent approach to the development management process across the four authorities in the West of England. It will not override the adopted Policies within the individual Councils such as Local Plans or Core Strategies.
- 5.4 The collaboration and coordination of process will provide greater clarity of how developers can bring forward major development proposals for consideration by individual Councils. The Toolkit concludes with a commitment to monitor and review its effectiveness on an annual basis.
- 5.5 Should cabinet agree to endorse the Toolkit the next steps would be for officers from the four Councils to ensure that detailed procedures within each Council are aligned and streamlined across the sub region.
- 5.6 The agreed approach will aim provide an improved and consistent way of working which should deliver higher quality planning applications for consideration and decisions delivered within expected timescales.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 The West of England Planning Toolkit will apply to all people regardless of sex, race, disability or other orientation. There are no specific impacts arising from the Toolkit and therefore a proportionate equalities impact assessment is not required.

8 RATIONALE

- 8.1 See section 5 of the report.

9 OTHER OPTIONS CONSIDERED

- 9.1 The only other option would be for Cabinet not to endorse the Toolkit. A decision not to endorse this joint protocol would not enable a consistent message across the West of England. It would maintain the status quo in terms of this Council's Development Management processing response. It would also potentially send out a negative message in terms of the state of readiness to deliver the growth set out in the Council's Core Strategy. It would also risk the loss of potential development investment.

10 CONSULTATION

Cabinet members; Overview & Scrutiny Panel; Other B&NES Services;; Local Residents; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer.

I can confirm that the Chair of the PTEPDS Panel has agreed that the item should be dealt with under special Urgency Rule 16.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

Customer Focus; Sustainability; Human Resources; Property; Human Rights; Corporate; Impact on Staff; Other Legal Considerations.

12 ADVICE SOUGHT

The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>David Trigwell, Divisional Director Planning & Transport 01225 394125</i>
Sponsoring Cabinet Member	<i>Councillor Tim Ball</i>
Background papers	<i>n/a</i>
Please contact the report author if you need to access this report in an alternative format	

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The West of England Planning Toolkit

making the planning process work better for everyone

The four West of England Councils, the Local Enterprise Partnership (LEP) and representatives of the development industry have jointly published this toolkit to promote a more positive and consistent approach to planning – one where the authorities, developers and local communities work together to deliver better places and sustainable economic growth.

It has been produced because a streamlined and collaborative planning system is key to securing the investment needed to protect and enhance the environment and support the local economy.

The toolkit is divided into three parts.

Part One sets out the key principles which will underpin how the authorities will engage business when managing development.

Part Two is a Charter which commits the authorities and developers to undertake some practical steps aimed at improving the application process for large scale and complex proposals.

Part three is a guide to good practice with links to tools and techniques already used by the authorities.

Part One: Principles

Our approach to managing development proposals within the West of England will be based on the following seven principles:

- **Working in partnership:** the authorities, applicants and other key stakeholders will work with each other to simplify the process and produce higher quality planning applications.
- **Being proactive:** employ creative solutions to unblocking development (especially when considering scheme viability) and identifying opportunities to add value to local visions.
- **Front loading:** explore different ideas and options for sites early on before things get fixed.
- **Effective engagement:** ensure that all those affected by development can have their say, especially early on when there is more scope to shape proposals.
- **Proportionality:** be realistic about the information and resources required to support plans and proposals.
- **Business like:** use robust project management tools to reduce uncertainty and delay when dealing with applications.
- **Being open and flexible:** share information and adapt to changing circumstances.

Part Two Planning Charter

What the Unitary Authorities will do	Project inception	Pre application	Application	Post decision
	<p>Project vision and set of objectives aligned to a PPA</p> <p>Signpost key stakeholders</p> <p>Provide access to a senior officer to test proposals and explore different</p> <p>Agree a protocol for early member engagement</p> <p>Identify opportunities for meeting wider objectives as set out in the Sustainable Community Strategy</p> <p>Manage the process using a PPA</p>	<p>High quality planning application</p> <p>Establish a development team and maintain throughout the process</p> <p>Scope resource requirements</p> <p>Advise on technical aspects and provide feedback on the S106 'ask'</p> <p>Arrange member workshop(s)</p>	<p>Timely and transparent decision</p> <p>Agree to a time managed process</p> <p>Provide early feedback on officer and consultee views</p> <p>Review application content and resolve outstanding issues</p> <p>Draft schedule of conditions/obligations</p>	<p>Timely discharge of conditions and obligations</p> <p>Commit to a programme for discharging conditions</p> <p>Undertake post completion review</p> <p>Maintain regular dialogue with applicant and jointly tackle delivery issues</p>
What developers will do	<p>Talk to existing communities about their priorities for improving the area</p> <p>Engage statutory bodies to identify constraints and opportunities</p> <p>Develop a vision and broad objectives and consult with key stakeholders</p> <p>Manage the process using a PPA</p>	<p>Commit to effective pre-application community consultation</p> <p>Involve UA/statutory bodies in briefings for technical studies</p> <p>Share viability appraisals with UAs</p> <p>Arrange a Development Management Forum</p> <p>Agree scope and content of application with UA</p>	<p>Agree to a time managed process</p> <p>Submit community engagement statement</p> <p>Where appropriate commit resources to process application</p>	<p>Submit additional information in a timely fashion</p> <p>Maintain regular dialogue with UA and jointly tackle delivery issues</p>

Part Three: Practice Guide

The four Councils have published their own detailed protocols and practices which have been tailored to each area and these will continue to operate.

Each authority is also committed to importing good practice from its neighbours, especially when dealing with large scale and complex proposals, in order to improve consistency and certainty for developers thinking of investing in the area. The following examples are linked to the key principles, set out in Part 1 of the toolkit.

Partnership Working

In 2011 Bristol City Council updated its [Planning Protocol](#) for engaging with business. It contains detailed guidance when dealing with 'Major' and 'Super Major' applications.

Future Proofing S106 Agreements

In 2011 the authorities published a [report](#) outlining how they can work collaboratively with developers to maximise affordable housing provision. The report sets out options for proactively responding to changing viability conditions over the lifetime of a project.

Concept Statements

South Gloucestershire Council encourages developers to prepare 'Concept Statements' before they submit a planning application. These are concise illustrations of the vision and broad principles for developing a major site and are usually submitted to the Council for endorsement following public consultation. Further details are set out in the Council's [Statement of Community Involvement - adopted May 2008](#).

Using Planning Performance Agreements

All four authorities promote the use of Planning Performance Agreements (PPAs) as a project management tool for dealing with large scale and complex proposals. South Gloucestershire Council has published its own [PPA Charter](#) and Bristol City Council has included guidance in its Planning Protocol document.

The Development Team approach

For large scale and complex schemes each authority establishes a Development Team of officers representing a range of services. These teams meet regularly and provide detailed advice to applicants.

North Somerset Council has taken this one step further by introducing an Economic Development Protocol aimed at maximising the benefits of investing in major employment opportunities.

Monitoring and Review

The authorities are committed to monitoring the effectiveness of this Toolkit. In conjunction with the LEP and other business partners and stakeholders they will carry out an annual review and jointly publish updates where necessary.

In addition the authorities will be responding to recent changes to the planning system brought about by the Localism Act 2011 and the National Planning Policy Framework when this is published in its final form.

Areas of the Toolkit which will require particular consideration in this context include:

- Member engagement
- Pre-application consultation

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Bath & North East Somerset Council		
MEETING:	Cabinet	
MEETING DATE:	14 March 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2329
TITLE:	Award of Contract for Bath Park & Ride services	
WARD:	All	
AN OPEN PUBLIC ITEM LIKELY TO BE TAKEN IN EXEMPT SESSION		
List of attachments to this report:		
Appendix A – Schedule of tenders received (exempt)		
Appendix B – Schedule of consultation responses received		

1. THE ISSUE

- 1.1 To agree the award of contracts for Bath Park & Ride services operating from sites at Newbridge, Lansdown, and Odd Down.

2. RECOMMENDATION

The Cabinet agrees:

- 2.1 That Appendix A is an exempt item and is not for publication, by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.
- 2.2 To note the tender prices received as set out in Appendix A, and to agree the award of contracts as recommended in 5.8 below.

3. FINANCIAL IMPLICATIONS

- 3.1 The Park & Ride services are registered bus services within the meaning of the 1985 Transport Act. Under the English National Concessionary Travel Scheme (ENCTS), concession pass holders travel free, with re-imbursement to the operator made by the Council. The existing contracts are gross cost (the Council keeps all revenue from the service), and the Council therefore receives revenue in respect of journeys undertaken by holders of ENCTS passes, forecast to be £537,726 in 2011/12 (2010/11: £555,830).

The Council will continue to retain ENCTS revenue under the new contract and therefore the financial implications of the decision only consider the impact on costs and cash revenues of the services.

- 3.2 The base contract for Park & Ride operation has an annual (2011/12) cost of £1,048,781. Additional services are contracted for some Bank Holidays, pre-

Christmas services, Sundays, evening services and special events such as the Bath Half Marathon. The total cost of bus service operation in 2011/12 is forecast to be £1,077,545 (2010/11: £1,032,292). Contract prices are indexed by a weighted basket of inflation indices related to bus service operation. The contract price will rise by 5.6% from April 2012.

- 3.3 Cash is collected on the services for return trips (£3.00 or £2.50 on Saturdays). Alternatively customers can purchase a ticket for 10 single journeys for £12.00. Forecast revenue for 2011/12 from both ticket types is £1,563,926 (2010/11: £1,523,250). The 2011/12 forecast includes the full year impact of the ticket price increase in September 2010.
- 3.4 The service is projected to generate an operating cash surplus of £486,381 in 2011/12 before marketing and site management costs are taken into account. This is below the revenue target for the year. Additional revenue is also generated by the sale of advertising space on the buses and sites. Overall the service generates a surplus that supports other Council transport policy related activities.
- 3.5 The recommended contract award will result in an operating cash surplus of £632,843 per annum at September 2012 prices. This sum will be paid by the operator to the Council, and will be indexed annually using a weighted basket of inflation indices related to bus service operation.

The Council will continue to retain all revenue from advertising on the P&R buses and at the P&R sites. Marketing costs will be reduced as the operator bears these costs.

- 3.6 As part of the Bath Transportation Package (BTP) supported by the DfT, the Council would increase services in order to meet increased P&R demand following expansion of the sites. The costs of these service increases were anticipated to be £292,683 per annum and were assumed to be fully covered by additional income from the extended P&R sites. Under the terms of the recommended contract these costs will be entirely borne by the operator, but the Council will not benefit financially from any patronage increases following the expansion of the P&R sites.
- 3.7 The increase in operating surplus will offset the additional revenue costs, other than bus costs, that will be incurred following implementation of the BTP, and were also assumed to be covered from additional P&R income. The capital costs of the BTP are separately budgeted for, and are not impacted by this contract.
- 3.8 Under the terms of the recommended contract the Council will forgo the flexibility of raising fares to manage Council revenue budgets. The operator may increase fares, but only annually, in line with a basket of inflation indices.
- 3.9 The introduction of P&R services on more Sundays and Bank Holidays will have an adverse impact on Council revenue from car parks. This impact is estimated at between £20,000 and £40,000 per annum

4. CORPORATE OBJECTIVES

- 4.1 The Corporate objectives are:

- Promoting independence and positive lives for everyone
- Creating neighbourhoods where people are proud to live

- Building a stronger economy

4.2 The Council developed the Bath Transportation Package (BTP) as an holistic approach to the city's transportation problems. The aims of the BTP are:

- To create a high quality public transport system to ensure that attractive alternatives exist to the use of the private car;
- To reduce congestion and improve air quality;
- To improve accessibility;
- To secure environmental improvements;
- To create an effective and efficient transport system that will encourage the Bath Western Riverside regeneration project and other future developments

The expansion of the existing Park & Ride sites is a key element of the BTP, recognising that these are an important part of creating an effective transport system both for visitors to Bath and for developments within the city.

4.3 The Council has developed an Air Quality Action Plan in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995. The Environmental Audit Commission and DEFRA are encouraging local authorities to consider climate change and air quality together because of the relationship between air quality, greenhouse gas emissions and carbon emission.

Bath and North East Somerset Council has adopted a target of 30% reduction in their own Carbon emissions on 2008 levels by 2014; and 45% for all emissions across the district by 2026.

4.4 The proposals meet the objectives of the BTP by delivering high quality public transport services that are used extensively by employees, B&NES residents, and visitors to Bath. The proposals include incentives to increase the usage of the Park & Ride facilities in line with the expansion of the sites. The adoption of the most up to date vehicle technology for these services will further reduce emissions and help improve air quality on the corridors where these services operate. The introduction of Sunday and Bank Holiday services increases the attractiveness of Bath as a visitor destination, and supports the retail and leisure economies of the city.

The Park & Ride services replace hundreds of thousands of car journeys that would otherwise add to congestion and pollution in the city and its suburbs. By providing these services traffic congestion is reduced, air quality enhanced, and neighbourhoods across the city of Bath are improved. These proposals help make Bath & North East Somerset an even better place to live, work, and visit.

5. THE REPORT

5.1 The Park & Ride services operate under a gross cost contract to the Council, where all revenue from the service is retained by the Council. The contract was originally let in 2006, and extended to accommodate the decision process for the BTP. The contract now expires at the end of August 2012.

5.2 In addition to the core Monday-Saturday operation, additional services are contracted by competitive tender each year for extra services at Christmas (Sundays, evenings, and Saturday extras), and for the Bath Half Marathon.

- 5.3 A consultation exercise was carried out (see section 10 below). The specifications for services were drawn up in the light of the consultation responses, patronage data, and other information available to the Public Transport Team.
- 5.4 The contract specifications developed as a result of this exercise included a number of options that Operators were requested to price. These included:
1. The award of contracts of up to eight years duration on the basis of using new double deck diesel buses operating to the EEV (Enhanced Environmentally-Friendly Vehicle) emission standards.
 2. The award of contracts of up to eight years duration on the basis of using new double deck buses using hybrid diesel/electric technology.
 3. The award of contracts of up to four years duration on the basis of using double deck buses under 10 years of age operating to Euro III emission standards (as per the current fleet).
 4. For any fleet option (1-3 above), the costs of additional services on Sundays, on some Bank Holidays, and for later operation in the evening.
 5. For any fleet and service option (1-4 above), the costs of operating on a gross cost basis (where revenue would be retained by the Council).
 6. For gross cost contract options (5 above), the additional costs that would be incurred to increase vehicle provision and service frequency in response to increased demand following the implementation of the site expansions in the BTP.
 7. For any fleet and service option (1-4 above) the sum that would be paid to the Council in respect of an exclusive licence to operate the services from the Park & Ride sites in return for the operator retaining the revenue from the services (a net subsidy form of contract).
- 5.5 Analysis of contract revenues and patronage was undertaken to forecast future revenues and enable evaluation of gross cost bids.
- 5.6 An open tender was initiated on the 14th November 2011 with responses required by 3rd January 2012. The tender was advertised in the Official Journal of the EU, with tender documentation made available using the electronic portal "supplyingthesouthwest.org.uk". A total of 6 operators tendered for at least one of the options available.
- 5.7 The tenders received are summarised at Appendix A.
- 5.8 It is proposed that a contract be awarded as follows:
1. With effect from 3rd September 2012 for a period of eight years the Park & Ride services will be operated under contract by First Somerset & Avon on a net subsidy basis.
 2. The service will operate using new diesel/electric hybrid powered double deck vehicles, fitted with leather seats, Wi-Fi Connectivity, and Real Time Information tracking.

3. The service will include operation on all Sundays except for Easter Sunday.
4. The service will include operation on Good Friday, Easter Monday, early May Bank Holiday, Spring Bank Holiday and Summer Bank Holiday, as well as weekday Bank Holidays in lieu of Christmas Day, Boxing Day, and New Year's Day where those dates fall on a weekend.
5. The service will include operation of all special event services, including the Bath Half Marathon and extra services, including evenings, provided at Christmas.
6. The Council will retain all concessionary travel payments due from the ENCTS, but the operator will otherwise retain the revenue collected on or attributed to the service.

6. RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 The extension of Park & Ride services to Sunday operation will abstract from Council car park revenue on Sundays. It is recognised, however, that visitors will make their choice of where to park based on a number of factors. At present those choices include free on-street parking on Sunday. The introduction of Sunday Park & Ride services will potentially enable the wider enforcement of parking restrictions on Sunday.
- 6.3 The Council will lose the ability to set Park & Ride fares as a means of managing its revenue budgets, although the Council has already pledged to keep fares unchanged this year. This is offset by the immediate financial benefits of the recommended award.
- 6.4 The Council will lose the ability to set prices for Park & Ride services as part of a coherent package with parking charges. The restrictions on fare increases are however, considered likely to incentivise Park & Ride usage in comparison with car park and on-street parking charges.
- 6.5 There is an existing risk to the future of the commercial bus service 2 (operating on Lansdown Road) following the announced closure of the MOD site at Ensleigh. The introduction of integrated bus/Park & Ride ticketing on services using this corridor could have an impact on this service.

7. EQUALITIES

- 7.1 A proportionate equalities impact assessment has been completed and the report will be published on the Council website.
- 7.2 The contracts proposed retain the use of low floor vehicles on services where these currently operate, enabling greater access to the bus network for elderly and disabled passengers.

8. RATIONALE

- 8.1 All the Park & Ride services operate along major roads that form part of the Bath Air Quality Management Area (AQMA). The Bath Air Quality Action Plan (published in February 2011) included the trial of a diesel/electric hybrid powered bus on the Park & Ride services. The Action Plan also included a commitment to identify and promote the cleanest available vehicles for public transport. The selection of a hybrid powered fleet supports this element of the plan, and has the benefit of significantly improving fuel consumption (nearly 50% better mpg) compared to standard diesel powered vehicles.
- 8.2 The additional costs of using new hybrid powered buses for the Park & Ride services is £43,191 per annum, compared to the cost of using new diesel powered (EEV standard) buses for the same services. This is considered to be good value for money.
- 8.3 There was very widespread support from the consultation exercise for the expansion of the Park & Ride services to operate on Sundays and Bank Holidays. There is widespread recognition that the appeal of Bath as a retail, tourist, and leisure destination is enhanced by Park & Ride provision. The additional cost of extending the current services to the level detailed in 5.8(3)(4) above is £6,180 per annum which is considered to be very good value for money.
- 8.4 The award of a net subsidy contract offers substantial financial benefits to the Council compared to the best gross cost offers on the services concerned.
- 8.5 The award of a net subsidy contract incentivises the operator to increase usage of the Park & Ride services, and to promote and market those services effectively. The operator is incentivised to develop and market integrated tickets that promote usage of bus services, including Park & Ride services. The operator is also required to introduce multi-operator tickets at the instruction of the Council.
- 8.6 The award of a net subsidy contract avoids significant financial risks that would arise under a gross cost contract from the need to commit additional expenditure in the future to increase service levels following the site expansions planned as part of the BTP. The net subsidy contract is fully consistent with undertakings made to the DfT as part of the BTP submission.
- 8.7 The Council will retain a significant degree of control over operating timetables through approval of an operating plan for the service. The current first/last journey times are a contractual commitment, as is a minimum frequency of 15 minutes (Mon-Sat) between departures for all sites.
- 8.8 The initial operating plan stipulates that there will be no change to the current timetables before 31st March 2013.
- 8.9 The award of a net subsidy contract ensures that no fare increase can take place before 31st March 2013, and that any future fare increases are indexed, using a weighted basket of inflation indices, to the last price increase in September 2010.

9. OTHER OPTIONS CONSIDERED

- 9.1 There was support for extending the Park & Ride services to operate later in the evening and prices were requested for this service option from bidders. This

option cannot be taken up at the start of the contract due to planning restrictions on lighting of the sites.

- 9.2 Prices were sought for continuing the service using vehicles of the same standard as currently operated. This would not have required new vehicle purchase and was designed as a low cost option in the event that bids for new vehicles were unaffordable. It has not been necessary to pursue this option.

10. CONSULTATION

- 10.1 Ward Councillor; Cabinet members; Parish Council; Town Council; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Monitoring Officer

- 10.2 In September 2011 all Ward Councillors, and all B&NES Town and Parish councils were invited to comment on the specifications for the future tender round. Further advice was also sought from the management of the Bath Business Improvement District as an organisation representing the retail and leisure industry in the city centre. Bus Operators were briefed on the specifications and invited to comment, further meetings were held with operators in advance of finalising the tender specifications. A summary of consultation responses is attached as Appendix B.

11. ISSUES TO CONSIDER IN REACHING THE DECISION

Social Inclusion; Customer Focus; Sustainability; Corporate.

12. ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Richard Smith, Senior Public Transport Officer: 01225 477604
Sponsoring Cabinet Member	Councillor Roger Symonds
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-12-001

Meeting: Cabinet

Date: 14 March 2012

Author: Richard Smith

Report / Appendix Title/s:

Award of Contract for Bath Park & Ride services

Exempt Appendix A – Schedule of tenders received

The appendices contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemptions outweighs the public interest in disclosure at this time. It is therefore recommended that the Panel resolve to exclude the public, should they wish to discuss the appendices to the report. The paragraphs below set out the relevant public interest issues in this case.

Factors for withholding:

- The exempt appendix contains information on the various bids for the Park & Ride Services.

- Public transport is a highly competitive market and release of this information could prejudice the position of the bidding companies.
- The contract for the services has not yet been awarded. Disclosure of this information is likely to prejudice the Council's ability to negotiate suitable contracts for the provision of these services to ensure the Council gets best value for money, as its funds are in essence public funds.

Factors for disclosure:

Disclosure would:

- Further public understanding of the issues concerned.
- Promote accountability and transparency by the Council for the decisions it takes.
- Allow individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.
- Promote accountability and transparency in the spending of public money.

Reasons why the public interest favours withholding:

- The contract for the services has not yet been awarded.
- There is strong public interest in the Council delivering cost effective services and obtaining best value for money. Release of this information would prejudice this function, as outlined above, and is therefore not in the public interest.
- It is in the public interest that the Council is able to deliver cost-effective solutions in relation to significant local issues. This depends partly on the Council being able to protect its commercial position while the detailed terms of relevant schemes are agreed.
- It would not be in the public interest if advisors and officers could not express in confidence opinions which are held in good faith and on the basis of the best information available.
- It is also important that the Committee should be able to retain some degree of private thinking space while decisions are being made, in order to discuss openly and frankly the issues under discussion in order to make a decision which is in the Council's best interests.

- The Council considers that the public interest has been served by the fact that a significant amount of information has been made available on these issues – by way of the main report and additional appendix.

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E2329 – Award of Contract for Bath Park & Ride Services

Schedule of Consultation responses and Issues Arising

Responses from Elected representatives			
Item	Response from	Key Points	Comments
1.	Cllr. Andrew Furse	<ul style="list-style-type: none"> Sundays - since this has become in many ways a normal trading day and car parks are charged. Those coming into Bath to work (many on minimum wage) are forced to find alternatives and drive into the city centre area. Closing times – many will say that the closing times are too early and prevents many from having a meal / going to the cinema or theatre if having come into Bath on the P&R. <p>Both of these need to be discussed and considered with the business community to try to find the best compromise solution. Remember that when pricing the P&R it should not be done on gaining maximum economic return but that that gives the best return regarding minimising journeys, pollution, carbon etc.</p>	<p>Sundays & Bank Holidays to be priced in tender</p> <p>Later evening operation is subject to a planning restriction on site illumination, but prices being requested in the tender</p> <p>Noted</p>
2.	Cllr. Cherry Beath	Extending the services to include Sundays and some Bank Holidays would be a good development	Sundays & Bank Holidays to be priced in tender
3.	Cllr. David Dixon	<p>I would like to see the following considered.</p> <ul style="list-style-type: none"> Sunday operation a must. Low emission vehicles. 	<p>Sundays & Bank Holidays to be priced in tender.</p> <p>EEV emission standards and hybrid bus option specified in contract</p>
4.	Cllr. David Martin	<p>Welcome the inclusion of a provision for requiring environmentally efficient vehicles, and the prospect of introducing hybrid vehicles on the P&R routes. Will the tender specification be more specific about what level of emissions control is expected (Euro IV, or Euro V or other standards?), and will it include a section on what technical requirements may be suitable for hybrid vehicles?</p> <p>I gather that the CIVITAS experimental period of using the Wrightbus hybrid bus on the P&R routes has been fairly successful, so would you consider providing suitable publicly available data from that experiment to tenderers so that they can see the benefits and performance of the bus in a real situation?</p>	<p>Core tender specification for diesel engine vehicles is the EEV standard.</p> <p>Technical specifications for hybrid vehicles vary by manufacturer, so detail of submission left for bidders to decide</p> <p>Technical data now widely available from manufacturers and companies' own experience.</p>

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Responses from Elected representatives			
5.	Cllr. John Bull	I would very much like to see a Sunday service (and possibly later operation in the evening)	Sundays & Bank Holidays to be priced in tender. Later evening operation is subject to a planning restriction on site illumination, but prices being requested in the tender
6.	Cllr Paul Crossley	<ol style="list-style-type: none"> 1. Can we use electric buses? 2. Can we ask for the bid to give options on late opening and more weekend availability? 	<p>Full electric powered vehicles of the size required are not yet available in UK. Hybrid diesel/electric buses included as a tender option.</p> <p>Evening and Sunday operation to be priced in the tender specification</p>
7.	Cllr. Rob Appleyard	Operating Sundays would be a welcome addition to the service	Sundays & Bank Holidays to be priced in tender
8.	Cllr. Roger Symonds	I would also like there to be the facility for any company that accepts the contract to be able to trial an electric bus or buses if we decided at a later date that this is what we wanted It would not be a requirement for them to pay or organise this, but I would like us to have the ability to run such a trial.	Included in Service developments for Contract
9.	Cllr. Tim Warren	I am writing as the transport spokesman for the Conservative group. We would like to include the option of opening the P&R's on Sundays in the tender process.	Sundays & Bank Holidays to be priced in tender
10.	Dunkerton PC	Dunkerton Parish Council believes the park and ride service is excellent and should be encouraged. With particular reference to the forthcoming tender process Dunkerton Parish Council would like to see the service extended so that it runs on a Sunday and later in the evenings. We appreciate that this may mean a reduced level of service in terms of frequency of buses at these times.	Sundays & Bank Holidays to be priced in tender. Later evening operation is subject to a planning restriction on site illumination, but prices being requested in the tender.

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Responses from Elected representatives			
11.	Englishcombe PC	Request that as part of the tendering process the specification for the Odd Down park and ride service includes provision for an additional stop in the city centre - preferably near the other end of Milsom Street than the current one central stopping off point.	Not agreed. The additional journey time from St James Parade would require at least one additional vehicle with resulting cost increase of 33% for the 41 service, but without any frequency benefits. Existing bus services provide links from Dorchester street to High Street/ Broad Street
12.	Radstock Town Council	<p>Service Development</p> <ul style="list-style-type: none"> a survey could be conducted to see if there were any benefits to linking park and ride sites, for instance Odd Down with Brislington. This would reduce car traffic. Sunday opening throughout the year was supported. Later evening operation of the Odd Down site in particular was supported to allow access to social events in Bath. The Council welcomed the idea of developing the sites further and suggests encouraging more coaches to park at the sites. <p>Vehicle Specifications</p> <ul style="list-style-type: none"> The Council did not think bendy buses worked well around Bath and therefore should not be in the vehicle specifications. Better space for pushchairs and wheelchairs was identified. <p>Basis of Contract</p> <ul style="list-style-type: none"> The Council would like Bath and North East Somerset Council to learn the lessons from Bristol's tendering process and ensure that the contractor can meet the terms of the contract. The Council would like to see prices held 	<p>Not agreed. Likely to be significantly slower than direct bus services between Radstock and Bristol.</p> <p>Sundays & Bank Holidays to be priced in tender. Later evening operation is subject to a planning restriction on site illumination, but prices being requested in the tender.</p> <p>Utilisation as coach park facility to be discussed with parking Services</p> <p>Specification is for low floor double deck vehicles with DDA compliant access</p> <p>Noted</p> <p>Fares are subject to council control for gross cost contracts. For a net subsidy contract, fares would be indexed to costs and subject to annual increases.</p>

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Operator Responses			
Item	Response from	Key Points	Comments
1.	Martin Curtis Bath Bus Company	<p>Although we have mentioned this to you before, and as I was personally involved in establishing all three P&R routes many years ago, we are certainly interested in the future of these services. We note that there is the possibility of extending the operations further during the course of the contracts which we feel is unlikely to be a problem for the successful tenderer and in our case, we would have an interest in either a gross cost or net subsidy contract as in both cases there is potential to develop the services. This is perhaps particularly so in the case of the net subsidy contract but we believe the winning operator should be openly enthusiastic about improving the standards of service offered.</p> <p>Whilst we have no specific comment concerning the timetables or periods of operation, which will tend to be tailored to meet the needs of the Bath economy, we do have some suggestions concerning vehicle specification. Our sister company London United has considerable experience of hybrid vehicles and we would draw on this to better understand the various systems employed, which seem to vary enormously in their success of operation. We would also suggest that considerable attention is given to the internal layout and specification of vehicles used with a view to minimising boarding and alighting times. Again, this could be based on work we are doing elsewhere. We most certainly believe that double-deckers are appropriate in order to provide each passenger with a seat to travel as far as possible, since this is a fundamental principle of P&R operations. It is of considerable concern that a rather different approach is being taken in Bristol currently, which we believe will detract from the P&R services there.</p> <p>The final comment is that there is quite a tight window for vehicle ordering between announcing the successful tenderer and the commencement of the contract, especially if modifying interiors or layouts of buses were to be employed. If we were successful therefore, we would immediately consult manufacturers about this issue and indeed would probably make enquiries about these issues beforehand to prepare manufacturers before the tender results were known. Manufacturing slots could then be reserved if necessary and as required.</p>	<p>Noted and welcomed</p> <p>Noted. Specification is for double deck vehicles</p> <p>Noted</p>

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Operator Responses			
2.	Jude Winter Deputy Chief Executive HCT Group	<p>1. Sunday services: We support the proposal to extend the service to operate on a Sunday, as Sunday is now the 2nd biggest shopping day after Saturday, albeit with a later start. However, parking restrictions together with any Sunday traffic strategy needs careful consideration for this to be as successful as possible.</p> <p>2. Basis of contract: Although we understand the impetus behind the proposal to change the service from a gross subsidy to a net subsidy one, transferring risk to the Operator, we do feel that the reward is also transferred to the Operator, which is a shame in such a successful service, given the Council's current financial situation. We feel that there are other ways for incentivising Operators to run a high quality service and to actively promote increased ridership.</p> <p>Rail franchising, where you do conflate the revenue and the cost picture, has not yielded anything like the cost benefits that have been achieved by Transport for London, which has separated the revenue from the cost, and where modal shift is now 49% of all UK bus journeys in London alone.</p> <p>If a net subsidy contract were to be offered, our experience is that Operators are more cautious about their pricing and a higher overall tender price is submitted to mitigate against risk. Also far more detailed passenger ridership figures are required to make a judgement on fares income by any new operator, often giving the incumbent an advantage in the tender process.</p> <p>We very much look forward to participating in this tender, and would appreciate knowing the outcome of the Bath Transport Package as soon as the result is announced.</p>	<p>Sunday services included in tender specification, but there is no specific linkage in the contract to parking controls or enforcement</p> <p>Operators invited to tender on either or both of Gross Cost and Net Subsidy basis of contract.</p> <p>Detailed figures to be supplied as part of tender process</p> <p>Outcome of BTP bid publicised to bidders during tender process</p>

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Stakeholder Responses			
Item	Response from	Key Points	Comments
1.	Simon Pullen & Andrew Cooper Bath Business Improvement District	<p>54% of BID Levy Payers are retailers and we feel there is a great opportunity to improve the P&R service for the business and retail economy of Bath.</p> <p>Sunday opening As more and more stores open on Sunday, we are amazed that as a retail and tourist destination, the P&R is not open. As Bath is very busy on Saturdays this can have a negative impact as to whether people think it is worthwhile to visit. Sunday opening is popular with visitors and the P&R Sunday operation would help ease the pressure on parking spaces and volume on Saturdays. We would strongly advocate the P&R is open on Sundays as a mandatory requirement of the new contract. Retail staff occupy valuable short term shopping spaces on a Sunday due to no P&R services. This has a major impact on motivating staff to work and making it cost effective for them. In the high season Sunday can be the second busiest day and with an estimated 4.5m stay and day visitors to Bath per annum we must seize the opportunity to make Bath more accessible. If the decision was made to have an all year round 'Sunday Service' for the P&R the Bath BID would actively promote this through its marketing campaign as part of our retail and visitor offer.</p> <p>Bank Holiday Opening We welcome the increased services around Christmas time and Bank Holidays. This is important for retailers and every effort should be made to ensure the P&R services are operating. It all depends when Christmas falls, but more and more retailers are opening on Boxing Day or the Bank Holidays that immediately following Christmas. Good Friday works well and Easter, May Day, Spring Bank and August Bank holiday are during the busy tourist season.</p> <p>In our mind Bath is either open or not. To have a mixed message will only serve to confuse the consumer. We support your efforts to improve the Park and Ride services in Bath and anticipate that the new contract will serve the needs of both the consumer and retailers in Bath. We look forward to further dialogue and the outcome of your current tendering process.</p>	<p>Noted</p> <p>Sundays & Bank Holidays to be priced in tender. Suggestion of marketing support noted and welcomed.</p> <p>Bank Holiday specifications in the tender exclude Boxing Day. This is, locally, a day when no bus services operate and inclusion of this as an operating day would introduce significant extra depot opening costs. Weekday Bank Holidays in lieu of Christmas & Boxing Day are included in the tender.</p> <p>Noted</p>

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Stakeholder Responses			
2.	Nick Brooks-Sykes Chief Executive Bath Tourism Plus	<p>I am writing to support the request that the new contract extends the scope of the P & R facility to include Sundays.</p> <p>As we seek to grow the visitor economy of the City, we will increasingly focus our activity to highlight 'off peak' periods. As a significant tourism destination, any aspect that highlights that facilities are open all week long and all year round will find resonance with our target audiences. A seven day P & R operation will also assist with visitor management and help alleviate the congestion which can potential spoil the visitor experience.</p> <p>I do hope that you are able to support an extension to the P & R facility.</p>	Sundays & Bank Holidays to be priced in tender

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