

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **HOUSING AND MAJOR PROJECTS POLICY DEVELOPMENT AND SCRUTINY PANEL**

Tuesday, 27th March, 2012

**Present:-** Councillors Rob Appleyard (Chair), Steve Hedges (Vice-Chair), Barry Macrae, Brian Simmons, Will Sandry and Sally Davis (In place of Les Kew)

**Also in attendance:** John Betty (Strategic Director, Development & Major Projects), Derek Quilter (Divisional Director, Project Management) and Graham Sabourn (Associate Director for Housing)

#### **48 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

#### **49 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

#### **50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillors Paul Fox and Les Kew had sent their apologies to the Panel. Councillor Sally Davis was present as a substitute for Councillor Kew for the duration of the meeting.

#### **51 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972**

There were none.

#### **52 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

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

The Chairman announced that a member of the public named Naomi wished to make a statement to the Panel in relation to agenda item 11 (Control and Regulation of Houses in Multiple Occupation).

## **54 MINUTES - 31ST JANUARY 2012**

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

Councillor Barry Macrae asked a question in relation to a point made within the minutes of January 31<sup>st</sup> 2012. He asked if any update could be given on the proposed review of Panel remits.

Councillor Tim Ball, Cabinet Member for Homes & Planning replied by saying he felt that good progress was being made on the matter and that it was likely that all Housing matters in the future would be referred to this Panel.

Councillor Barry Macrae asked what effect this would have on the Major Projects element of the Panel.

The Chairman replied that the Panel would continue to scrutinise Major Projects as and when they were being delivered.

Councillor Barry Macrae commented that he felt the agenda for the Panel was now too focussed on Housing and that he did not agree with this approach.

## **55 CABINET MEMBER UPDATE**

Councillor Cherry Beath, Cabinet Member for Sustainable Development addressed the Panel.

- She informed them that a planning application had been submitted during February 2012 as part of the Keynsham New Build & Regeneration project.
- A Tech Hub pilot is planned to be in operation within The Guildhall by the end of this summer.
- The London Road re-generation project has begun. A preferred bidder has been selected for 3 & 4 Longacre. The Council are looking into the possibility of having Caroline House released from its current lease. The budget to deliver physical regeneration is £750k for 2012/13 and a new community based group has been set-up to identify projects that the community wish to see delivered.
- Somerdale - An initial meeting between officers, Taylor Wimpey and Kraft has taken place and working arrangements are being established with Taylor Wimpey & B&NES. Taylor Wimpey will be consulting with stakeholders and the public and will be submitting a planning application by the end of November 2012. New accommodation for the Fry Club will be first element to be delivered.
- A very successful Digital Festival was held in Bath between March 15<sup>th</sup> – 25<sup>th</sup> at venues across the city. The festival included the X Media Lab Bath "Digital Entertainment" event which gathered digital media and entertainment

visionaries from around the world to share their insight into the rapidly evolving media, entertainment and technology industry.

Councillor Barry Macrae wished to raise his concern over the future of the Welton Bibby & Baron site.

Councillor Cherry Beath acknowledged his concern and said she would follow up on the matter.

Councillor Will Sandry asked who within the Council was responsible for delivering the re-opening of Victoria Bridge.

Councillor Cherry Beath replied that it was a Highways project that the Major Projects team were assisting in delivering.

The Divisional Director for Project Management added that it was expected to be open again in late May for a period of time before closing for further work to be carried out on the final stage of the project.

The Chairman asked if the Somerdale site was to be a mixed use development.

The Development & Major Projects Director replied that yes employment was required on the site through the Council's Local Plan.

Councillor Tim Ball, Cabinet Member for Homes & Planning addressed the Panel. He stated that he had recently been working a great deal with officers involved with the MoD Sites Concept Statements and that the Strategic Housing Land Availability Assessment (SHLAA) figure would be included within the statements.

The Cabinet will consider the draft Concept Statements in April and public consultation (Including consideration by PTE Policy Development & Scrutiny Panel in May 2012) will take place in April / May.

Somerdale – Housing on the site is now expected to exceed the SHLAA figures, 670 – 680 new homes are now proposed to be built.

Councillor Steve Hedges asked if the Foxhill site was safe to build new homes upon given its close proximity to Combe Down Stone Mines.

The Development & Major Projects Director replied that the mines under Foxhill were cleared as part of the completion of that project.

Councillor Tim Ball added that as required, 35% of the new homes will be social housing alongside employment and recreation elements on all sites.

The Chairman commented that a large number of social housing is already in close proximity to one of the sites. He asked if some benefit could be sought from a feathering / integration of site.

Councillor Tim Ball replied that yes that had been considered.

The Chairman on behalf of the Panel thanked them both for their updates.

## 56 DRAFT TENANCY STRATEGY

The Associate Director for Housing introduced this item to the Panel. He informed them that in April 2011 the Government introduced a new form of social tenancy known as the Affordable Rent Tenancy (ART). This gives Registered Providers (RPs) the option of increasing rent levels up to 80% of local market rents and on flexible tenancies. This is significantly different to the traditional social rent tenancy (SRT), where target rents are around 50% of market rents and tenants are given secure lifetime tenancies. Effectively this gives RPs the option to provide a product which sits midway between SRT and the private rented sector.

He added that RPs are obliged to “have regard” to the Strategy when formulating their own policies though there is the potential for conflict, particularly for larger RPs that operate over a number of Council boundaries. In addition given the mismatch between time lines of the HCA investment contracts (May 2011) and the deadline for publishing Tenancy Strategies (January 2013) RPs are already now operating to contracts agreed with the HCA. That said, given that the strategic objectives of our partner RPs and the Council are highly aligned any conflict should be minimal.

The strategy aims to articulate the following key messages:

- a) That we support the use of ART, within specified criteria, to the extent that it will generate and support an agreed level of future development in the district and attract investment in support of housing delivery;
- b) That ART will be advertised through Homesearch on the principles of choice based lettings. That there should be an affordability assessment prior to sign up and that the RPs develop and agree eviction protocols;
- c) RPs should offer flexible tenancies with a term of no less than 5 years and no more than 10 years. However, where tenants are elderly, disabled or have a long term lifetime illness or in other exceptional circumstances then longer and even life time tenancies would be appropriate;
- d) We will support the disposal of housing stock where proceeds can be more productively used to develop new affordable housing and there are no negative impacts on the balance and sustainability of the local neighbourhood.

Councillor Steve Hedges asked what effect the strategy would have on the ‘right to acquire’ properties.

The Associate Director for Housing replied that the ‘right to acquire’ was unaffected by this policy.

The Panel **RESOLVED** to note the draft Tenancy Strategy.

## 57 HOUSING ALLOCATIONS

The Associate Director for Housing introduced this item to the Panel. He explained that all Local Housing Authorities (the Council) must have an allocation scheme which articulates how priority for social housing is determined. The Bath & North East Somerset scheme, known as the Homeseach Scheme, is operated on the principles of choice-based lettings which combine the elements of housing need, time on scheme and client choice. At present, and in accordance with the legislation current at the time of adoption, the scheme allows anyone, with a few statutory exceptions, to join the scheme. This is known as an “open scheme”. The Localism Act 2011, supported by draft Allocations guidance, provides the Council with greater freedoms in determining local priorities. In particular the Council can now choose to exclude certain households from the scheme, such as, those households who do not have a local connection to the district or whose income is above a specific level. This is known as a “closed scheme”. The Council therefore needs to determine how it wants to use these freedoms.

He then discussed the Options Document (Appendix 1) with the Panel.

Councillor Steve Hedges commented that he felt that a limit of £25,000 should be set in respect of option 1.2 (Exclude people with substantial assets/income from the Housing Register). He added that he would urge the officers / Council to be cautious if adopting option 1.5 (Allow vulnerable people who are ‘friends’ to apply to Homeseach as a joint household to support each other?) as it may be open to abuse. He stated that he felt that option 2.2 (Give preference to people who make a contribution to the community, for example being in work, training or undertaking voluntary work) was unfair.

Councillor Sally Davis commented that she felt a home owners health should be considered as part of option 1.3 (Exclude home owners from the Homeseach register) as they may live in a house that is not suitable for adaptation.

Councillor Barry Macrae stated that the criteria for option 2.2 (Give preference to people who make a contribution to the community. For example being in work, training or undertaking voluntary work) must be definitive.

The Associate Director for Housing replied that officers were not proposing to progress this option at the current time.

Councillor Barry Macrae commented that he did not agree with option 4.3 (Should we allocate a larger property to prospective adopters and foster carers to allow space for a child?).

The Panel **RESOLVED** to note the report and asked the Associate Director for Housing to consider the comments they had made.

## 58 CONTROL AND REGULATION OF HOUSES IN MULTIPLE OCCUPATION

Naomi Mackrill, University of Bath Students Union addressed the Panel. She explained how she had recently spoken at both the Cabinet meeting and Development Control Committee against the introduction of Article 4. She stated that she felt that additional licensing was not required within Bath and was concerned that rents would increase if landlords were required to apply for licences and make improvements to their properties.

The Associate Director for Housing introduced this item to the Panel. He informed them that in June 2011 the Cabinet requested that an investigation 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.

He added that the Housing Act 2004 increased Local Housing Authorities (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. Operating a property covered by the designation without a license is an offence punishable by a fine up to £20,000.

Councillor Will Sandry commented that this was a very important matter that needed to be addressed. He informed the Panel that he believed the University of Bath planned to increase their numbers by 500 pupils over the next three years. He cited that one of the main problems with regard to this matter were landlords that didn't care about their properties or their tenants. He suggested that current HMO tenants should be involved in the consultation exercise and asked for the decision to enable the best results for the tenants. He also called for a code of conduct to be formulated.

The Associate Director for Housing replied that as part of any licensing procedure it must be made clear the expected conditions that are being applied to a property. He agreed that it was critical to speak to current residents.

The Chairman commented that he believed it was important to gather the views of both landlords and tenants.

Councillor Barry Macrae commented that any licensing procedure must have teeth to have any impact.

Councillor Will Sandry wished to state his concern over the number of garages that were being converted into bedrooms with a sink and a toilet and proposed whether a minimum space requirement for a bedroom should be included in the licensing conditions.

The Chairman asked for an outline of the next stages for this piece of work.

The Associate Director for Housing replied that formal consultation will take place over the late summer/early autumn period, ensuring that students are included. A

report will be submitted to the Panel towards the end of 2012 and to the Cabinet in the early part of 2013.

Councillor Will Sandry requested that the consultation should overlap term times.

The Panel **RESOLVED** to note the report and asked for the Associate Director for Housing to consider their comments.

## 59 HOUSING & MAJOR PROJECTS UPDATE

The Development & Major Projects Director introduced this item to the Panel. He wished to highlight the following points from within the report.

- The Directorate is responsible for providing a co-ordinated and integrated approach to the provision of Housing, Jobs, Business growth and Economic activity and is focused on delivering Sustainable Economic Growth as set out in the Economic Strategy of April 2010, the Smart Economic Growth Cabinet paper of November 2010 and Delivering Sustainable Economic Growth in B&NES Cabinet paper of November 2011.
- There are significant challenges ahead in bringing forward development but there are also major opportunities through our Enterprise Area - Bath City Riverside, Bath Western Riverside, Bath Quays South and Manvers Street. Also Norton Radstock Regeneration, MOD Sites, Keynsham, Somerdale and Temple Street. All of which could and should have significant ability to help the economic growth, development agenda and Housing delivery.

He added that outline proposals for the Somerdale site could be presented to a future meeting of the Panel.

Councillor Barry Macrae commented that he felt the Development & Major Projects team were being spread quite thinly and asked for the Panel to recognise the significant role they play within the Council.

The Development & Major Projects Director replied that the department was working as part of a matrix in order to blend a number of agencies together to bring forward solutions for the Council.

The Divisional Director for Project Management addressed the Panel on the following matters.

- Flood Mitigation - A Bath Compensatory Storage Study has been commissioned which is being undertaken in conjunction with the Environment Agency. The stage 1 report investigated eight potential sites along the river corridor east of Bath for the provision of flood storage and recommended three sites, at Kensington Meadows, Mill Lane Bathampton and at Bathford, for further technical investigation. This work is being undertaken, along with a detailed hydrological assessment, as part of stage 2 of the study. The results and recommendations will be the subject of consultation prior to the development of detailed scheme proposals.

- Bath Transport Package – Department for Transport (DfT) approval is in place to complete all remaining legal and procurement processes prior to submitting the scheme for Full Approval by the end of May 2012. An initial meeting was held with the DfT on 23rd January 2012 to run through the documentation needed for Final Approval Stage in May 2012.

Councillor Will Sandry asked who was co-ordinating the Council’s response to the Network Rail proposals for main line electrification. He added that he had heard that as part of the proposals a bridge within a neighbouring ward would be knocked down.

The Divisional Director for Project Management replied that a response would be co-ordinated by the West of England Partnership. He informed the Panel that Network Rail has wide ranging permitted development rights.

Councillor Will Sandry asked if the developers of Bath Western Riverside (BWR), Crest Nicholson could be approached to hasten the re-opening of Victoria Bridge to residents.

The Divisional Director for Project Management replied that Crest Nicholson has a priority to make the bridge safe and that they have a target date of the end of May.

The Development & Major Projects Director added that he would issue a written response on this matter to the Panel and assured them that Crest were working hard to resolve the current issues.

The Chairman on behalf of the Panel thanked them for the update.

**60 PANEL WORKPLAN**

The Chairman introduced this item to the Panel. He informed them that he had received a request to have the Housing Services Enforcement Policy added to the May agenda and that he was inclined to accept the request.

The other Panel members agreed with the proposal.

He also wished to announce that the May meeting would be his last meeting as Chairman of the Panel for around twelve months because from May he would be acting as the Chairman of the Council.

The meeting ended at 8.45pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**