

BATH AND NORTH EAST SOMERSET COUNCIL

HOUSING AND MAJOR PROJECTS POLICY DEVELOPMENT AND SCRUTINY PANEL

Tuesday, 19th March, 2013

Present:- Councillors Eleanor Jackson (Chair), Steve Hedges (Vice-Chair), Brian Simmons, Will Sandry, Gerry Curran and June Player

Also in attendance: Graham Sabourn (Associate Director for Housing), Jeremy Manners (Environmental Health Officer), Cleo Newcombe-Jones (Planning Policy Officer), Simon Martin (Operations Manager) and Ann Robins (Planning and Partnership / Supporting People Manager)

68 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

69 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure. She apologised for not closing the previous meeting sooner in view of the adverse weather conditions which set in. The meeting would end if a similar situation arose again.

70 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Les Kew and Tim Ball, Cabinet Member for Homes & Planning had sent their apologies to the Panel. Councillor David Veale was present for the duration of the meeting as a substitute for Councillor Les Kew.

71 DECLARATIONS OF INTEREST

The Chair declared a non-pecuniary interest as she is the secretary for the Meadow View Action Group.

Councillor Steve Hedges declared a non-pecuniary interest in Item 9 (Sheltered Housing) as he works for Methodist Homes for the Aged (MHA).

72 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

73 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

The Chair announced that Mr George Bailey would address the Panel on behalf of Mr David Redgewell prior to the Major Projects Update report.

Cllr Lesley Mansell (Radstock Town Council) had submitted two questions to the Panel that had been given a written response, a copy of these can be found on the Panel's Minute Book.

She also made a brief statement. She explained that the Radstock & Westfield Economic Forum was formed in the summer of 2011 and that members of the Forum had met with Councillor Cherry Beath soon after its establishment. She said that the Council had agreed to carry out some publicity on behalf of the Forum, but that this has yet to happen.

She stated that she would like to see the results of the public consultation exercise into how the agreed funding for the area will be spent.

She added that she felt the area needed more small business units, further job creation and support to those people who claim benefits.

Councillor Gerry Curran asked who the members of the Radstock & Westfield Economic Forum were.

Councillor Cherry Beath, Cabinet Member for Sustainable Development replied that there was not an Economic Development Officer present to answer that question. She added that a report will be taken to April's Cabinet meeting setting out how the Council proposes to allocate the capital funding.

Councillor Gerry Curran commented that a recent planning application by a supermarket for Westfield had received differing views from representatives of Midsomer Norton, Radstock and Westfield. He therefore suggested that further cohesion for the area was required.

Cllr Lesley Mansell agreed that a cohesive plan / a vision for the area were needed.

Question from Cllr Lesley Mansell

74 MINUTES - 22ND JANUARY 2013

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

75 CABINET MEMBER UPDATE

Councillor Cherry Beath, Cabinet Member for Sustainable Development addressed the Panel, she highlighted some of the recent actions from within her portfolio.

Public Realm

• High Street

- Planned completion date – 22nd April 2013

Guildhall Tech/Creative Hub

- Decorations to interior commenced
- Completion anticipated early April 2013

BWR Future Phases

- Crest is progressing terms with Wales and West (WWU) to decommission the gas holders. B&NES have applied to the Local Enterprise Partnership for RIF (Revolving Infrastructure Funding) to bring this forward.
- Cabinet decision upon use of RIF is on the forward plan for an April 2013 decision
- Decommissioning is expected to take up to 2 years from the point WWU contract with Crest.

MOD Sites

- It is understood that the purchasers of the three sites have been identified. No formal announcements concerning their identity have yet been made, but it is anticipated that announcements may be made shortly.
- Once the announcements regarding the successful purchasers are made, it is expected that the timeframes around the prospective development programme should become more apparent.

South Road Car Park, Midsomer Norton

- Marketing of the site will commence in April 2013 to dispose of a long leasehold interest for food retail use.
- Envisaged that this will promote increased footfall & improved links with the High Street to promote private investment / regeneration opportunities for the town.

Councillor Brian Simmons asked for any further information on Somerdale and K2.

Councillor Cherry Beath replied that she would like to see a better employment plan for the Somerdale site and that the Council is currently considering bids received for the sale of the K2 site.

Councillor Gerry Curran asked why the red and white barriers were still in place on Dorchester Street. He also mentioned that he had heard of the possibility that Multi were thinking of installing a further crossing facility in the area and he asked if that was necessary.

Councillor Cherry Beath replied that this was a Highways matter and that Councillor Roger Symonds, Cabinet Member for Transport shared these concerns.

The Operations Manager added that following protracted discussion an agreement had been reached to remove the barriers next month. He added that they remain in place because the bus shelter is situated too close to the road. On the matter of the additional crossing he said that it was a Highway Authority ruling, not Multi's to ask for six months of monitoring of the new crossing in St. Lawrence Street.

Councillor Will Sandry commented that he was concerned as to how utilities companies would replace the new paving on the High Street if any work was required in the future.

Councillor Cherry Beath replied that extra stone sets were available for such circumstances

The Operations Manager added that the Council has the power to specify the replacement materials to utilities companies.

The Chair asked at this point if the Associate Director for Housing could answer some questions in the absence of Councillor Tim Ball, Cabinet Member for Homes & Planning.

The Associate Director for Housing agreed.

On the subject of Curo Rents, Councillor Steve Hedges commented that he felt the Council was in danger of a large rise in homelessness if more properties were charged a market rent. He asked for Curo to be invited to a future meeting of the Panel.

The Associate Director for Housing replied that Curo were acting in the same way currently as most other Registered Providers. He added that the Government introduced ART (Affordable Rent Tenancy) to mitigate against the capital funding reduction to the HCA (Homes & Communities Agency). He said that in theory this was to be achieved by the Housing Associations being able to increase their capital borrowing for new housing development by utilising the higher revenue stream generated under ART.

76 SHELTERED HOUSING

The Planning and Partnership / Supporting People Manager introduced this item to the Panel. She explained that sheltered housing with an on-site warden had been the traditional response to the support and accommodation needs of older people since the 1960's. She added that during the last decade, most local sheltered housing providers had removed the on-site wardens and replaced them with peripatetic sheltered housing officers.

She informed them that the Council's Homesearch Register processes applications from people requiring housing from both within and outside of the Bath & North East Somerset area.

She explained that the costs associated with sheltered housing were met through a mixture of rents charged to the tenant (which are met either through Housing Benefit or the tenant's income) and Supporting People Charges (met either through subsidy from the Supporting People Team or from the tenants own income). She added that the allocation from the Supporting People & Communities budget for sheltered accommodation, Extra Care and cross-tenure floating support services in 2012/13 was total of £1,052,085.

The development of schemes which offer Extra Care or 'housing with care' (previously known as 'very sheltered' housing) provides options to older people who have higher support needs but who still want to maintain their own tenancy. The Council has seen a significant expansion in the provision of extra care in recent

years, with several new builds / redevelopments in partnership with local housing providers.

She spoke of how the Joint Strategic Needs Assessment carried out in 2012 highlighted significant increases in the numbers of older people in Bath & North East Somerset. In particular, the number of people aged 80+ is projected to increase by 40% from 9,900 in 2010 to 13,900 in 2026. This increase will present the local authority with strategic challenges, not least because of the sheer volume of demand, but also due to changing expectations and aspirations. In order to achieve the best possible outcomes for this growing cohort of people, a range of options is needed to ensure a diversity of service provision across Bath & North East Somerset.

Councillor Brian Simmons commented that within his ward there were a great number of single bed sheltered flats and that people who were not particularly appropriate were moving into them. He added that this was making the long term residents unhappy.

The Planning and Partnership / Supporting People Manager replied that it was a balancing act to get communities right and was aware that the warden system was missed by a range of people.

Councillor Will Sandry commented on the need to get the right mix in the community.

The Chair thanked the Planning and Partnership / Supporting People Manager for the excellent report and commented that she would be interested in receiving further reports of this nature.

77 UPDATE ON PROPOSED PLANNING CONTROLS FOR HOUSES IN MULTIPLE OCCUPATION IN BATH (ARTICLE 4)

The Planning Policy Officer gave a presentation to the Panel regarding this item. She informed them that around 30 Local Authorities were seeking to make an Article 4 Direction in relation to HMOs. She added that following a consultation exercise regarding the Article 4 proposal the Council received 359 responses, with only 6 of those in objection.

She showed the Panel two maps to explain how the areas would be controlled.

She explained that a Cabinet decision was anticipated in June 2013 to “confirm” an Article 4 Direction on 1st July and to adopt the Supplementary Planning Document (with amendments).

She added that the Article 4 Direction was completely separate to additional HMO licensing although the two pieces of legislation do complement each other. Therefore, the Planning and Housing departments would share data to inform planning decisions and act as a trigger if planning permission is applied for as in many cases an HMO will need a licence and vice versa.

Councillor David Veale asked what percentage of HMO's were student homes.

The Planning Policy Officer replied that it was around a 60% / 40% split with 60% being student homes.

Councillor June Player commented that residents in Westmoreland were unhappy with the proposed figure of 25% for the area and would prefer it to be 20%.

The Planning Policy Officer replied that this would be discussed further with the Local Development Framework (LDF) Steering Group.

Councillor Will Sandry commented on the need to have a balanced community and welcomed its introduction.

Councillor June Player informed the Panel that of the 28 houses in Triangle North, 26 of them were HMO's.

The Chair thanked the Planning Policy Officer for the presentation. The issues raised were duly noted.

78 ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION

The Associate Director for Housing introduced this item to the Panel. He explained that the primary purpose of HMO licensing is to improve housing standards. He added that it allows the Local Housing Authority (LHA) to ensure that conditions, amenity & fire safety standards comply with current legislative standards, as such the principal beneficiaries of licensing are the tenants.

He informed them that in order to ensure that the Council takes a lawful decision and therefore one that is resistant to a legal challenge by way of judicial review, it must be satisfied that the legislative test for the designation is met. An evidence base has been gathered for the introduction of additional licensing.

Councillor June Player asked if bullet point 10 on page 12 of Appendix 3 was a reference to garages.

The Environmental Health Officer replied that it was.

Councillor June Player suggested that a stronger term be used in bullet point 12 to replace 'All reasonable steps'. She also asked how the Licence Holder would monitor garden maintenance.

The Environmental Health Officer replied that it would be dependent on the nature of the property. He added that the onus would be on the landlord to monitor the property and that the Council would act upon any concerns.

Councillor June Player commented regarding bullet point 20 that tenants should be asked to sign an agreement rather than simply being 'made aware' of the 'Bath and North East Somerset undertaking of good practice'.

The Environmental Health Officer replied that the wording of this bullet point was amended after consultation. He added that a copy of the recycling and rubbish collection notice must be displayed in the property.

Councillor Will Sandry commented that he great sympathy for the situation Councillor Player has in her ward. He added that the reality was that houses were not intended for this use. He said that he hoped this legislation would help the Council deal with amateur landlords and improve the standards of many of the properties. He asked if the evidence that had been gathered would be robust enough against a legal challenge.

The Associate Director for Housing replied that officers had worked hard with our own lawyers and a housing barrister to make it as robust as possible.

Councillor Brian Simmons asked if the Fire Authority were required to investigate properties as part of the process.

The Environmental Health Officer replied that no reference had been made to it within the legislation. He added that the Council are the lead authority for fire safety in houses of this nature and officers do have a close working relationship with the Fire Authority.

Councillor Gerry Curran commented that he felt the Council had a duty to its tenants to ask to see all such safety certificates.

The Associate Director for Housing replied that certificates would be asked for as part of the Licensing process.

Councillor Steve Hedges commented that he felt there should be a way to amend the scheme after it becomes adopted.

The Environmental Health Officer sought clarification on this point raised by Councillor Hedges following the conclusion of the meeting and has issued the following response - After taking legal advice it is felt that the scheme cannot be changed following a designation by Cabinet. A legislative process was followed based on evidence and consultation and changes to the designation would have to go through a similar process again. However, amendments to add clarity are possible.

Mr Anthony Masters asked the Chair if he could address the Panel.

The Chair agreed that he could.

He said that he would like to extend his thanks to the officers for their thorough report, and to the councillors for the chance to speak. He said his speech would focus on the nature of the problem with HMOs and the efficacy of the proposed solution.

He commented that the Council is unsure about how many HMOs there are in Bath, and believes their previous estimates may be understating the total amount by 50%. The original evidence report has a graph showing a correlation between a ward's

supposed number of HMOs and the number of domestic waste complaints and street sweeping requests. However, the Housing Act 2004 demands local councils must collect evidence on the “HMOs of that description”, that is, what type of HMO the council wishes to license - HMOs with shared facilities. It is noted “no correlation was found between HMOs with shared facilities and service requests.”

Ultimately, licensing is a trade-off: the increase of both accommodation quality and management, in exchange for higher rents and less competition between landlords. Given that Bath has some of the highest rents in the country, this balance should be carefully considered. The problems with HMO management in these wards appear to be quite particular and isolated. There are major problems with infant licensing systems, as they fail to cover the licensed area and the new rules are weakly enforced: only the future will reveal if these serious issues are ameliorated. For now, the local council should continue to use their accreditation scheme to raise housing standards.

A full copy of this speech can be found on the Panel’s Minute Book.

The Chair on behalf of the Panel thanked the officers for their report, the contents of which were duly noted.

Statement from Anthony Masters

79 MAJOR PROJECTS UPDATE

Mr George Bailey addressed the Panel on behalf of David Redgewell as he was unable attend the meeting. A copy of the statement can be found on the Panel’s Minute Book.

He stated that there was still a need to make progress on the Bath Spa interchange where new bus stops outside the station have still not been brought into operation. He added that there was also the issue of the redesign of the station ticket office and booking hall which has been seriously delayed through Planning.

He then addressed the Panel on the three components to the planning exercise for the Radstock Railway Lands. Firstly, the drafting of an Outline Planning application – he said that he hoped that the quality of this will be much better than the previous one.

Secondly, the inclusion of the Road – he said that the Council consistently claims that it is needed to cope with the increased traffic from the new development even though it will destroy the heart of what is the “best preserved mining town in England”. He added that there was also a question as to whether or not the road is part of the Application.

Finally, the planning of the development itself – he said that If it bears any resemblance to the previous plans, there will be too many dwellings, there will be insufficient consideration for climate change and no allowance for a future re-opened Radstock- Frome railway.

Councillor Gerry Curran commented that he was not aware of any planning issues in relation to the Bath Spa train station, but said he would check with the department.

Councillor Will Sandry asked if any additional infrastructure would be required around the City due to the decommissioning of the gas holders.

The Operations Manager replied that valve pressure on the network was due to be modified, but no additional units were planned at this stage.

Statement from George Bailey

80 PANEL WORKPLAN

The Chair introduced this item to the Panel. She proposed that as part of the Major Projects Update report to the May meeting an appendix with reference to project work within Midsomer Norton and Westfield is included.

She suggested that representatives of Curo be invited to attend a future meeting so that the Panel may ask them questions. She proposed that the Panel set aside some time during their July meeting to do some preparatory work and then for representatives to be invited to the September meeting.

She also asked for an update on the Core Strategy and the Gypsy & Traveller Needs Assessment to come to a future meeting of the Panel.

The members of the Panel agreed with all of the above proposals.

The meeting ended at 8.20 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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**Question from Lesley Mansell for the Housing and Major Projects Policy
Development and Scrutiny Panel**

Question:

Radstock Economic Regeneration

I wish to pose two questions to the above scrutiny panel.

When are the proposals for the actions relating to the funding for regeneration in Radstock going to be discussed now that the Cabinet meeting has been cancelled?

What is the timetable for implementing the actions?

Answer:

A paper will be taken to April's Cabinet meeting setting out how the Council proposes to allocate the capital given that Cabinet is not meeting in March. This will be based on feedback from the consultation exercise as well as from the Radstock and Westfield Economic Forum. Once approved, the funds can be drawn down and the agreed process implemented.

It will be for the Radstock and Westfield Economic Forum to develop a clear set of criteria to deliver the money through a competitive process. They have had some initial discussions about that already at the last meeting of the group in December. The Cabinet paper will be requesting that the funding is recommended for full approval to be delivered through that route.

In relation to your broader questions, the money is still available after 31st March so there is no danger of it not being spent. In addition the Radstock and Westfield Economic Forum did receive feedback on the proposals they put forward via an e-mail on 14th January.

In the meantime work has been continuing to support local businesses. In January and February, we have achieved the following:

- 6 x business visits undertaken
- 1 x Have a Go apprenticeship event
- 2 x referrals to Job Centre Plus to develop bulk recruitment opportunities.
- 1 x referral to Manufacturing Advice Service
- 3 x referrals to Improve Your Resource Efficiency
- 2 x Summer Internship secured for Writhlington Career Academy
- 2 x Company referrals for Norton Radstock Fairy Job Mother mock interviews.
- 1 x Referral to National Apprenticeship Service

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I would like to extend my thanks to the officers for their thorough report, and I would like to thank the councillors for the chance to speak. My speech will focus on the nature of the problem with HMOs and the efficacy of the proposed solution.

The council is unsure about how many HMOs there are in Bath, and believes their previous estimates may be understating the total amount by 50%. The original evidence report has a graph showing a correlation between a ward's supposed number of HMOs and the number of domestic waste complaints and street sweeping requests. However, the Housing Act 2004 demands local councils must collect evidence on the "HMOs of that description", that is, what type of HMO the council wishes to license - HMOs with shared facilities. It is noted "no correlation was found between HMOs with shared facilities and service requests." The report then states a correlation is recreated when you remove the wards of Kingsmead and Abbey, but no proper reason is given for their exclusion.

Despite B&NES Council's concerns, a survey of HMO tenants found that they are broadly happy with both their rented property's quality and management. This same survey found that 24% of HMO tenants were 'not well informed at all' about Council Services, and 31% did not know how to complain about their property's condition.

The additional licensing system in Cardiff has been highlighted, but this licensing system only covers the Cathays ward. Their licensing system has major issues with its coverage and enforcement. After two years in operation, the scheme at most covers 60% of the HMOs in Cathays. Cardiff Council serves notices on licensed properties to initiate improvements. It has served 356 notices relating to security, but only 36 were complied with.

Similar problems of coverage and enforcement may be observed in the first citywide additional licensing scheme in Oxford. In its first 10 months, Oxford City Council has received 2,541 applications for licenses, issuing 1,397 licenses under their scheme. After many erratic estimates, they believe there are 5,069 HMOs in Oxford. Combined with 551 mandatory licensed HMOs, Oxford's scheme has covered 38.4% of the city's HMOs in the infant scheme's first 10 months. Despite the existence of about 2,000 unapplied HMOs in Oxford, there have only been 26 concluded court cases fining landlords for not having a license. Landlords are charged by the council for their licenses, and that money is then used to fund the licensing scheme. With little enforcement, the new licensure may not capture enough licenses to sustain it, and so it cannot fulfil its purpose. A coagulated revenue flow leaves the licensing system whirring and spluttering; its corroded machinery is a distant design from the sleek shimmer promised in manifestos and council reports. In order to divert funds to regenerate the additional licensure, the council would have to make cuts in other areas, erode the council's monetary reserves or raise council taxes.

Ultimately, licensing is a trade-off: the increase of both accommodation quality and management, in exchange for higher rents and less competition between landlords. Given that Bath has some of the highest rents in the country, this balance should be carefully considered. The problems with HMO management in these wards appear to be quite particular and isolated. There are major problems with infant licensing systems, as they fail to cover the licensed area and the new rules are weakly enforced: only the future will reveal if these serious issues are ameliorated. For now, the local council should continue to use their accreditation scheme to raise housing standards. I would like to apologise for the massive simplification that was required in turning a 20 page report into a three minute speech.

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**HOUSING & MAJOR PROJECTS POLICY DEVELOPMENT AND SCRUTINY
PANEL 18th March 2013**

As you see on page 174 of your Planning documents, there are three components to the planning exercise for Radstock Railway Lands.

1. Firstly, the drafting of an Outline Planning applications, which we are told is underway. I hope that the quality of this will be much better than the previous, which constituted a Full application. This permits the use of planning which is not suitable for detail, but there is no other opportunity to object. We look forward to the completed document.
2. Secondly, the inclusion of the Road. This Authority consistently claims that it is needed to cope with the increased traffic from the new development even though it will destroy the heart of what is the “best preserved mining town in England”. So much has been planned “on the desk” and computer with no reference to the people who know the traffic best – the local inhabitants. There is also the question whether or not the road is part of the Application.
3. Finally, we come to the planning of the development itself. If it bears any resemblance to the previous plans, there will be too many dwellings, there will be insufficient consideration for climate change and no allowance for a future railway. I allow that the LDF shows “sustainable transport” but that could be foot or cycle. Both can easily be moved to one side whereas is railway depends on topological constraints.

Already we have seen that this Authority is willing to tear the heart out of Radstock perhaps to create housing for Bath: this is what caused the destruction of the Jubilee Oak. I would also ask: what proof has been shown that building houses will encourage regeneration?

George Bailey
Radstock Action Group

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